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The following article examines especially §17 of the Doctrine of Virtue, which is the only animal ethical text authorized by Kant himself. The interpretation starts by taking the context of §17 into account, particularly the "Episodic Section on an Amphiboly in Moral Concepts". The systematic output of the cruelty-account and of the duty classes is then analyzed. Central for the understanding of Kant's argumentation relating to animals are the perfect duties to oneself, which are linked to Kant's foundation of human dignity. Finally the roles of the physical and emotional needs of brutes and humans in Kant's ethics are compared with each other. Some conclusions are then drawn concerning human and animal rights in relation to a duty-based argumentation. The article therefore appreciates Kant's integration of animal suffering into the very core of his virtue ethics, an integration that may be able to open the door for an enlightened animal ethics based on human responsibility.

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Abstract

Ever since Schopenhauer's accusation, it has been disputed whether Kant's few remarks concerning the ethical human-animal-relationship in the *Lectures* and in the *Doctrine of Virtue* fail to support ethical arguments on behalf of animals. One critique that plays a central role is whether Kant would have forbidden cruelty to brutes for educational purposes. In addition to these old objections, Kant's ethics is charged to be speciesistic by animal ethicists and animal rights philosophers at present.

The following article examines especially §17 of the *Doctrine of Virtue*, which is the only animal ethical text authorized by Kant himself. The interpretation starts by taking the context of §17 into account, particularly the "Episodic Section on an Amphiboly in Moral Concepts". The systematic output of the cruelty-account and of the duty classes is then analyzed. Central for the understanding of Kant's argumentation relating to animals are the perfect duties to oneself, which are linked to Kant's foundation of human dignity. Finally the roles of the physical and emotional needs of brutes and humans in Kant's ethics are compared with each other. Some conclusions are then drawn concerning human and animal rights in relation to a duty-based argumentation. The article therefore appreciates Kant's integration of animal suffering into the very core of his virtue ethics, an integration that may be able to open the door for an enlightened animal ethics based on human responsibility.

Introduction

Neither Immanuel Kant nor Jeremy Bentham has written ethical books on animals.¹ Neither were they vegetarians, and neither have they even recommended a vegetarian lifestyle. They made only few remarks on the human-animal-relationship, a widely discussed issue in the 18th century because of the Cartesian animal-machine hypothesis and an early anti-vivisection debate.² But surprisingly Bentham became a hero of modern animal ethics, while Kant is commonly regarded as failing to provide good arguments in animal ethics. In the 19th century, however, he was as influential on the development of animal protection law in Germany³ as Bentham in Great Britain. Arthur Schopenhauer criticized Kant's few comments in the *Doctrine of Virtue*⁴ on the ethical relationship to animals as follows in his *Basis of Morality*: "... so is genuine morality outraged by the proposition (...) that beings devoid of reason (hence animals) are *things* and therefore should be treated merely as *means* that are not at the same time an *end*. In agreement with this, it is expressly stated in the *Metaphysical Principles of the Doctrine of Virtue*, § 16, that 'man can have no duty to any beings except human'; and in §17 that 'cruelty to animals is contrary to man's duty *to himself*, because it deadens in him the feeling of sympathy for their sufferings, and thus a natural tendency that is very useful to morality in relations to *other human beings* is

weakened.’ Thus only for practice are we to have sympathy for animals, and they are, so to speak, the pathological phantom for the purpose of practicing sympathy for human beings.”⁵

Ever since this famous critique of Schopenhauer, who also was neither an animal ethical writer nor a vegetarian, a firm set of objections is repeated against Kant by philosophical animal ethicists.⁶ Kant is charged with anthropocentrism or even speciesism because he strictly separated humans as the only ends in themselves from animals as merely means. Furthermore, Kant would not recognize direct “Pflichten gegen” (“duties towards”) animals, but only “Pflichten in Ansehung von” (“duties with regard to”) animals because of their lack of self-consciousness and rationality. Animals are therefore incapable of bearing duties and having rights. Having duties only “with regard to” animals seems to imply that animals’ pain does not count. The only reason why somebody shall not mistreat an animal, even her own pets, seems to be the risk of spoiling her own character; she might become cruel towards her human fellows. These reproaches evoke the impression that “Kant himself was thinking within this Stoic and Christian tradition, which makes it a positive duty for man to recognise his superiority over, and lack of indebtedness to, nature.”⁷

Arguing against Kant, several animal ethicists recommend therefore a closer comparison of humans and beasts from a biological point of view in order to develop a more realistic, because empirically based, self-image of humans.⁸ They want to include animals in a scientifically based natural-rights community. However, when taking this path we face three fundamental problems. First, a biological description of a human being gives no reasons for a normative understanding of a human being as a moral subject⁹ who should be aware of his or her responsibility, e.g., for animals. Biology, as any other empirical descriptive discipline, can only tell us how a human being usually *is*, not how she or he *should be* from a moral or idealistic, point of view. To show how they *should be* is the task of normative ethics.

Secondly, the problem of Hume’s is-ought-fallacy arises: Should facts like biological kinship or sensitiveness or natural physical interests be morally relevant? If these facts *ought* to be morally considered, then we have to deliver moral reasons for doing so. If we want to argue morally, then we have to refer to a human being as a moral subject instead of as a biological companion of animals.

Thirdly, animals have been excluded from any moral or rights community on the basis of the ancient idea of natural law. In the *Manichaeian Way of Life*, for instance, St. Augustine makes use of the Stoic argumentation concerning the natural law community when he claims that animals’ dying in pain, “perceived by their cries”, would not mean anything to us, “since the beast, lacking a rational soul, is not related to us by a common nature.”¹⁰ The natural law tradition illuminates the ambiguity of the concept of nature: in the ancient tradition, “nature” supported anthropocentrism instead of widening the circle of the moral community to non-human beings. In modern times natural law arguments no longer convince because the concept of nature has changed into a pure descriptive term of science where evaluative dimensions are strictly interdicted. Therefore, we should be aware of the fact that there is a significant difference between the Aristotelian and the Stoic concept of “natural law community” on the one hand and the scientifically-based evolutionary concept of “natural community” on the other. While the “natural law community” led into an exclusive anthropocentrism, the evolutionary concept of “natural community” involves the is-ought-fallacy if additional moral reasons are not delivered.

These fundamental objections to nature-based moral communities leads to the decisive question, whether the modern accusations are true that Kant’s argumentation shows that there is no “moral significance to

the maltreatment of animals,”¹¹ because they do not belong to the human rights community. The following examination will show how Kant questioned the traditional anthropocentrism and opened the door to a modern ethics of responsibility for animals.

A Contextual Approach to a Disputed Text: §17 *Doctrine of Virtue*

Two texts in Kant’s oeuvre allow deeper insight into his philosophical conception of the moral relationship of humans to animals. These are a section from the chapter “Duties to Animals and Spirits” in the *Lectures on Ethics*,¹² and §17 of the *Doctrine of Virtue* in *The Metaphysics of Morals*.¹³ The latter is the only text concerning animal ethical affairs that Kant has published, while the first text is based upon a variety of lecture notes written by Kant’s pupils. The following interpretation dwells primarily on the official and systematic text from the *Doctrine of Virtue*, and refers to the *Lectures* only if it contains additionally relevant and insightful material.

Noting the context of §17 may help to discriminate the weight of moral arguments that Kant uses. This is important with regard to the so-called cruelty-account, which is well known since ancient times, and certainly not a Kantian invention. Usually, the way Kant seems to justify the prohibition of mistreating brutes echoes the dispute over the human-animal-relationship in §17. Kant writes that the human being has a duty to refrain from “violent and cruel treatment of animals...for it dulls his shared feeling of their suffering and so weakens and gradually uproots a natural predisposition that is very serviceable to morality in one’s relations with other men.”¹⁴

But the cruelty-account, although much discussed, is not at all Kant’s strongest argument for refraining from cruelty to animals in his *Doctrine of Virtue*. First of all it is a traditional argument, which in the 18th century became very popular through the engraving cycle “Four Stages of Cruelty” (1751) by William Hogarth. Kant refers explicitly to him and his engraving series in the *Lectures*. Secondly, the cruelty-account is not a very convincing argument, since it depends upon a hypothetical theoretical judgement *a posteriori*. Being cruel to animals leads to cruelty towards humans. *If* this assertion is true, *then* being cruel to animals should be forbidden. That is the reconstruction of the cruelty-account. But *if* somebody could empirically prove that maltreating animals would have no effect on human conduct against other humans, *then* we would not have any moral argument to forbid cruel behavior to animals. However, Kant delivers a stronger argument against animal maltreatment, as I want to show in this contribution. The key to a more adequate interpretation can be found in the composition where §17 is embedded.

§17 is part of the “Episodic Section. On an Amphiboly in Moral Concepts of Reflection, Taking What Is a Human Being’s Duty to Himself for a Duty to Other Beings”. The section consists of the three paragraphs 16, 17, and 18.¹⁵ In §16 we find a common explanation of the whole section. Since duties to any subject are morally constrained by that subject’s will, “the constraining (binding) subject must, *first*, be a person; and this person must, *second*, be given as an object of experience.”¹⁶ Constraining subjects have to fulfill these two conditions. The second condition derives from Kant’s critical turn to the subject of knowledge and restricts objective empirical knowledge to sense-data based phenomena. Spiritual beings, such as angels or God, do not obey this theoretical restriction thesis. The first demand depends on the symmetry of duties and rights, which is a product of the analysis of the possibility of duties to oneself. According to this demand, only beings capable of obligation are also able to obligate others. Neither inanimate natural things nor animals meet this first requirement, which could be called a

“practical restriction thesis” in analogy to the theoretical one. In the next section we will have a closer look at this second condition.

In §§17 and 18 three paradigms already mentioned in the last part of §16 are given as examples for the fundamental issue: First, the case of destroying “inanimate nature” (minerals or plants), is discussed in the first section of §17. Second, the case of maltreating the “nonrational part of creation” that is “endowed with sensation and choice”, by which animals are meant, is dealt with in the second part of §17. Kant’s description of animals shows that he does not confirm the Cartesian animal-machine hypothesis, but takes animals seriously as sensitive and emotional beings. The third paradigm deals with disdaining the indispensable practical idea of God (§18). Corresponding with its heading, the “Episodic Section” ends Book I. The negative form of the cases demonstrates paradigmatically how one might fail in one’s perfect duties to oneself. These special duties are limited to the human being “Merely as a Moral Being” (Chapter II), and not as an “Animal Being” (Chapter I), too. Moreover these kinds of duties, to which the “Episodic Section” refers, are distinguished strictly from the “Imperfect Duties to Himself” (Part I, Book II) as well as from the “Duties of Virtue to Others” (Part II), meaning to other human beings.

The composition shows already that the categorical prohibition of animal-maltreatment is but one paradigm beside others in the class of perfect duties to oneself. Several facts of context and of composition should be taken into account to grasp Kant’s argument for animal ethical treatment. 1.) From a systematic perspective these prohibitions do not serve the benefit of other people – otherwise they should have been mentioned in Part II of the *Doctrine of Virtue*. 2.) That the traditional cruelty-account is of little importance becomes obvious, too, when considering this demand is not subsumed under the perfect or imperfect duties to other people. 3.) But duties towards animals do also not help the moral agent to improve himself either in a natural or moral way, because they are not *imperfect* duties to oneself. Thus, it is wrong to maintain that the only grounds upon which Kant could consistently object to the maltreatment of animals “lie in the (supposed) effects this will have on our character and thus, in his view, on how in time the habit of treating animals cruelly will lead us to fail to fulfill our direct duties to those to whom we have such duties – namely, ourselves and other human beings.”¹⁷ This widely spread allegation fails to notice that Kant subsumed the duties *with regard to* animals (“*Pflichten in Ansehung der Tiere*”) under the *perfect* duties to oneself. 4.) Furthermore, the “duty of religion” (§18) illustrates that the “Episodic section” does not deal with trivial issues. Thus, we can conclude that prohibition of cruelty to animals is not a trivial issue at all.

From the Duties to Oneself to the Duties with Regard to

This assumption can be confirmed by considering the significance that Kant attributes to perfect duties to oneself. Quite in contrast to the traditional scheme of duty, Kant defines perfect duties to oneself as the fundamental class of duties. In his *Lectures* he still followed the traditional scheme of duties as given by Alexander Gottlieb Baumgarten’s compendium in ethics: a) duties towards God, b) duties to oneself, c) duties to others, and d) duties to animals and spirits. But already in chapter VII of his *Lectures*, where Kant discusses the duties to oneself, he laments that these duties have been the most neglected issue in moral philosophy.¹⁸ Thus, in the *Groundwork* Kant reorganizes the scheme and distinguishes between perfect and imperfect duties to oneself, on the one hand, and perfect and imperfect duties to others, on the other hand.¹⁹ Finally, in the “Episodic Section” of the *Doctrine of Virtue* he subsumes the duties to God and to animals under the perfect duties to oneself.²⁰ The duties to spirits are regarded as superstition

and, thus, crossed off the list. All of these changes result from Kant's critical turn to the human subject. They do not express any contempt for the contents of the traditional duties – with the exception of the duties to spirits – but they inform the human subject of her or his limits of knowledge and, subsequently, of the true nature of her or his relations of obligations.

In the framework of this article I cannot discuss the special problems of the perfect duties to oneself in more detail.²¹ However I want to emphasize strongly that Kant places a very high value on the obligation to behave morally to animals. This high value depends totally on the fundamental position of the perfect duties to oneself that Kant introduced to express the moral identity and moral capacity of the human being. After all – and as I want to show – the duties to oneself are the foundation of Kant's whole moral philosophy. As he argues, “suppose there were no such duties: then there would be no duties whatsoever, and so no external duties either. – For I can recognize that I am under obligation to others only insofar as I at the same time put myself under obligation, since the law by virtue of which I regard myself as being under obligation proceeds in every case from my own practical reason.”²² The model of a self-referential contract helps Kant discover himself as a moral subject who is capable of obligation in the double sense. He is an agent who obligates (“intelligible being”; *homo noumenon*)²³ and at the same time is an agent who is obligated (“a natural being that has reason”; *homo phaenomenon*).²⁴ In other words, the human being discovers his moral subjectivity when saying, “I owe it to myself.”²⁵ Or expressed in another way, man discovers in himself a moral “conscience” in form of an “internal court in man.”²⁶ Discovering the human capacity of being obligable forms the modern grounds of human dignity from which natural human rights can spring.

If this practical self-experience is generalized, it leads to the moral assumption that all human beings are endowed with this double structure of being an obligator and being obligated, i.e., with moral subjectivity, even if they do not perform their moral agency. Though this moral assumption cannot be empirically proved, it undergirds duties of respect towards everybody's moral dignity resulting from their moral subjectivity. So, it presupposes the symmetry of duties and rights within an agent as well as between different agents. Only humans are beings who reasonably can be supposed to be structured as a *homo noumenon* as well as a *homo phaenomenon*, which enables them to be symmetrically obliged to themselves and to other *homines noumena*. In other words, they can have duties *to* (“*Pflichten gegen*”) oneself and *to* each other. Beings such as animals as well as human bodies, which cannot reasonably be addressed as beings capable of obligation, are assumed to have only a phenomenal structure.²⁷

Kant's analysis of relationships of obligation shows that “it is still inconceivable that he should have a duty to a *body* (as a subject imposing obligation), even to a human body.”²⁸ This quotation illustrates that Kant maintains neither anthropocentrism nor speciesism. Therefore Kant maintains in §16: “A human being can therefore have no duty to any beings other than human beings.”²⁹ With that, Kant does not claim that “only human interests matter morally because they are the interests of human beings.”³⁰ That leads us to the crucial question: what kind of role may human and animal bodies play in Kant's moral performance, if they are not capable of obligating a person?

In Kant's view bodies, human as well as animal bodies, cannot be partners in a symmetrical relationship of obligation, i.e., cannot be addressed as beings to whom we owe the negative perfect duty of respect. The perfect duty of respect is owed to the categorical imperative. It is negative with regard to other human beings, insofar as human beings owe to each other respect for their moral autonomy. That means

that every human being has to recognize everybody's moral autonomy as a demand of the categorical imperative in his or her own life. This moral task cannot be represented or replaced by any other moral subject. The recognition of the moral fact of the autonomy of every human being as a moral subject is negative, insofar as I have to accept that every human being has the right to fulfill the moral law in his or her own way.

Bodies, however, can be objects of responsibility in the sense that a moral agent can obligate himself to take care of his own body or the physical needs of someone else. Duties of responsibilities are positive, insofar as they require a concrete decision as to how needs should be treated or fulfilled. That is why a relation of responsibility is an asymmetrical relation between somebody who can oblige himself to take responsibility for something and something that is taken into account as a matter of responsibility. And this kind of asymmetrical relation of responsibility is paraphrased as "somebody has duties with regard to something". Kant did not invent the expressions "duties towards" and "duties with regard to", nor did he coin the couple "thing/person"³¹ or the couple "price/dignity."³² Similarly, the distinction between "duties towards/with regard to" became common in the 17th century through the publications of the co-founders of modern natural law, Samuel Pufendorf and Christian Thomasius.³³ However, Kant adopted these juxtapositions and made them suitable for his critical analysis of relations of obligation, especially within the "Episodic Section. On an Amphiboly in Moral Concepts." He utilized them to demonstrate that phenomenal things, like inanimate nature or sensitive animals, as well as the empirically imperceptible idea of God, cannot be regarded as obligating partners. They have no obligation power because they do not fulfill the two demands of restriction, the theoretical and the practical one, claimed in §16. But it does not follow from this critical awareness that they are morally irrelevant. On the contrary, Kant declares them to be matters of high moral significance in the sense that the way how a human being treats natural things, animals, or behaves with regard to the idea of God decides whether she performs or completely fails the claims of her moral subjectivity.

Kant on Animals, Others, and the Duties of Love

Besides these arguments of composition, systematics of duties, and technical terminology, there are some further hints of Kant's affirmation of moral conduct towards animals. As mentioned before, Kant was not at all convinced of Descartes' animal-machine hypothesis. Instead it was perfectly clear to him that animals are "endowed with sensation and choice"³⁴. Consequently humans share "feeling of their suffering"³⁵. In contrast to Descartes or Malebranche, Kant took the animal's suffering seriously. Inspired by Leibniz, Kant looked at animals not as inanimate mechanical machines, but as "spiritual machines" (*automata spiritualia*) as he called them in his *Reflections on Metaphysics*.³⁶ Obviously, animals have a negative freedom of choice, but it seems to be unreasonable to assume they have a positive freedom of moral will.³⁷ Nevertheless animals have physical and emotional needs. That is why in the *Lectures* Kant calls them an "analogy to mankind" ("Analogon der Menschheit"),³⁸ although animals cannot be addressed as moral subjects.

'Analogy' means there is, in fact, a similarity and at the same time a bigger dissimilarity between two entities that are compared to each other. So, animal nature has analogies to human nature with regard to the empirical physical needs and psychological interests, though at the same time they cannot reasonably be addressed as moral agents. Thus Kant includes them in the duties of love, namely in the duties of sympathy and gratitude in the *Doctrine of Virtue* §17, as well as in his *Lectures*, even though he does not mention the expression "duties of love" in §17. There Kant is anxious to underline that the "gratitude for

the long service of an old horse or dog ... belongs *indirectly* to a human being's duty *with regard to* these animals; considered as a *direct* duty, however, it is always only a duty of the human being *to* himself."³⁹ This is because in the "Episodic Section" Kant wants to clarify the structure of obligation. But the duties of love to other human beings make obvious that they are no less "indirect" than are the animal-related duties.

We learned from Kant that a body, even a human body, cannot obligate, but it can and should be taken into moral account by every moral agent who is able to act responsibly. In the sections about the duties of love Kant discriminates between passive and active feelings. Passive feelings are natural, spontaneous affects, whereas active feelings signify emotions that involve practical reason. They are more like attitudes that lead to practical acts. Against this background Kant distinguishes "practical love" "which results in beneficence" from spontaneous and only aesthetic "delight."⁴⁰ He also distinguishes "sensible feelings of pleasure or displeasures", also called "compassion" (*humanitas aesthetica*), from a reflective "*capacity and the will to share in others' feelings (humanitas practica)*."⁴¹ Finally in §35 Kant declares: "But while it is not in itself a duty to share the sufferings (as well the joys) of others, it is a duty to sympathize actively in their fate; and to this end it is therefore an indirect duty to cultivate the compassionate natural (aesthetic) feelings in us, and to make use of them as so many means to sympathy based on moral principles and the feeling appropriate to them."⁴²

Here we find an argumentation strictly parallel to the cruelty-account in §17 that shows that there is neither implausibility nor arbitrariness in Kant's judging the "shared capacity for suffering" of humans and animals.⁴³ Neither the empirical needs of animals nor the natural compassion for them are moral ends in themselves or reasons of obligation. The same is true with regard to the empirical needs of humans and the natural compassion with those. Kant articulates "duties with regard to" animal needs in the same manner as he deals with the "duties of love with regard to" human needs. The only difference he makes consists in the way of justification. Duties with regard to animals have to be justified as the moral agent's perfect duties to oneself (i.e., the respect for the dignity of humanity in one's own personality). In contrast to that, duties with regard to the needs of humans have additionally to be justified as a perfect negative duty of respect towards the dignity of humanity in the intelligible personality of the other people. This additional justification, however, does not alter the moral status either of the empirical needs or of the role of "compassion" or "sympathetic feeling". Therefore it is possible to interpret both "duties with regard to" as well as "duties of love" as asymmetric duties of responsibility. Related to the background of the second formulation, which demands that the agent "treat humanity, whether in your own person or in that of the another, always as an end and never as a means only,"⁴⁴ the structure of both concepts can be described as follows. A natural being who has reason (an agent who is obligated) is obligated towards an intelligible being (in his own or perhaps additionally in another person = agent[s] who obligate[s]; "duties towards") to be responsible for empirical needs of his own or another body (matter of responsibility; "duties with regard to"), because the intelligible being (in his own or additionally in another person) represents the idea of humanity (obligating reason⁴⁵), which is the moral end in itself (purpose of obligation). "Duties with regard to" animals and "duties of love" to other humans both have to be justified with reference to human dignity. That proves once more that there is no anthropocentrism and no speciesism in the Kantian moral argumentation. The experiential welfare of both humans and animals has to be taken into moral account as a matter of responsibility by every moral agent, i.e., every moral subject who is capable of being responsible for something. Instead of the supposed anthropocentrism we find a strict focus upon the realization of morality in the world that uses

bodies, human and animal bodies, for that purpose only.

What can “animal rights” mean?

Kant’s postulation of a “duty of *humanity*”⁴⁶ aims at the realization of the “idea of humanity,” i.e., the idea of morality and the real end in itself that is embodied in human beings as *homines noumena*. Practical humanity serves the *idea* of humanity, definitely not *vice versa* – that is the idealistic message of Kant’s *Doctrine of Virtue* that might sound strange today. From the perspective of Kant’s ethics of virtue, human dignity (which can be seen as an equivalent to the idea of humanity) does not serve the pursuit of empirical happiness. A reasonable level of happiness, however, related to the body and the desires, shall be regarded as a prerequisite to facilitate the realization of morality and dignity in the phenomenal world, since morality and dignity need human bodies that are endowed with practical reason. Thus, basic human rights are based on human dignity, and human dignity is based on the practical self-reference of a moral agent. But this virtue-based message is only allowed to address the moral agent him- and herself. Nobody is allowed to doubt the human dignity of somebody else, somebody’s human subjectivity. That would hurt the symmetrical duty of respect towards the idea of humanity in the person of the other human being, or in other words, the moral autonomy of the other people. That is why *universal* natural human rights, which presuppose vulnerable bodies, are the legal expression of the duty of respect for human dignity that human beings owe to each other. Kant’s analysis of the relations of obligation has shown that animal rights could never be natural in the sense of the natural rights tradition, because the moral consideration of animal’s interests is inevitably based in human dignity. However, this insight into the foundation of obligation still has not touched the question of whether there are good political reasons that tell us that we should declare positive animal rights.

The reason why Kant did not deal with animal protection as a matter of the *Doctrine of Rights* can be understood when we look at his concept of a person. For Kant there was a strict equivalence between a moral person and a person in terms of rights. He was far from imagining that positively defined non-natural person concepts could possibly be matters of right. Because animals are not moral persons for Kant they could not be bearers of rights. That is why he still was not able to discuss animal needs in the *Doctrine of Rights*. In spite of this, in the 19th century the first animal protection laws in the German countries were inspired by Kant’s remarks on animals, though not by his virtue based argumentation, but rather by the cruelty-account.

The development of legal concepts show that we have, in fact, abandoned Kant’s concept of person and his strict symmetry of duties and rights in the context of positive legal rights. Jurisprudence coined non-natural legal person concepts, e.g., for corporate communities. Furthermore, jurisprudence drifts apart from concepts in ethics when developing its own terminology. From that point of view it is possible to declare animal rights or to call animals “person” in terms of rights, on principle. But from the perspective of an ethical analysis we have to admit to ourselves that declarations of animal rights are always proclamations of our will to constrain ourselves to take interests of animals into our moral or legal account. Thus, animal rights, so far as they are maintained as political demands, are nothing else but positive rights and never natural universal rights like human rights. That insight does not reduce the relevance of animal protection laws, but as a result of Kant’s ethical analysis it enlarges the insight into the indispensable duty of responsibility of human beings in the world.

Conclusion

For animal ethics as well as human bioethics it is relevant that Kant recognizes the similarity of empirical needs of animals and humans and includes animals in a community of beings that can suffer. With regard to their profile of needs, humans and animals are strictly comparable for Kant. That is why Kant subsequently formulates not only the prohibition of maltreatment of animals, but also positive duties of love with regard to them, although animals cannot be interpreted within the horizon of moral subjectivity. Thus we do not owe them the negative duty of respect for human dignity, though our own human dignity requires us to take animals' needs and interests into moral consideration. In fact, we find that animal protection rules in Kant's *Doctrine of Virtue* are justified with the help of perfect duties of virtue to oneself. That Kant related them to the perfect duties to oneself and not only to the imperfect duties of self-improvement makes the conduct toward animals a touchstone for morality and human dignity as such.

In our days an empirical attitude in so-called applied ethics seems to facilitate the identification of objects that ought to be seen as having a moral status. Kant's virtue based ethics as expressed in the "Episodic Section," informs the enlightened moral agent that she or he is totally responsible for the handling of all things in the world. Everything has a "moral status." Empirical data informs us only as to *which* moral status a thing of the world should have with regard to our acts. If it is a human person, then we owe to ourselves and to him or her perfect negative duties of respect and indirect and imperfect positive duties of responsibility for his or her needs. If it is a being endowed with sensation, then we ought to treat it with regard to its needs, based on our obligation to the idea of humanity in our own person. If it is an inanimate thing without sensation, then only the perfect duty to ourselves is left to restrain us from its "wanton destruction."⁴⁷

Additionally, the prevalence of rights over duties in contemporary ethics hinders the appreciation of the way Kant integrates animals systematically in the center of his *Doctrine of Virtue*. The prevalence of the perspective of rights also prevents the expression of other morally relevant data that can only be conceived with the help of the perspective of virtue or duties or with the elaboration of the inner structure and meaning of being a moral subject.⁴⁸

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References

" " Broadie, Alexander; Elisabeth M. Pybus: "Kant's Treatment of Animals." *Philosophy* 49, 1974, pp. 375-383.

— "Kant and the Maltreatment of Animals." *Philosophy* 53, 1978, pp. 560f.

Cavalieri, Paola; Peter Singer (Ed.): *The Great Ape Project* (London: Fourth Estate, 1993).

Cohen, Carl; Tom Regan: *The Animal Rights Debate* (Lanham, Maryland: Rowman & Littlefield Publishers, Inc., 2001).

Illies, Christian F. R.: *The Grounds of Ethical Judgement*. (Oxford: Clarendon Press, 2003).

Ingensiep, Hans Werner: ‚Tierseele und tierethische Argumentation in der deutschen philosophischen Literatur des 18. Jahrhunderts.‘ *International Journal of History and Ethics of Natural Sciences, Technology and Medicine* (NTM) N.S. Vol. 4, No. 2, 1996, pp. 103-118.

— Personalismus, Sentientismus, Biozentrismus – Grenzprobleme der nicht-menschlichen Bioethik. *Theory of Bioscience* Vol. 116, 1997, pp. 169-191.

Juchem, Theodor Hans: *Die Entwicklung des Tierschutzes von der Mitte des 18. Jahrhunderts bis zum Reichsstrafgesetzbuch von 1871* (Köln: Dissertationsdruckerei Othen, 1940).

Kant, Immanuel: *The Metaphysics of Morals*, transl. and ed. by Mary Gregor. Cambridge Texts in the History of Philosophy (Cambridge, Mass.: Cambridge University Press, 1996).

— *Foundations of the Metaphysics of Morals*, transl. by Lewis White Beck (Indianapolis, Indiana: Bobbs-Merrill Company, 1978).

— Kant's gesammelte Schriften, ed. by the Royal Prussian Academy of Sciences (Berlin: Georg Reimer, later Walter de Gruyter & Co., 1902/10ff.) = Ak.

Kobusch, Theo: *Die Entdeckung der Person. Metaphysik der Freiheit und modernes Menschenbild*. (Freiburg: Herder, 1993).

Maehle, Andreas-Holger: *Kritik und Verteidigung des Tierversuchs. Die Anfänge der Diskussion im 17. und 18. Jahrhundert*. (Stuttgart: Franz Steiner Verlag, 1992).

Midgley, Mary: *Beast and Man. The Roots of Human Nature* (Brighton: The Harvester Press Limited 1979).

Naragon, Steve: "Kant on Descartes and the Brutes". *Kant-Studien* 81, 1990, pp. 1-23. O'Neill, Onora: *Towards Justice and Virtue. A Constructive Account of Practical Reasoning*. (Cambridge: Cambridge University Press, 1996).

— "Instituting Principles: Between Duty and Action." In: Mark Timmons (Ed.): *Kant's Metaphysics of Morals. Interpretative Essays*. (Oxford: Oxford University Press, 2002) pp. 331-347.

Neumann-Held, Eva: "... und erschaffen den Menschen nach ihrem Bilde" – Zur philosophischen Kompetenz in der Reflexion auf Biotechnik und Biowissenschaften. In: Rudolf Rehn; Christina Schües; Frank Weinreich (Ed.): *Der Traum vom besseren Menschen. Zum Verhältnis von praktischer Philosophie und Biotechnologie*. (Frankfurt am Main: Peter Lang, 2003), pp. 283-322.

Rachels, James: *Created from Animals. The Moral Implications of Darwinism* (Oxford, New York: Oxford University Press 1991).

Reath, Andrew: "Self-Legislation and Duties to Oneself." In: Mark Timmons (Ed.): *Kant's Metaphysics of Morals. Interpretative Essays*. (Oxford: Oxford University Press, 2002) pp. 349-370.

Regan, Tom; Peter Singer (Ed.): *Animal Rights and Human Obligations* (Englewood Cliffs, N.J.: Prentice-Hall, Inc. 1976).

Regan, Tom, "Broadie and Pybus on Kant." *Philosophy* 51, 1976, pp. 471f.

— "Animal Rights, Human Wrongs." *Environmental Ethics* 2, No. 2, 1980, 99-120.

— *The Case for Animal Rights* (London, New York: Routledge, 1983).

— "Ill-gotten Gains." In: Cavalieri, Paola; Peter Singer (Ed.): *The Great Ape Project* (London: Fourth Estate 1993) pp. 194-205.

Rupke, Nicolaas A. (Ed.): *Vivisection in Historical Perspective* (London: Croom Helm, 1987).

Saint Augustine: *The Catholic and Manichaeic Ways of Life*, transl. Donald A. Gallagher and Idella J. Gallagher (Washington, D.C.: The Catholic University of America Press, 1966).

Schopenhauer, Arthur: *Preisschrift über die Grundlage der Moral*. Arthur Schopenhauers Werke in fünf Bänden, ed. by Lutker Lütkehaus. Vol. 3 (Zürich: Haffmanns, 1988).

Singer, Peter: *Animal Liberation* (New York: New York Review 1975; 2nd Ed. 1990).

— *The Expanding Circle. Ethics and Sociobiology* (Oxford: Clarendon Press 1981).

Walch, J.G.: *Philosophisches Lexicon*, überarbeitet von J. C. Hennings (Leipzig 4th ed. 1775; Reprint: Hildesheim: Olms, 1968).

Zedler, Johann Heinrich (Ed.): *Grosses vollständiges Universal-Lexikon aller Wissenschaften und Künste*. 59 Bände (Leipzig, Halle 1745, Reprint: Graz: Akademische Druck- und Verlagsanstalt, 1962).

Notes

1. In the following article I use the term "animal" to denote only non-human animals, that is as synonyms to "brute" or "beast". I do not follow the biological concept of "animal" which includes beasts as well as humans as biological beings. I also do not use "human" in the biological sense of *homo sapiens sapiens*. Instead of this new scientific application I take both concepts, "animal" as well as "human", in the traditional philosophical meaning of ethical evaluation, that is, as ideas. Then, the ideas "animal" and "human" exclude each other according to the use of "animal" in "animal ethics." Furthermore, this way to make use of the terms corresponds with Kant's understanding in ethical contexts.

2. For the background see Nicolaas A. Rupke (Ed.): *Vivisection in Historical Perspective* (London: Croom Helm, 1987); Andreas-Holger Maehle: *Kritik und Verteidigung des Tierversuchs. Die Anfänge der Diskussion im 17. und 18. Jahrhundert*. (Stuttgart: Franz Steiner Verlag, 1992).

3. Theodor Hans Juchem: *Die Entwicklung des Tierschutzes von der Mitte des 18. Jahrhunderts bis zum Reichsstrafgesetzbuch von 1871* (Köln: Dissertationsdruckerei Othen, 1940) pp. 31ff.

4. All quotations from Kant's *Doctrine of Virtue* use the following translation from the Cambridge Edition of the Works of Immanuel Kant: *The Metaphysics of Morals*, transl. and ed. by Mary Gregor. Cambridge Texts in the History of Philosophy (Cambridge, Mass.: Cambridge University Press 1996). All citations to Kant's writings will be followed by the volume and page number from *Kant's gesammelte Schriften*, edited by the Royal Prussian Academy of Sciences (Berlin: Georg Reimer, later Walter de Gruyter & Co., 1902/10ff.) and abbreviated "Ak." This classical citation from the Prussian Academy of Science is also indicated in the English Cambridge Edition of Kant's works.

5. Arthur Schopenhauer: *On the Basis of Morality*. Translated by E. F. J. Payne, with an introduction by David E. Cartright. (Providence, RI, USA and Oxford, UK: Berghahn Books, 1995) pp. 95f. (I thank Dieter Birnbacher, University of Duesseldorf, for helping me with the English version). The German original goes as follows: "...so beleidigt die ächte Moral der Satz, dass die vernunftlosen Wesen (also die Thiere) *Sachen* wären und daher auch bloss als *Mittel*, die nicht zugleich *Zweck* sind, behandelt werden dürften. In Uebereinstimmung hiemit wird, in den *Metaphysischen Anfangsgründen der Tugendlehre*, §16, ausdrücklich gesagt: Der Mensch kann keine Pflicht gegen irgend ein Wesen haben, als bloß gegen den Menschen"; und dann heißt es §17: "Die grausame Behandlung der Thiere ist der Pflicht des Menschen *gegen sich selbst* entgegen; weil sie das Mitgefühl an ihrem Leiden im Menschen abstumpft, wodurch eine der Moralität im Verhältniß *zu anderen Menschen* sehr diensame, natürliche Anlage geschwächt wird." Also bloß zur Übung soll man mit Thieren Mitleid haben, und sie sind gleichsam das pathologische Phantom zur Übung des Mitleids mit Menschen." Arthur Schopenhauer: *Preisschrift über die Grundlage der Moral*. Arthur Schopenhauers Werke in fünf Bänden, ed. by Lutker Lütkehaus. Vol. 3 (Zuerich: Haffmanns, 1988) p. 518.

6. Alexander Broadie, Elisabeth M. Pybus: 'Kant's Treatment of Animals'. *Philosophy* 49, 1974, pp. 375-383; see also the following discussion between Broadie/Pybus and Tom Regan in *Philosophy* 51, 1976, pp. 471f. and *Philosophy* 53, 1978, pp. 560f.; Peter Singer: *Animal Liberation* (New York: New York Review 1975; 2nd ed. 1990) p. 203, p. 244; Mary Midgley: *Beast and Man. The Roots of Human Nature* (Brighton: The Harvester Press Limited 1979) pp. 46, 357f.; Tom Regan: 'Animal Rights, Human Wrongs'. *Environmental Ethics* 2, No. 2, 1980, 99-120, 104f.; James Rachels: *Created from Animals. The Moral Implications of Darwinism* (Oxford, New York: Oxford University Press 1991) p. 90f.; Tom Regan: *The Case for Animal Rights* (London, New York: Routledge, 1988) pp. 174-185; Carl Cohen/Tom Regan: *The Animal Rights Debate* (Lanham, Maryland: Rowman & Littlefield Publishers, Inc., 2001).

7. Midgley, *Beast and Man*, 1979, p. 219.

8. For example Peter Singer: *The Expanding Circle. Ethics and Sociobiology* (Oxford: Clarendon Press 1981) and many authors in *The Great Ape Project*, ed. by Paola Cavalieri, Peter Singer (London: Fourth Estate 1993). For the theoretical problems from the point of view of the philosophy of science see Eva Neumann-Held: "... und erschaffen den Menschen nach ihrem Bilde" – Zur philosophischen Kompetenz in der Reflexion auf Biotechnik und Biowissenschaften. In: Rudolf Rehn; Christina Schües; Frank Weinreich (Ed.): *Der Traum vom besseren Menschen. Zum Verhältnis von praktischer Philosophie und Biotechnologie*. (Frankfurt am Main: Peter Lang, 2003), pp. 283-322. She shows that biology cannot deliver any knowledge about what a human being is without referring to preceding knowledge about our pre-scientific understanding of

human.

9. Tom Regan, as a proponent of the animal-rights debate, underlines that he defines „moral agent“ not as equivalent to the concept of „human being“. He considers “many human beings (e.g., the newly born and the soon-to-be-born)” as not “moral agents, meaning in their present condition, they are not capable of acting in ways for which they are morally responsible”. That is why for Regan “these human beings are moral patients, meaning they are directly owed such basic duties as the duty of respect” (Regan in: Cohen/Regan, *The Animal Rights Debate*, op. cit. p. 288). Regan’s concept of “moral agent” restricts itself to only such human beings as moral agents whose empirical capacities could prove them to be able to act responsibly. Installing the empirically based binary concept of “moral agent vs. moral patient,” Regan performs empirical (theoretical) judgements about other human beings from an observer’s perspective. Kant, however, starts from quite another, namely, moral-practical point of view, i.e., from the analysis of moral self-awareness of a moral subject. Because moral subjectivity is a thing-in-itself, it cannot be judged empirically by the observation of others. Therefore Kant universalizes this kind of moral self-experience without attempting to prove moral subjectivity as an empirical capacity of other human beings. If moral subjectivity is not a capacity that can be empirically demonstrated, but a transcendental conceptual precondition for talking about the empirical moral capacity, it has to be seen as a backdrop against which every human being has to be morally interpreted when the question is asked, how one should morally conduct oneself with respect to somebody. However, if the other question is asked, whether somebody has full or diminished responsibility for his deeds, then indeed we have to check his empirical capacity for being a moral agent. Thus, I make use of the empirically based concept of „moral agent“ when referring to real capacities of responsibility. In so far as the intelligible horizon of human dignity as a horizon of the moral conduct towards human beings is appealed to, I use the concept “moral subject.”

10. Saint Augustine: *The Catholic and Manichaeian Ways of Life*, transl. Donald A. Gallagher and Idella J. Gallagher II 59 (Washington, D.C.: The Catholic University of America Press 1966) p. 105.

11. Broadie/Pybus, op. cit., *Philosophy* 53, 561.

12. Immanuel Kant: *Lectures on Ethics*, transl. Louis Infield (New York: Harper and Row, 1963), chapter IX, quoted by Tom Regan and Peter Singer (Ed.): *Animal Rights and Human Obligations* (Englewood Cliffs, N.J.: Prentice-Hall, Inc. 1976) p. 122. Quotations from the Lectures will follow the translation given in Regan/ Singer, op. cit., p. 122.

13. See above note 4.

14. *Doctrine of Virtue*, Ak Vol. 6, p. 443.

15. *Doctrine of Virtue*, Ak Vol. 6, pp. 442-444.

16. *Doctrine of Virtue*, Ak Vol. 6, p. 442.

17. *The Case for Animal Rights*, op. cit. p. 182; see also Regan, *The Animal Rights Debate*, op. cit. p. 175f. But Regan himself delivers another quite interesting moral point of view that goes beyond the

cruelty-account: “Indeed, even if it were true that none of the animals exploited for food, fashion, and knowledge are treated cruelly, that would not tell us whether exploiting them for these purposes is right. Or wrong.” (*The Animal Rights Debate*, op. cit. p. 179f.). This argument can be linked to Kant’s notion of human dignity in §11 of the *Doctrine of Virtue*. There Kant declares that a human being, who is endowed with theoretical and technical reason and therefore “can set himself ends”, is just “a being of slight importance and shares with the rest of animals ... an ordinary value”, i.e., “only an *extrinsic* value for his usefulness” or “a *price*”. Only as a moral being who justifies his ends from a moral point of view “as a subject of a morally practical reason”, man “is exalted above any price” and “possesses a *dignity* (an absolute inner worth) by which he exacts respect for himself from all other rational beings in the world” (*Doctrine of Virtue*, Ak Vol. 6, p. 434f.). Regan’s crucial moral question can only be raised from the standpoint of somebody who looks at himself as a person, not of somebody who describes himself as a moral patient.

18. *Lectures on Ethics*, Ak Vol. 27,1, p. 340f.

19. *Groundwork of the Metaphysics of Morals*, Ak Vol. 4, p. 421.

20. Hans Werner Ingensiep showed in his article (,Tierseele und tierethische Argumentation in der deutschen philosophischen Literatur des 18. Jahrhundert.‘ *International Journal of History and Ethics of Natural Sciences, Technology and Medicine* [NTM] N.S. Vol. 4, No. 2, 1996, pp. 103-118) how justification of duties “with regard to” animals altered from Christian Thomasius to Kant. While Thomasius justified duties with regard to animals towards God, Kant justified them as duties with regard to animals towards the moral subject himself. So, animals helped to secularize man’s conscience in the history of moral philosophy.

21. For that and a close examination of § 3 *Doctrine of Virtue* see for example: Andrew Reath: ,Self-Legislation and Duties to Oneself‘. In: Mark Timmons (Ed.): *Kant’s Metaphysics of Morals. Interpretative Essays*. (Oxford: Oxford University Press, 2002) pp. 349-370.

22. *Doctrine of Virtue*, Ak Vol. 6, p. 417f.

23. *Doctrine of Virtue*, Ak Vol. 6, p. 418.

24. *Doctrine of Virtue*, Ak Vol. 6, p. 418.

25. *Doctrine of Virtue*, Ak Vol. 6, p. 418 note.

26. *Doctrine of Virtue*, Ak Vol. 6, p. 438.

27. It is crucial also with regard to applied ethics concerning bioethical conflicts that Kant’s analysis of moral subjectivity starts from a quasi “phenomenological” analysis of the moral agent himself instead of an empirical analysis of others’ moral capacities. Intelligible prerequisites are not phenomena that can be found and scrutinized with scientific methods. As intelligible *noumenal* entities they are not empirical entities, but things-in-themselves. At present, conflicts at the limits of human life, both with the very beginning as well as with the end of human life, challenge our moral imagination whether all stages of human life might be regarded as endowed with *noumenal*

“capacity” that prepares the ground for human dignity or not. Otherwise, from an empirical point of view we have to ask about the meaning of the universality of human dignity, if humans decide which human being has and which has no dignity. The moral idea of universality of human dignity can only be preserved, if it is not seen as presented by humans to other humans. As a pre-positive moral and legal idea it challenges the recognition of everybody. Human dignity cannot be presented and cannot be lost, though it can be hurt. Otherwise in the long run the empirically based handling of the idea of human dignity as an empirical capacity will undermine the idea of human responsibility and morality itself. Speaking of humans merely as of “moral patients” could overlook the perfect duty to oneself to pay tribute to the idea of humanity in the person of the other human being (to fulfill one’s perfect negative duty of respect for the other’s dignity). From a Kantian point of view humans are always both moral agents who deserve the moral respect of moral dignity and moral patients who need care. Kant distinguishes the moral respect for human dignity, i.e., the respect that belongs to a person „in his quality as a human being“, from a social respect referring to a person’s conduct: “Nonetheless I cannot deny all respect to even a vicious man as a human being; ... even though by his deeds he makes himself unworthy of it.” (*Doctrine of Virtue*, Ak Vol. 6, p. 465). While social dignity can be won or lost, moral dignity derives from the intelligible idea of humanity and challenges everybody’s perfect duty to respect it.

28. *Doctrine of Virtue*, Ak Vol. 6, p. 419.

29. *Doctrine of Virtue*, Ak Vol. 6, p. 442.

30. So the definition of „speciesism“ according to Regan in: Cohen/Regan: *The Animal Rights Debate*, op. cit., p. 286.

31. This distinction stems from the Roman legal tradition.

32. This juxtaposition already played a central role in Pufendorf’s influential ethical categorization. See Theo Kobusch: *Die Entdeckung der Person. Metaphysik der Freiheit und modernes Menschenbild*. (Freiburg: Herder, 1993).

33. These distinctions were spread in the common German Encyclopedia of that time, edited by Zedler and Walch. The differentiation between duties “towards” and “with regard to” can, e.g., be found in Zedler’s article “Thier” (Johann Heinrich Zedler [Ed.]: *Grosses vollständiges Universal-Lexikon aller Wissenschaften und Künste*. Vol. 43 [Leipzig, Halle 1745, Reprint: Graz: Akademische Druck- und Verlagsanstalt, 1962] pp. 1333-1387) and in Walch’s article “Bestie” (J. G. Walch: *Philosophisches Lexicon*, überarbeitet von J. C. Hennings [Leipzig 4th ed. 1775; Reprint: Hildesheim: Olms, 1968] pp. 357-376). For the background see Hans Werner Ingensiep: *Tierseele und tierethische Argumentation*, op. cit. pp. 110-113.

34. *Doctrine of Virtue*, Ak Vol. 6, p. 442.

35. *Doctrine of Virtue*, Ak Vol. 6, p. 443.

36. *Reflections on Metaphysics*, Ak Vol. 17, p. 313f., No. 3855.

37. For more detailed information in a theoretical perspective see the study of Steve Naragon:

“Kant on Descartes and the Brutes.” *Kant-Studien* 81, 1990, pp. 1-23.

38. *Lectures on Ethics*, Ak Vol. 27,1, p. 459.

39. *Doctrine of Virtue*, Ak Vol. 6, p. 443.

40. *Doctrine of Virtue*, Ak Vol. 6, p. 449.

41. *Doctrine of Virtue*, Ak Vol. 6, p. 456.

42. *Doctrine of Virtue*, Ak Vol. 6, p. 457.

43. Regan, *The Case for Animal Rights* (op. cit. p. 183).

44. Immanuel Kant: *Foundations of the Metaphysics of Morals*, transl. by Lewis White Beck (Indianapolis, Indiana: Bobbs-Merrill Company, 1978) p. 54.

45. Onora O’Neill (Instituting Principles: Between Duty and Action. In: Mark Timmons [Ed.]: Kant’s Metaphysics of Morals. *Interpretative Essays*. [Oxford: Oxford University Press, 2002] pp. 331-347) suggests translating the German word *Verpflichtungsgrund* as “obligating reasons” instead of “ground of obligation,” because “this fits with Kant’s insistence that these reasons are internal to ‘a rule which he [a subject] prescribes to himself’ – that is, internal to maxims” (op. cit. p. 342).

46. *Doctrine of Virtue*, Ak Vol. 6, p. 456.

47. *Doctrine of Virtue*, Ak Vol. 6, p. 443.

48. See for that Onora O’Neill: *Towards Justice and Virtue. A Constructive Account of Practical Reasoning*. (Cambridge: Cambridge University Press, 1996).