

To Eat or Not to Eat:

Philosophical Questions About the Animal Dead

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*For:
Snickers,
Sam,
Benjamin,
Hugo,
and
George*

It was a brother, not a slave, who died...
Death yearns for equal law for all the dead.

Antigone

Contents

1	Robust Vegetarianism	7
1.1	Objectives	7
1.2	The Literature at Present	9
1.2.1	The Animal Ethics Literature	9
1.2.2	Where Posthumous Harm and Animal Ethics Meet	14
1.3	Robust Vegetarianism in Context	17
1.3.1	Diverging from the Literature and Motivating Our Problem	19
1.3.2	Robust Vegetarianism and Moral Absolutism	21
1.4	Methodology	22
2	Animal Identity and Animal Corpses	25
2.1	Introduction	25
2.2	What Are Animals?	26
2.2.1	Notes on Sortals	28
2.3	What Are C-Animals?	30
2.3.1	The Organic View, Contemporary and Ancient	31
2.3.2	The Somatic View	42
2.4	O-Animals Are C-Animals	46
2.4.1	Animals Are Their Animals	47
2.5	Animal Corpse Survivalism	50
2.5.1	Worries About Animal Corpse Survivalism	51
2.6	Animal Corpses and the Good	52
3	The Permanent Moral Standing of Animals	54
3.1	Introduction	54
3.2	Borrowing and Diverging from Korsgaard	55
3.3	Why The Switch Cannot Be Flipped Off	60
3.3.1	The Present Characteristics View	60
3.3.2	The Potentiality View	62
3.3.3	The Life View	65
3.4	The Permanence View	73
3.4.1	Instrumentalizing and the Good	78
3.4.2	Animal Corpse Survivalism and the Permanence View	80
3.5	Person-Affecting Principles and the Problem of the Subject	83
3.5.1	What Happens Later?	84
3.5.2	Species Membership and the EV	89

4	The Surviving Interests of Animals	92
4.1	Introduction	92
4.2	Feinberg's Argument from Interests	93
4.2.1	Feinberg's Argument and the Problem of the Subject	96
4.3	Expanding Feinberg's Argument to Animals	102
4.3.1	How Far Should We Expand Feinberg's Argument?	106
4.4	The Surviving Interests of the Animal Dead	111
4.4.1	A Closer Look at Surviving Interests	111
4.4.2	The Surviving Interests of the Animal Dead	116
5	Mourning and Respecting the Animal Dead	126
5.1	Introduction	126
5.2	Respect for the Animal Dead	127
5.2.1	Instrumentalizing the Dead	128
5.2.2	Properly Respecting the Animal Dead	140
5.3	Reverence for the Animal Dead	146
5.3.1	Reverence for the Dead	147
5.3.2	Reverence for Death Itself	151
5.4	Mourning the Animal Dead	152
5.4.1	Precarious Lives	152
5.4.2	Precarious Life as that Which We Share	155
5.4.3	The Precarious, Mournable Lives of Animals	157

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¹Korsgaard, 2018, p. xii.

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Chapter 1

Robust Vegetarianism

1.1 Objectives

This thesis is about the nonhuman animal dead.¹ The questions I attempt to answer here are:

1. Is it wrong, all auxiliary concerns aside, to eat or otherwise use the corpse of an animal?
2. What should we do for the animal dead?

As the first question above may suggest, my primary objective in this thesis is to make a novel argument for vegetarianism. My argument will draw on the obvious fact that to eat meat is to eat a part of an animal's corpse. Most other philosophers who argue for vegetarianism themselves with things like killing animals, causing animals to suffer, and buying meat; these are the 'auxiliary concerns' to which the first question refers. I do not deny that these are real and serious problems, but I question whether they ought to be the focus of an argument against eating meat. Philosophers who focus on these other problems tend to ignore the fact that to eat meat is really to eat some part of a dead animal, or in other words, to eat part of an animal's corpse. I think that in ignoring this fundamental fact about eating meat, they cease to provide fully compelling arguments for

¹Hereafter, I use the term 'animal' to refer to nonhuman animals alone, 'human' to refer to humans alone, and 'beings' or 'creatures' to refer humans and animals alike. In the second chapter of this thesis I also introduce the term 'O-animal' to talk about nonhuman animals, but this is not for the purpose of distinguishing between animals and humans; rather, it is for the purpose of distinguishing between those entities in our world we might call 'animals' and the kind of thing in our world which is, ontologically speaking, an 'animal'; I call members of the latter group 'C-animals'. In fact, I argue that those who are O-animals are also, ontologically speaking, C-animals, but this is a philosophical claim, not a stylistic choice.

vegetarianism, although they take themselves to do so. But in failing to be fully compelling their arguments are not also totally wrong, or worth discarding. In fact, these other arguments for vegetarianism are often excellent; I try to make my own arguments compatible with the major points made by these other arguments, and often make use of them in crafting my own arguments.

Broadly construed, my approach here is to consider eating meat as a form of posthumous harm, and to thus create a new argument for something I call ‘robust vegetarianism’. My argument for vegetarianism is not about killing animals, the suffering of animals, or the wrongness of buying meat. It is about the wrongness of *eating* meat. It is about the relations in which we stand with the animal dead, and the right and wrong ways we might treat them.

One cannot approach the subject of eating meat in this way without also discussing two closely related issues. One such issue, included in the first question above, regards other uses of dead animals, or parts of animal corpses. We use parts of animal corpses not only as food, but also to make gelatin, leather, soap, and other such products. I argue against these uses of animal corpses just as I argue against eating meat. The other such issue, addressed by the second question above, regards the right way to treat the animal dead; after I have argued that we should not eat or otherwise use parts of their corpses, I go on to ask what, if anything, we *should* do to or for the animal dead. When I address this last issue, I discuss respect and reverence for the animal dead, as well as mourning the animal dead, although I do not argue strongly for a moral obligation to, say, mourn the animal dead. Rather, I attempt to show my reader why she might want to mourn the animal dead, or feel respect or reverence toward them.

I begin this thesis by examining the existing literature on animal ethics and posthumous harm, introducing and motivating my own two theses, and discussing my methodology. Then I move to defend these theses in Chapters 2, 3, and 4, before discussing respect, reverence, and mourning in Chapter 5.

Chapter 2 takes the form of a discussion of the metaphysical status of dead animals; I argue there for the perhaps-surprising claim that animals survive their own deaths as their corpses. In Chapter 3, I argue that animals have permanent moral standing, and use the metaphysical conclusions from Chapter 2 to argue that eating or otherwise using the corpse of an animal is a violation of her moral standing. In Chapter 4 I provide a different kind of argument for the claim that we can have moral

obligations to dead animals which entail our not eating or otherwise using them, one which draws on Joel Feinberg's argument for the possibility of posthumous harm. In Chapter 5 I consider possible ways to treat the animal dead which do not involve our using or eating them. Drawing on Judith Butler, Cora Diamond, Sophocles, Homer, J.M. Coetzee, and others, I defend the claim that we have good reason to mourn, respect, and revere the animal dead instead of eating them.

For my reader's convenience, I list my two major theses, which I'll discuss further in Section 1.3 in this chapter, and the abbreviations by which I refer to them here:²

The Robust Vegetarianism Thesis (RVT): We ought to refrain from eating the corpses of animals in all normal circumstances.

The Posthumous Use of Animals Thesis (PUAT): We ought to refrain from otherwise using the corpses of animals in all normal circumstances (e.g., for leather).

1.2 The Literature at Present

I could not try to defend the aforementioned theses without making significant use of other philosophical literature. Here, I briefly survey the existing literature on animal ethics, animal ontology, and posthumous harm which are most relevant to this thesis: the texts which constitute its philosophical background. I should note that I do not here survey all of the texts I use in my thesis, but rather those which are most important to its context; many of the books and papers I talk about here are those from which I diverge most significantly. I focus heavily on the animal ethics literature, to which this thesis is intended to contribute. I leave a discussion of the more technical and esoteric literature I use in Chapter 2 for that chapter, where I hope I explain it adequately.

1.2.1 The Animal Ethics Literature

Peter Singer, Tom Regan, and Christine Korsgaard have each written a well-received book on animal ethics, and theirs are some of the most important texts in the animal ethics literature upon which I build. Since Singer and Regan's books were both originally published a number of decades ago

²**Nota bene:** A reader familiar with, or disinterested in, the animal ethics literature may skip ahead to Section 1.3, where I summarize my divergences from it and introduce my thesis. This reader will, however, then have to take my word for certain points I make there about the literature and draw upon in Sections 1.3.1 and 1.3.2.

(in 1975 and 1983, respectively) there have been a great number of papers published in recent years which build upon their work, and I touch on some of these contributions as well. Although there are a number of interesting problems in animal ethics that involve living animals—animal experimentation, the keeping of companion animals, predator elimination, and so on—I try to limit my discussion here, and mostly focus on the arguments these philosophers give for vegetarianism.

Singer's *Animal Liberation* is one of the most foundational texts in the animal ethics literature. In it, Singer argues that we cannot deny animals moral standing on any morally relevant grounds; that is, we can give only speciesist reasons (which, for Singer, are comparable to racist or sexist reasons) for excluding animals from moral consideration. From this point, Singer argues that all sentient creatures deserve equal consideration of their interests. After all, equality is something formalized and constructed; there is a great deal of variation in human capacities, and yet we still think it is right to treat equally humans who are less X (rational, smart, etc.) than other humans are. There is not a reason to treat animals any differently unless we accept speciesist principles. From this principle Singer argues for an end to factory farming,³ and for vegetarianism⁴ as a means to this end, as well as abstention from buying leather and fur. But Singer does not think we need to be vegetarians in all circumstances.⁵

I do think, though, that Singer's reluctance to advocate for robust vegetarianism (vegetarianism in all normal circumstances, where 'finding a dead deer by the side of the road' is a normal circumstance, and starving on a deserted island is not) is perhaps a result of his not considering that robust vegetarianism need not be morally absolutist. In fact, I defend a form of robust vegetarianism which is not morally absolutist, as I explain in Section 1.3.2 of this chapter, where I also discuss 'normal circumstances' in more detail. It is really moral absolutism, I think, to which Singer objects. Of course, depending on how hedonistic Singer's utilitarianism really is (an open question), he may not accept the arguments I give for robust vegetarianism. But Singer's argument hinges on interests, remember, and not just pain and pleasure; this suggests a departure from hedonism, and possible amenability to the argument I make in Chapter 4.

In recent years, many philosophers have defended utilitarian vegetarianism (of a Singerian nature)

³Singer, 1975, Chapter 3

⁴In fact, veganism. Singer, 1975, p. 176.

⁵Singer, 1975, p. 160; Singer, 1980, especially pp. 327-328.

against a particular kind of objection: causal impotence objections, which suggest our not buying meat does not make a difference to animal suffering. Shelly Kagan has taken up this task in *Do I Make A Difference?*; as has Alastair Norcross, in *Puppies, Pigs, and People*. These responses illustrate a larger trend in (consequentialist) animal ethics.⁶ They focus on problems proximal to eating meat, like buying or producing meat, and they abstain from discussing marginal cases (like roadkill) that highlight the most fundamental fact of eating meat: to eat meat is in all cases to eat some part of an animal's corpse, whether or not you contributed to her suffering, whether or not she was raised and killed in a factory farm, and so on. At the end of this survey, I say more about why refusing to buy meat is not the only way to make a difference.

Tom Regan's *The Case for Animal Rights* is another central text in the animal ethics literature. In it, Regan argues that certain creatures have inherent value, and that this inherent value is what gives them the power to make moral claims on us (and so entails our having duties to them). All inherent value is equal, Regan argues, and so all creatures who have inherent value are owed a duty of treatment respectful of their value—they have a claim to that kind of treatment, and so a right to it. The kinds of creatures who have inherent value (and so rights) are those who are subjects-of-lives. It will be important to remember that Korsgaard and Regan use this term differently: Regan's idea of the criteria someone must meet to be the subject-of-a-life are much stronger, allowing in fewer creatures than Korsgaard's. Regan's concept of a subject-of-a-life importantly requires that a creature have beliefs and desires, a sense of her future, an emotional life, and many other, similar things.⁷ From these and other points Regan argues to a number of conclusions about our duties to animals. One such duty is vegetarianism, which Regan argues for as follows: "Since this [the meat] industry routinely violates the rights of these animals, for the reasons given, it is wrong to purchase its products. That is why, on the rights view [outlined above] vegetarianism is morally obligatory".⁸

Of course, that last claim is exactly the kind of thing I want to strengthen. It does not follow from the claim that we ought not support the meat industry that we ought not eat meat in all normal circumstances. This is an example of a broader pattern: I engage with *The Case for Animal Rights* in much the same way as I do *Animal Liberation*. Regan's is a very fine book, but it does not

⁶To be more precise, Kagan is actually responding to causal impotence objections in general, not just with regard to buying meat. But he is interested in buying meat as a major case.

⁷Regan, 1983, p. 243

⁸Regan, 1983, p. 351.

put forth an argument for robust vegetarianism, and he does not intend it to. Regan's view about subjects-of-lives is compatible with my conclusion about robust vegetarianism and abstaining from other uses of the animal dead, and although I take issue with its scope, that is not the focus of this paper. Regan's work also serves another purpose: it shows that the lack of arguments for robust vegetarianism is not a problem confined to the consequentialists.

Christine Korsgaard's *Fellow Creatures* is another very fine non-consequentialist treatment of the major questions in animal ethics. Korsgaard makes a Kantian case for our having moral obligations to the other animals. She puts forth the claim that there are two senses in which one can be an end in herself, the kind of being to whom the categorical imperative can apply. There is an active sense, in which one is capable of morally legislating for others. If a being is an end in herself in this sense, she is owed duties of non-coercion and non-deception, as well as duties of benevolence (duties which mean others must take her good to be good absolutely, i.e., worth promoting). Creatures who are ends in themselves in the passive sense are incapable of moral legislation, and are only owed duties of benevolence. In order to argue that animals fall into the latter category, Korsgaard suggests that self-consciousness and sentience give someone a good, and so we owe duties of benevolence to many animals.⁹ From these points, she argues that eating meat is not merely about "consequences and numbers"; it is about treating a particular animal as a means to an end—treating her in ways that are not in accordance with her good.¹⁰ The same ostensibly goes for fur and leather.

In fact, Korsgaard also gives an argument for atemporal moral standing which makes her master argument amenable to robust vegetarianism. I do not explain the entire argument in my thesis, but I do adopt some of its main points and make a different argument for the same concept. The argument for atemporal moral standing is perhaps the most important existing argument of which my paper makes use. In it, Korsgaard argues that the moral standing of any sentient, self-conscious creature (any subject of a life) is atemporal, i.e., outside of time. She also argues that creatures themselves should be taken to be atemporal. Rather than arguing for these same points, I argue in Chapter 2 that animals survive their deaths as their corpses, and argue in Chapter 3 that dead

⁹This is actually an extremely brief summary of Korsgaard's argument, and it leaves much out. In fact, Korsgaard's argument for treating animals as ends in themselves spans the full length of the first eight chapters of her twelve-chapter book. For a longer summary, see Chignell, 2020, and for a closer look at the parts of Korsgaard's book most important to this thesis, see Chapter 3 of this thesis.

¹⁰Korsgaard, 2018, p. 223.

animals permanently retain the moral standing they acquired in virtue of their sentience and self-consciousness during their lives.

One thing to note about all of this, however, is that Korsgaard does not say explicitly that she takes herself to be arguing for robust vegetarianism or anything like it. She does not, that is, link her argument about atemporal moral standing to conclusions about anything we do to the animal dead. And she does not even mention her atemporality argument when she gives her own argument for vegetarianism.¹¹ Rather, she takes it to solve a number of problems in population ethics, reproductive ethics, and related fields; she also talks about it in relation to posthumous harm to humans.¹² In fact, I think the reason Korsgaard raises the atemporality point is not related to animals (living or dead) in particular at all; rather, I suspect she is responding preemptively to worries other philosophers may have regarding the implications of her person-affecting principle, which is in fact a creature-affecting principle, but we will get to this later, in Chapters 3 and 4. Her person-affecting principle might make seem like something which would prevent her from calling problems in population ethics related to future persons problems at all (since they are not yet persons). I think she makes the atemporality argument to ward off charges like this. Doing so allows her to say, in effect, what Joel Feinberg does: that the area of someone's good is larger than her biological life. This in turn helps her reconcile intuitive solutions to problems in population ethics with her person-affecting principle. This is a bit of a digression; the main point is that Korsgaard does not intend her argument to serve as a part of an argument for robust vegetarianism or against other uses of the corpses of animals, and does not have much to say about dead animals at all.

Let me make some comments about the animal ethics literature. My main observation is that it is focused on the right things—just not *all* of the right things. It is true that factory farming causes immense animal suffering or violates animal rights (that 'or' is inclusive). I also believe that it is wrong to cause animal suffering, wrong to use animals as means to our own ends, and so on. But I do not think the arguments we've seen are complete, or *robust*, because they cannot advise us to be vegetarians in all normal circumstances, i.e., circumstances in which these other concerns may not arise. My second observation is that none of these philosophers are interested in eating meat *qua* eating the dead, or in fact in dead animals at all; when they argue against eating meat, they

¹¹For Korsgaard's argument for vegetarianism, see Korsgaard, 2018, pp. 220-226.

¹²Korsgaard, 2018, Ch. 5.

generally tend to do so by arguing that eating (or buying, more likely) the corpse of one dead animal is likely to make the life of another animal worse. They are concerned with the living counterparts of the dead animals whose corpses we eat parts of; they are not concerned with those dead animals themselves.

I should note that there is a topic in animal ethics which runs more or less parallel to the topic of this thesis. That topic is animal death itself. Temporally speaking, the problem my paper addresses occurs after the problem of animal death: I am concerned with animals who have already died. In other words, I do not spend much time discussing the badness of animal death itself; rather, I want to talk about what happens next. But those interested in a discussion of animal death might turn to Singer and Jeff McMahan, who have written about the subject in detail.¹³

1.2.2 Where Posthumous Harm and Animal Ethics Meet

I now want to turn to the texts I use to bridge the gap between animal ethics and the philosophy of death. First, there is Cora Diamond's paper *Eating Meat and Eating People*. Earlier, we saw Singer and Regan's arguments for vegetarianism, and these two arguments are the main targets of Diamond's paper. In this paper, Diamond claims that it is strange that arguments like Singer's and Regan's¹⁴ do not prohibit the eating of meat in all circumstances. She cites the example of eating roadkill as something to which, problematically, neither the Singerian vegetarian nor the Reganian vegetarian should object.

She thinks of eating meat as a conceptual (or 'category', although I eschew this phrasing) mistake similar to Gradgrind's refusal in Dickens' *Hard Times* to call children by their names, but realizes that even if we categorize animals as 'fellow creatures', and recognize the relationships we have with them, we may still think that eating them is an appropriate way to treat them. My argument is more decisive than Diamond's, and I engage most directly with her criticism of Singer and Regan's arguments, and with her attempted redirection of the animal ethics literature. She is the one, after all, who suggests we ought to look at our reasons against eating the human dead in order to come up with good reasons against eating the animal dead. She further argues that our reason for not eating

¹³I am referring to, in particular, McMahan, 2015, and Singer in Coetzee, 1999b, pp. 85-91.

¹⁴Diamond is actually discussing an earlier work, *Animal Rights and Human Obligations*, written by both Regan and Singer, but the point she is making holds with regard to both *Animal Liberation* and *The Case for Animal Rights*.

the human dead is that dead humans are not something to eat, i.e., that they are not categorized as anything which is ‘for eating’. I think this is plausible, but not the beginning of a strong argument in favor of vegetarianism, so I argue differently in Chapters 2 through 4. I do, however, bring Diamond’s conceptual-mistake claim up again in Chapter 5, where I try to supplement it with additional argumentation. Diamond’s roadkill objection is also very important for this paper, and we will return to it many times.

A text I engage with similarly, in Chapter 5, is Chloë Taylor’s *Respect for the (Animal) Dead*. Taylor, like Diamond, examines our interactions with the animal dead and looks beyond suffering and killing. Taylor does not draw on the posthumous harm literature, but instead on the dichotomy between mourning (the way we treat the human dead) and instrumentalizing (the way we treat the animal dead, which she links to a dominant utilitarian approach to animal ethics). She suggests we do have ideas about treating the animal dead with respect, but that they are related to ‘not wasting’, or *instrumentalizing*, rather than respecting or grieving. She claims, drawing on Judith Butler, that Western society’s stance on mourning animals—that it is strange or childish—makes animal lives less real. I agree with and make use of all of these claims, but Taylor does not offer a normative picture of mourning animals or treating dead animals with dignity, or an argument for the claim that we ought to do either. She similarly does not make an argument for vegetarianism using her ideas about the animal dead.

As I’ve just said, Taylor draws on Judith Butler, and in particular on Butler’s conceptions of mourning and what Butler calls ‘precarious life’. Butler’s idea of precarious life was not intended to apply to animals, but it can be made to do so without any trouble at all. Working with a paper by James Stanescu on the same subject,¹⁵ I draw Butler into a conversation about mourning animals; I bring together Butler’s 2004 *Precarious Life: The Powers of Mourning and Violence* with the animal ethics literature, Ancient Greek literature, and J.M. Coetzee’s *Disgrace* in order to paint a detailed picture of mourning the animal dead, and hopefully, to motivate the idea that mourning the animal dead is not only possible but also desirable.

Joel Feinberg’s *Harm and Self-Interest* is unique in that it is an argument intended to show the possibility of posthumous harm to humans, but one which also can apply to animals.¹⁶ Feinberg

¹⁵Stanescu, 2012.

¹⁶It is well worth noting that there are other very fine accounts of posthumous harm which do not lend themselves

argues that we should take interests, rather than persons, to be the units to which harm can come. This is how he avoids the ‘problem of the subject’ prevalent in posthumous harm literature. Then, he shows that some interests can be thwarted or promoted after the death of the person to whom they once belonged. Finally, he makes an argument by analogy to show that harm after death is no different from nonaffective harm during someone’s life. In short, Feinberg appeals to the idea that harm can come to you even when you are unaware of it and even when it does not impact your life in any way, and argues from this idea to the possibility of posthumous harm.

I use Feinberg’s argument to make a case for the truth of the RVT and PUAT. I do this by explaining that some ‘welfare’ interests, as Feinberg calls them—interests you have in virtue of what is good for you rather than what you want—can plausibly survive the death of their subject. The main welfare interest I cite with this potential is the welfare interest in bodily unity, which can be thwarted by our eating or otherwise using the corpses of animals.

I also make use of some other texts outside of, but not unfamiliar to, analytic philosophy proper.¹⁷ These are J.M. Coetzee’s novel *Disgrace* and his Tanner Lecture, *The Lives of Animals*. *The Lives of Animals* is, to some much-debated extent, a work of fiction; *Disgrace* is less-controversially so. Through his protagonist in *Lives*, the presumably-fictional novelist Elizabeth Costello, Coetzee argues that it is our empathy for the other animals, and not our reasoning about them, which should form the basis of a proper animal ethics. Coetzee-through-Costello also argues, as Korsgaard does, that animal lives seem to matter to the animals living them as our lives matter to us.¹⁸ Another major project Coetzee takes on through Costello is attempting to motivate the intuition that there is something deeply strange and troubling about consuming or instrumentalizing the corpses of animals.¹⁹ I try to formalize this process in my paper using a number of thought experiments and analogies, and also try to motivate the same intuition less formally in Chapter 5. One final project Coetzee takes on through Costello is to convince his reader that eating meat and otherwise using

as obviously to the quest for a robust argument for vegetarianism. Feinberg’s works in part because it incorporates a certain kind of objectivism about harm and interests.

¹⁷Korsgaard, Taylor, and Singer are some of the philosophers who have responded to and engaged with Coetzee’s fiction almost as if it were philosophy.

¹⁸Coetzee, 1999b, p. 54. This is in opposition to, and perhaps in response to, arguments given by philosophers like McMahan and Singer about the lesser value of animal lives to the animals who live them. And interestingly, in Singer’s response to *The Lives of Animals*, he actually seems to have budged a bit on his position that animals do not have future-regarding interests. This is again a bit tangential to my own arguments, but worth mentioning.

¹⁹Costello’s Holocaust analogies are a memorable and much-discussed example of this, but I do not appeal to these or anything like them.

animals is part of a certain sort of moral worldview, and namely one which also includes as acceptable, or inches toward, things like genocide.²⁰ I am going to agree with the former in Chapter 5, but will not touch on the latter.

Disgrace was in fact the inspiration for this thesis: its final chapters see its protagonist David Lurie grappling with the appropriate way to treat the corpses of dogs euthanized at the animal clinic where he volunteers. He realizes the futility of trying to protect the dogs from death—he cannot save them all—but he does what he can to dignify them, both before and after they are dead. After the dogs have been euthanized, their corpses are to be incinerated. David brings the corpses of the dogs to the incinerator himself, so that the crew assigned to do so will not treat the corpses in an undignifying way, but wonders why he has taken on this job: “For the sake of the dogs? But the dogs are dead, and what do dogs know of dishonour and honour anyway? For himself, then. For his idea of the world, a world in which men do not use shovels to beat corpses into a more convenient shape for processing”.²¹

I share David’s sentiment—and that is why I write this thesis. Faced with the futility of preventing the killing of animals in its entirety, some philosophers may turn to accounts like Singer’s, Regan’s, Kagan’s, or Norcross’, and suggest that if we do not buy meat, we will have a *chance* to make a difference that is good for at least some animals. I suggest an alternative: every time you abstain from eating meat you are making a definitive moral difference in relation to the animal herself whose corpse you otherwise might have consumed. You are doing what David Lurie does: you are choosing to help create a world where the corpses of animals are not dismembered and processed as if they were mere things. And that is how you can really make a difference.

1.3 Robust Vegetarianism in Context

Here again are the two theses I wish to defend in this paper:

The Robust Vegetarianism Thesis (RVT): We ought to refrain from eating (parts of) the corpses of animals in all normal circumstances.

²⁰I thank Daniel Herwitz for encouraging me to include this point.

²¹Coetzee, 1999a, p. 142

The Posthumous Use of Animals Thesis (PUAT): We ought to refrain from otherwise using the corpses of animals in all normal circumstances (e.g., for leather).

In fact, I will also argue in Chapter 5 for a third, if less easily stated, thesis. Perhaps ‘argue for’ is even the wrong way to put it: I might instead say that I will encourage my reader to see and feel its truth. That thesis is, roughly, that the way we treat the animal dead both reveals and constructs the moral world in which we live, in a way we might dislike, and want to change, upon close inspection.

As the RVT and PUAT suggest, my work in this thesis will diverge from the literature above in a number of ways. I hope that in Section 1.2 above I made some of these points of divergence clear, but let me summarize them here, very briefly.

First, I diverge from Singer, Regan, Norcross, and even Korsgaard in that I do not address eating meat by way of related problems in animal ethics. Rather, I address eating meat *qua* eating meat, i.e., *qua* eating the dead. That is why the RVT and PUAT reference ‘corpses’.

Second, I diverge from the philosophers who *have* written about the animal dead—Taylor, Diamond, and Stanescu, to name just a few—in that I try to make a complete argument for vegetarianism from points about the animal dead, and that I use the concept of posthumous harm to do so.

Finally, my argument differs from those of the philosophers mentioned above in that I am concerned with making an argument which will advise against the eating of animals whenever we are not faced with extreme circumstances, e.g., starvation. This is what makes the vegetarianism I argue for here ‘robust’. And it is why the RVT and PUAT reference ‘normal’ circumstances: the implication is that there are some circumstances in which eating meat might be morally permissible, but that such circumstances would be very extreme. Recall Diamond’s roadkill case again: these other philosophers’ arguments cannot advise against the eating of roadkill, but argument will do just that. And it will do so, I think, precisely because it considers eating meat *qua* eating the dead.

I now want to elaborate first on the reasons I choose to diverge from the literature in these ways, and second on the concept of ‘robust’ vegetarianism as opposed not to vegetarianism of the Singer-Regan sort but rather to absolutist vegetarianism. In elaborating on the reasons I diverge from the literature, I hope I’ll also be able to motivate my quest for an argument for robust vegetarianism.

1.3.1 Diverging from the Literature and Motivating Our Problem

The major reason I've chosen to diverge from the existing literature on animal ethics is that I think eating meat is inherently bad. In other words, I do not think eating meat is bad in virtue of circumstances that may or may not accompany it; eating meat, in my view, is bad not simply because it causes living animals distinct from the dead ones we eat to suffer, and it is not bad simply because it is the product of an unjust system like that in which factory farms operate. Rather, I think it is bad for another reason: it is not an appropriate way to treat the animal dead. In the third and fourth chapters of this thesis, and even in the fifth to an extent, I support this view of mine: I try to show, without reliance on these other problems, that eating meat, and secondarily using the corpses of animals for other purposes, is morally wrong all on its own.

But, of course, you might not find this compelling: you may not already have the intuition, or the conviction, that eating meat is inherently bad. That is perfectly fine: I try to evince this conviction in the rest of this thesis, so anyone who does not already have it need only read on. Still, I should try to say something here about why the problems I address in this thesis are philosophically interesting and important even if you do not already share my intuition—I should try to convince you to read on.

Let me begin by noting, as Diamond does, that we do not usually eat the human dead, even if they did not suffer, and even if their flesh might be tasty and in good condition for eating. We have strong convictions that eating the human dead would be morally wrong, disrespectful, and inappropriate. And yet we eat and use parts of the animal dead routinely. There is a startling asymmetry between our treatment of the human dead and the animal dead, and it is startling in part because *prima facie*, the human and animal dead are quite similar: neither a dead human nor a dead cow can feel, speak, or reason, for example. It seems, then, that examining this asymmetry further is worthwhile, even simply to see if it is justifiable.

On a related note, if our intuition about the wrongness of eating the human dead is right but cannot, at present, be well-defended in moral terms, what I have to say in this thesis may help, insofar as the human and animal dead are actually similar. Although I will suggest in Chapter 2 that there are some important differences between the animal and human dead, at least some of what I argue in Chapters 3, 4 and 5 may be helpful to anyone attempting to defend this intuition

about the wrongness of eating and using the human dead.

The third point I want to make to motivate my question is this one, which I think will take some explaining. As we've now seen Diamond suggest multiple times, arguments for vegetarianism of the Singer-Regan sort cannot deal with certain marginal cases: roadkill, for instance. It might be worthwhile or epistemically responsible, just as an exercise, to see if we can deal with these marginal cases with a new argument for vegetarianism. But further, there is a sense in which it is strange that Singer and Regan's arguments cannot advise against eating roadkill, or meat that someone else has purchased. Vegetarians and vegans, I think, generally tend to abstain from eating meat in most cases, and I have never seen one eat roadkill or meat that someone else has purchased. Perhaps these abstentions are actually principled, and philosophically defensible.

Moreover, though, most philosophical arguments against certain practices do not make exceptions for cases analogous to eating roadkill. If, for instance, someone arguing against murder said: "Murder is permissible, but only when the murder has not caused the victim to suffer, and when the murder will not cause further suffering to any living people," you might think this very strange indeed. This is, of course, because almost everyone has the intuition about murder that I have about eating meat, i.e., the intuition that murder is inherently wrong. But there is still a point here that even those who do not (yet) share my conviction about eating meat as morally wrong can share in. A prohibition on eating meat in all but extreme circumstances might make more sense; we have a prohibition on murder in all but extreme circumstances, for instance, and this is exemplified by our understanding of killing in self-defense as morally permissible. But there is nothing extreme about finding roadkill; it is not like self-defense. So if you have even the slightest idea that eating meat might be wrong, you might wonder why the exceptions made by the arguments of other philosophers seem so arbitrary.

In just a moment, when I begin the next subsection, I'll say much more about normal and extreme circumstances. But I want to make one last point about the importance of the questions this thesis tries to answer. If my arguments are right, and it is in fact impermissible to eat or otherwise use the corpses of animals, this is, to state the obvious, a very good reason to stop eating meat. We will have reason not only to refrain from buying meat, but reason to refrain from eating animals in a plethora of other circumstances.

1.3.2 Robust Vegetarianism and Moral Absolutism

Just a moment ago we talked about murder, noting the fact that we typically consider murder wrong in all normal circumstances and that extreme circumstances are typically required in order to justify murder. This, I think, is proof of our considering murder inherently wrong, or wrong for its own sake. We also considered that it never seems good (or always seems bad) to take another human's life, but when one does so in order to save one's own life, the good of saving one's own life seems to mitigate, ameliorate, or even outweigh the bad of taking another's life. As I've said, I think that eating meat is inherently bad. But I also think there may be circumstances in which it is permissible. Those circumstances, however, are not *normal* ones, but rather mitigating ones.

The RVT and the PUAT both reference 'normal circumstances'. In this section I attempt to explain, quite briefly, what I mean by this phrase. This is important because I want to make clear that I am not arguing for something like *total* or *absolute* vegetarianism—vegetarianism in all circumstances, period. To argue for this sort of vegetarianism would be to think of eating meat as something so inherently bad it can never be justified, and I am not prepared to argue for anything that strong.

By 'normal circumstances', I mean circumstances without any mitigating factors present. When mitigating factors *are* present, they transform circumstances from circumstances in which we are expected to morally reason as usual to circumstances in which we could not possibly be expected to do so. A good example of a mitigating factor with regard to eating meat is food scarcity. If Jane is stranded on a deserted island and must either eat meat or herself perish, the mitigating factor of food scarcity is present, and she is no longer dealing with normal circumstances; her circumstances have become extreme. But if Jane sees a dead deer on the side of the road and wonders if she should have it for dinner, without any mitigating factors present, she is dealing with normal circumstances. Extreme circumstances are outside the scope of this paper and outside the scope of the RVT and PUAT. As such, the RVT and PUAT are not morally absolutist: they do not suggest we can *never* eat meat or use the corpses of animals, but merely suggest that the conditions under which these practices are permissible require the presence of mitigating factors.²²

Notably, pleasure, such as the gustatory pleasure one gains from eating meat, or the aesthetic

²²Singer objects to Diamond on grounds of moral absolutism in Singer, 1980.

pleasure one gains from wearing leather, is obviously not a mitigating factor. An analogy with rape is perhaps crude but helpful.²³ Try to imagine some circumstances under which rape is permissible; it is quite difficult. If we could name even one mitigating factor which might allow for permissible rape, it would have to be ‘saving the lives of one thousand innocent people’, or some such thing. We would not suggest that mere pleasure is a mitigating factor. Nor would we say that the claim that rape is impermissible in all normal circumstances is morally absolutist. (And if it is to be objected that rape is relevantly different than eating the corpse of a dead animal, note the strong intuition that rape is impermissible even when the victim cannot feel any harm).²⁴

1.4 Methodology

Here I want to elaborate upon my methodology in this thesis.

First, ‘robust’ is not just an adjective I like. I choose to call my version of vegetarianism ‘robust’ in part to distinguish it from Singer-Regan vegetarianism, and from absolutist vegetarianism. But moreover, the word ‘robust’ has a particular meaning on which I wish to draw here. In a statistics paper entitled ‘Permutation Theory in the Derivation of Robust Criteria and the Study of Departures from Assumption’, G.E.P. Box and S.L. Anderson write that a statistical criteria is robust (in the statistician’s sense) if it is “insensitive to changes of a magnitude likely to occur in practice, in extraneous factors”.²⁵ The sense of ‘robust’ I have in mind is analogous to this one: I am arguing for a vegetarianism that is responsive to what I consider details non-extraneous with regard to the wrongness of eating meat (e.g., that eating meat is eating some part of an animal’s corpse) and not responsive to, or insensitive to, what I consider details extraneous to the wrongness of meat-eating (e.g., whether the meat one might eat was produced in factory farm).

Let me now make a broad point about practical ethics, in which this thesis is ostensibly a project,

²³I do not use the analogy lightly. See Adams, 1990, Ch. 2 for a sustained discussion of analogies between violence against women (Adams is particularly interested in female cases, because she sees certain kinds of sexual assault as more similar to eating meat than others) and violence against animals, both living and dead.

²⁴I remain mostly silent about marginal cases like ritualized hunting and meat-eating in other communities. It could be argued that these practices are performed for reasons which count as mitigating factors. The RVT and PUAT are meant to have limited enough scope to allow for arguments for and against practices like these. In Chapter 5 we meet the Wari’, an Amazonian people which eats its own dead, i.e., practices cannibalism. There, I agree that the Wari’ may be behaving respectfully toward their dead, given that ‘respect’ seems in some sense culturally relative. But I do not comment on the moral permissibility of their actions.

²⁵Box and Anderson, 1955.

and its relation to this notion of robustness. I believe that practical ethics, at its best, is convincing—it gives reasons for action which readers can accept regardless of their other theoretical, moral, and practical commitments. So in a certain loose sense, what I am saying is that I think arguments in practical ethics should be ‘robust’ as I described the word above. They ought not be insensitive to their readers’ prior commitments, but rather aware of those commitments, and constructed such as to work with or around those commitments. To put it colloquially, and, again, loosely: I want to make a robust argument for robust vegetarianism.

Out of respect for this ideal I have in mind for practical ethics, I rely on a number of different arguments and tools in order to reach conclusions about our obligations to the animal dead. This is exemplified in two ways. First, I provide not one but two arguments for the truth of the RVT and PUAT: one spans Chapters 2 and 3, while the other can be found in Chapter 4. Very importantly, these arguments are not always compatible with one another, and they are not intended to be. They are intended to convince readers with different prior convictions and beliefs, and to cohere with different existing theories.

Second, within each chapter following this one, I offer my reader many different ways to accept each major argument I make. For instance, in Chapter 3, I show my reader that, should she have them, her views about the importance of life are compatible with my focus on death, and that, should she have them, her views about species membership as that which confers moral standing are compatible with a different version of my argument which preserves the truth of the RVT and PUAT. I also offer my reader chances to accept parts of what I argue but not all of it, while still preserving the truth of the RVT and PUAT: should she dislike the metaphysical conclusions I draw in Chapter 2, she can disavow them and still accept the argument I give in Chapter 4.

I also try to refrain from engaging with arguments which require a lot of their reader, i.e., arguments which require things like belief in a deity or an afterlife, or an understanding that Kant is the best moral theorist. Instead, I try to start with simple premises most people can accept, and again work to provide multiple arguments for the same claim.

A moment ago I also said that my arguments are intended to cohere with other theories. Despite the fact that I’ve spent a great deal of time in this chapter criticizing the work of other philosophers, I remain convinced that Singer, Regan, Korsgaard and the rest make very important points, and that

someone who acts in accordance with the prescriptions of their arguments probably will act morally, for the most part. I do not expect my reader to disavow their views, should she like them. Rather, I hope that the reader who has already enjoyed the work of one or more of these philosophers, as I have, will be able to treat my argument as a compatible supplement to, rather than a replacement for, their work. Although I do think these philosophers have provided less-robust arguments for vegetarianism than I will here, in part because they have not considered the animal dead, their thoughts about living animals are well-regarded and popular for a reason. I imagine my reader performing a test like this one: if she wants to know what is permissible behavior with regard to some living animal, she can look to Singer, Regan, Korsgaard, or one of the others, and if she wants to know what is permissible behavior with regard to some dead animal, she can look to an argument like mine. All of my arguments are compatible with what Singer, Regan, and Korsgaard have to say about living animals, albeit compatible to varying degrees.

Chapter 2

Animal Identity and Animal Corpses

2.1 Introduction

In this chapter, I present a view which connects living animals to their corpses. This view has an important purpose in my thesis. Both the RVT and the PUAT reference the bodies of dead animals, or rather, the corpses of animals. Specifically, the RVT and PUAT reference specific harms we may do to these corpses. A good question, then, is whether we are harming anyone or anything when we harm corpses. Here, I propose that animals do not lose their most important intrinsic features, those which allow us to properly call them ‘animals’, when they die; rather, they undergo a phase change after which they come to be their corpses. When we harm animal corpses, then, we are harming animals. In order to explain this proposal, I defend a form of ‘animalism’, a view about personal identity or ontology, for non-human animals. This defense begins with a thorough understanding of what it is to be an animal.¹

¹I note here for my reader that in this chapter, I often cite Aristotle, and my footnote citation style for his work differs from my citation style of the work of others, i.e., contemporary philosophers. Rather than citing his work by its translator’s last name and the year it was translated, which I doubt would be helpful to an interested reader, I cite the work in which it appears (e.g., *De Anima*) and the book and subsection in which it appears, as is customary (although due to my use of online resources, especially from the MIT Classics Archive, I typically cannot cite the line numbers). In the bibliography, volumes of Aristotle’s work are listed under his name, followed by his translators’ names. The one exception is citation of *Physics*. I use the translations Sarah Waterlow gives in her book (*Nature*,

2.2 What Are Animals?

There are a number of creatures in our world we call animals: ducks, deer, lions, dogs, cats, and so on. Call this group of creatures, ordinarily just called ‘animals’, O-animals (‘O’ stands for ‘ordinary’, designating the ordinary usage of the word). In most cases, when we say ‘animals’, we don’t mean to include ourselves, humans, although we might also be animals.

What are O-animals? When I ask that question, what I mean is: What kind of thing is an O-animal? If we ask the same question of ourselves, humans, we will encounter a number of different answers. We might be immaterial souls, brains, bundles of perceptions, or animals.²

But the “What is it?” question is rarely asked of O-animals. Perhaps this is because the answer is terribly obvious: O-animals are animals. I actually think this answer, maybe the obvious one, is the right one. I’ll argue for that in this chapter, and talk about its implications.

The claim that animals are animals might not seem very interesting as a response to the question “What are animals?”. Typically, philosophically interesting answers do not sound like this one. Imagine asking an ethicist: “What’s the right thing to do?” and receiving the response “The right thing to do is the right thing to do”. What makes the claim that animals are animals philosophically interesting is that ‘animals’ in the former sense is not quite the same as ‘animals’ in the latter sense. ‘Animals’ in the former sense refers to O-animals, just those creatures we ordinarily call animals. And ‘animals’ in the latter sense refers to a category or natural kind in our world, a category in which some objects belong and others do not, not on the basis of our language but rather on the basis of their own necessary, metaphysically important features. Call creatures who are animals in this second sense C-animals (‘C’ stands for category).

It’s important to emphasize this last point—that ‘C-animal’ is a metaphysical or ontological category of which some objects are a part, not just a linguistic designation. Some philosophers like to call the metaphysical or ontological categories I’m talking about ‘substance concepts’ or ‘sortals’.³ These philosophers don’t use the term ‘C-animal’, of course,⁴ but some of them think ‘animal’, in

Change, and Agency in Aristotle’s Physics), which is an interpretive work on Aristotle, rather than a complete translation of *Physics*. The reader interested in finding the translations I’ve used of *Physics*, then, will need to look to Waterlow’s book.

²See Olson, 2003, and Olson, 2007, for a more extensive list.

³See, e.g., Robinson, 2016, Wiggins, 1980, and Olson, 1997.

⁴This isn’t only because I’ve made up the term C-animal for ease of reference to a particular sense of ‘animal’; it’s because these philosophers are talking about humans as animals, not non-human animals as animals.

the sense picked out by ‘C-animal’, is a good substance concept or sortal.⁵ I think this is partially right, and I will give my brief criticism of it later (3.2.1). But first, let us see why ‘animal’ (C-animal) is a plausible example of a substance concept or sortal: first, by learning what a substance concept or sortal is, and then by examining why ‘animal’ seems to track the metaphysical phenomenon we want sortals or substance concepts to track (persistence in time).

The term ‘sortal’ seems to have been popularized by David Wiggins, who derives his most basic understanding of sortals from Aristotle’s category of substance:⁶ a sortal should tell us not that something, e.g., runs or is white, but *what it is* that runs or is white,⁷ as well as its persistence conditions⁸ and how it can be individuated.⁹ Denis Robinson, highlighting the importance of persistence in sortals and substance concepts, writes that a substance concept “is a sortal or ‘kind’ concept so associated with essential persistence-criteria that something can begin or cease falling under it *only* by beginning or ceasing to exist”.¹⁰ Richard Grandy and Max Freund offer a simpler version of Wiggins’ understanding, on which a sortal answers the questions, of any object: What is it? Under what conditions does it persist in time? How can we count it?¹¹ Put simply, everyone seems to agree that a sortal or substance concept should tell us what something is, how to count or individuate it, and ought to apply to an object over its entire existence, and no longer. When a sortal or substance concept ceases to apply to an object, that object no longer exists; if a sortal or substance concept applies to some object both before and after some event, the object has survived that event.

The concept of a sortal or substance concept (hereafter, I just use ‘sortal’) seems to track something metaphysical, and in particular, something special about persistence in time or survival as they relate to the kind of object something is.¹² Imagine Daphne, a deer, who undergoes a mysterious transformation.¹³ What remains after the transformation is a brick. It does not seem possible

⁵See, e.g., Olson 1997. Cf. Aristotle’s Categories, part 5, to which we will return.

⁶Wiggins, 1980, p. 7.

⁷Wiggins, 1980, p. 15.

⁸Wiggins, 1980, p. 68

⁹Wiggins, 1980, p. 68.

¹⁰Robinson, 2016, p. 67

¹¹Grandy and Freund, 2020.

¹²This is essentially the idea put forth by Aristotle, in his idea of the ‘nature’ of a thing (decided by the kind of substance it is) as that which in part determines which kinds of changes can happen within that thing, and which kinds of changes cannot, i.e., will put an end to its persistence. See Waterlow, 1982, p. 38 and p. 45, for more on this view of nature as the inner principle of change.

¹³I use individual cases—typically Daphne’s—for ease of reference and stylistic reasons (it is confusing to say ‘animal’

that Daphne has survived the transformation.¹⁴ This seems to suggest that part of what it is to be Daphne is to be an animal, as opposed to another kind of object. If some object is a brick, that object cannot be Daphne; to be Daphne, an object must be an animal. (I have not yet said what I think an animal is, but I imagine my reader finds bricks bad candidates.) If we want to know whether Daphne has survived some event, then, we ought to ask first whether any animal has survived that event. Whether the animal that survives is Daphne, I should say, is in some way beyond the scope of this paper. (That is: mine is primarily a project in identity more generally, or in personal, in fact animal, ontology, rather than a project in ‘personal identity’, which tends to focus on the identity of individuals over time. See Blatti and Snowdon, 2016, p. 7, for more on this distinction, and see Sections 2.4-2.4.1 for the closest I get in this chapter to talking about the identity of individuals over time.)

So a sortal like ‘animal’ (C-animal, that is) seems to track something important about persistence. Things that we might want to say fall under the sortal ‘C-animal’ (i.e., O-animals) do seem to persist in time only as long as they are properly classified by that sortal. But the case so far has been intuitive and brief; I want to turn now to a more rigorous understanding of both sortals and C-animals.

2.2.1 Notes on Sortals

It’s important to emphasize here that sortals are merely a helpful tool for understanding persistence, kind, and countability. There is no causal relationship between someone’s sortal and her persistence in time. Rather, it is the case that sortals track an existing metaphysical connection between kind and persistence, the one we just saw an intuitive case for. Daphne’s persistence depends in part on the category or kind of which she is a member. Whether she is the same being at some moment in time M_1 and some later moment M_3 , i.e., whether she has survived some event at, say, M_2 , depends in part upon whether she is the same kind of being at M_1 and M_3 . If we can find out what kind of being Daphne is, then, we know one of her persistence criteria. So a sortal does not determine a creature’s persistence in time, strictly speaking; rather, her kind does. Her kind, of course, is also not merely linguistic; it picks out her necessary, intrinsic features, just the sorts of things we’d

too often). But ‘Daphne’ is arbitrary, and as I say later, I am not trying to take up a project in personal (or animal) identity. Using terminology from later in this paper, I will not say what makes ‘Daphne’s animal’ Daphne’s.

¹⁴It also seems that we should count Daphne and the brick separately, rather than counting them as the same—I make the point just to emphasize the counting criterion sortals ought to help with.

expect would be important for persistence. In short, sortals pick out groups of objects by their kind, noting that their kind helps to determine their persistence criteria. There is nothing otherwise special about sortals: they are not ‘magic words’, just useful ones for talking about persistence and kind all at once, given their relationship. The metaphysical features they pick out are theoretically prior to sortals themselves.

All of this should serve to emphasize the importance of finding the right sortals, ones that really do pick up on natural kinds and categories, and more fundamentally the necessary features of beings we might want to group together into kinds. After all, there are right and wrong sortals: sortals are not whatever we say they are. They should pick up on something real, important, and identifiable in the world around us.

Besides the fact that sortals track this important metaphysical relationship between kind and persistence, they also make it easy to talk about the relationship between a creature’s most important features—her necessary features—and her more ephemeral ones. We’ll actually talk about two kinds of sortals here, one of which picks up on a creature’s necessary features and one of which picks up on her contingent or accidental features, most of which tend to be (although not necessarily so) fleeting or otherwise temporally limited. Right now, we are talking about substance sortals; I introduce that second kind of sortal, a phase sortal, in a subsection to 2.3.1 entitled ‘Failures of the Organic View’.

The next thing to say about sortals is that the kind-persistence relationship they pick out doesn’t need to be ‘one-way’, as it were. So far, I’ve been talking mostly about how kind can help us understand persistence. That’s the thing I focus on for the rest of this paper, too. But the relationship between kind and persistence can also work the other way around. Take from Kafka the case of Gregor, who appears to become an insect. If Gregor does survive the transformation, as it seems he does, that might give us a clue about what kind of thing Gregor is. We will know he is the kind of thing that can survive being transformed from a human into an insect, so he is unlikely to be necessarily human. Perhaps he is an immaterial soul, or a brain capable of undergoing some specific (strange) changes. So it is not just that we must look at something’s kind in order to make conclusions about its persistence; rather, we can also look at events through which it seems to persist, and ask what kind of thing could survive those events. In fact, this later direction is the direction more

frequently taken by many philosophers who write about personal identity today.¹⁵

Finally, two notes on terminology. First, I have been saying ‘necessary’ features rather than ‘essential’ or ‘most fundamental’ features. This is because I think the features I’ll eventually pick out are necessary for a creature to have in order that she be a certain kind of thing (a C-animal), but I don’t want to identify them without argument with her essence,¹⁶ nor do I want to call them (without argument) her most fundamental features. It seems plausible to me that ‘constitutive’ could do the work that ‘necessary’ will continue to do in this chapter, but I continue to use ‘necessary’ because in Chapter 3, an objection which uses ‘constitutively’ in a different way will arise, and hopefully using ‘necessary’ here will help me refrain from inducing confusion in my reader once we reach that chapter, although I do say more about the constitutively/necessary talk there.

Second, there are a number of different ways of talking about sortals, and some are more clear with regard to what we have said about the priority of metaphysically important characteristics over linguistic designations than others. For any sortal *S* and object *X*, we might say: ‘*X* falls under the sortal *S*’, ‘*X* has the sortal *S*’, ‘*X* is best classified by the sortal *S*’ or ‘the sortal *S* applies to *X*’. Wiggins prefers to say that *X* ‘is in the extension of *S*’. I tend to shift between these ways of speaking, but I hope my reader will keep in mind what I have said in this section about the priority of a creature’s real features and real persistence over her sortal.

2.3 What Are C-Animals?

I’ve said that I want to show that O-animals are C-animals. Now we can turn to my case for that claim, beginning with an understanding of what a C-animal is. A C-animal, I think, is a biological object organized for a particular kind of life. The organization criterion comes from both John Locke and Aristotle, and has more recently been endorsed by David Mackie and others.¹⁷ Locke suggests that it is the organization of parts that distinguishes things like plants and animals from mere artefacts, or what he would call “masses of matter”. Aristotle also writes that natural bodies

¹⁵This is perhaps part of the reason I am so inclined to call mine a project in personal (well, animal) ontology instead: I tend to work the other way around, as Olson and others working on what we’ll soon come to know as ‘animalism’ do.

¹⁶To see why this is particularly important, consider that humans are typically called ‘essentially’ rational beings. Our intrinsic or necessary features may be related to this capacity, but they may not be identical to it. That is, the essence of a human may be ‘rational’ rather than ‘human’.

¹⁷Mackie, 1999, Olson, 1997, p. 130, cited in Nichols, 2010.

with the potential for life are organized, seeming to make the same distinction Locke does.¹⁸ But Locke also writes that “participation in life” further distinguishes plants and animals from mere masses of matter.¹⁹ Soon, we shall see that Aristotle is in agreement. Mackie, engaging only with Locke, disagrees; he sees no reason to require that plants and animals actually be living in order that they be plants and animals.

The Mackie-Locke conflict is illustrative of a general point of conflict in the literature on animal identity and ontology. The question here is whether animals are essentially, fundamentally, or otherwise importantly (i.e., necessarily) ‘living’: whether being alive is part of what it is to be an animal. If ‘living’ is included in what it is to be an animal, conclusions interesting with regard to our purposes here follow: a creature will cease to exist at the end of her life, or rather, not survive her death; the sortal ‘animal’ will only apply to a creature for the duration of her biological life. Sometimes, this problem is put as a problem about whether animals are organisms. Organisms, it seems, are thought to be importantly (necessarily, rather than accidentally or contingently) living. Eric Olson, for example, tends to use the terms ‘animal’ and ‘organism’ mostly interchangeably, but his is a view which stipulates that part of what it is to be an animal is to be living.²⁰ We can put the debated question this way: must an O-animal be living in order to be classified by the sortal C-animal?

Let us call the view that (C-)animals are necessarily (or most fundamentally or essentially, but ‘necessarily’ will do best for our purposes, as described above) living the ‘organic’ view, following Blatti. In what follows, I want to show that the organic view is wrong, and then to defend my own position, the somatic view, about what animals are.

2.3.1 The Organic View, Contemporary and Ancient

As we’ve said, the organic view is that C-animals are necessarily living. This view entails that nothing dead can be a C-animal, since part of what it is to be a C-animal is to be living. The organic view is not only attributable to Locke, but also to Aristotle, with whom we have been in agreement so far, regarding sortals and the role kind plays in persistence. Aristotle’s rich organic view, unabashed in

¹⁸De Anima, ii.1

¹⁹Locke, 1975, II. xxvii, cited in Mackie, 1999.

²⁰Olson does provide a definition of ‘organism’ which is not limited to animals in Olson, 1997, p. 6.

its functional definition, and with the support of his broader conception of potentiality and capacity behind it, will be our primary target in the next few sections, as I try to show the strangeness of the organic view. We will also consider a contemporary organic view, Olson's; I explain and relate the two below. Let me also briefly note that I talk a lot about 'functional definition' in the sections to come, and I should be clear here about what I mean by that term. To define something functionally, as I understand the term here, is to define it first by what it does. A functional definition of a car, then, as we shall see later, does not begin with the parts of a car but rather with what a car does. Such a definition might go like this: "A car is that which transports people, at a high speed, from place to place."

Aristotle, it seems, did not conceive of anything correctly called a 'dead animal'. He writes in *Politics* that "things are defined by their working and power",²¹ and expresses a similar commitment to functional definition elsewhere, e.g., in *Meteorologica* and *Generation of Animals*.²² Defining animals and their parts functionally leads Aristotle to say that there are no dead eyes,²³ hands,²⁴ or bodies,²⁵ except in name alone. Like axes, Aristotle writes, eyes, hands, and bodies are essentially functional.²⁶ When they cease to function, they cease to exist in all but name.

Strikingly, it is, according to Thomas Ainsworth, this commitment to functional definition which leads Aristotle to say that animals are essentially ensouled, rather than the other way round.²⁷ (For Aristotle, it is the soul which gives rise to functionality. See, e.g., *De Anima* ii.2.) It follows that animals themselves are essentially alive, because on Aristotle's conception of the soul, "that what has soul in it differs from what has not, in that the former displays life".²⁸ It is very important to note that we do not, it seems, need anything like 'soul' to get from the claim that animals are essentially functioning to the claim that animals are essentially living. Aristotle is talking about functions like locomotion, nutrition, and sensation: it does not seem at all plausible that the dead have the capacity to perform such functions. Further, if I were to give a definition of 'living' (in the biological sense), it would be precisely the capacity to carry out these functions and others like

²¹*Politics*, i.2

²²*Meteorologica* iv.12, *Generation of Animals* ii.1.

²³*De Anima* ii.1

²⁴*Politics*, i.2

²⁵*De Anima* ii.1

²⁶*De Anima*, ii.1

²⁷Ainsworth, 2020

²⁸*De Anima* ii.2

them; Aristotle seems to agree when he writes that living “may mean thinking or perception or local movement and rest, or movement in the sense of nutrition, decay and growth”.²⁹ This point—about the direct path we can draw from ‘functioning’ to ‘living’—is of help with regard to our purposes here, given that ‘soul’ is absent from both my own account and the accounts of other contemporary philosophers working on animal ontology and identity.³⁰

What we have seen, then, is that Aristotle holds a version of the organic view in virtue of his commitment to functional definition. It is because he thinks animals are defined by what they can do³¹ that he thinks they must (necessarily) be alive. That which is not capable of functioning as an animal does is not an animal; therefore, dead animals are not animals at all. You might wonder whether Aristotle would, without the word ‘sortal’ in his vocabulary, similarities between ‘sortal’ and ‘substance’ aside, think it fair to characterize his view as requiring of any object that it be living in order to fall in the extension of the sortal ‘animal’, which is how we have been explaining the organic view. But as we saw earlier, his remarks about dead hands, eyes, and bodies show that he does believe that when something loses its capacity to function, it ceases to exist (in all but name). As such, Aristotle’s view is commensurable with the others we have been considering and my own, which we will consider shortly; his view, too, is a view about what makes someone a member of a kind, and what follows about her persistence conditions. What makes someone a C-animal (the kind of thing that is in the extension the sortal ‘C-animal’) is in part her capacity to function; when she no longer has this capacity, she ceases to be a C-animal, and ceases to exist.

Understanding Aristotle’s account this way allows us to locate it in the contemporary debate about organic views in general. Olson has proposed that substance concepts, like his preferred ‘animal’ and ‘organism’ (used interchangeably), should not include functional concepts, which pick out objects on the basis not of their intrinsic, structural properties, but rather on the basis of their capacities to perform certain functions. (A good example of a functional concept is *locomotor*).³² Peter Nichols has disagreed on two counts: first, he has suggested, in an Aristotelian vein, that substance concepts should be or include functional concepts, and second, he has argued that Olson’s

²⁹De Anima, ii.2

³⁰See, e.g., Olson, 1997, 2003, and 2007.

³¹Cf. Olson’s reading of Wiggins’ reading of Aristotle, albeit Wiggins’ reading of Aristotle’s *Categories*, Olson, 1997, p. 15.

³²Olson, 1997, pp. 35-36

own definition of ‘animal’ (or ‘organism’) is at least in part functional.³³

I am not aware of anyone who both holds the organic view and successfully describes the sortal (C-) ‘animal’ in non-functional terms. Olson tries, but he is committed to animals as necessarily alive, and what it is to live, as we saw when we agreed with Aristotle earlier, is really to perform or be able to perform a group of functions. That is why Olson ends up suggesting that what it is to be an organism (to fall within the extension of the sortal ‘organism’, i.e., C-animal) is in part to have certain ‘life-giving features: metabolism... self-directed growth and development’.³⁴ Certainly, ‘metabolizer’ and ‘grower’ are functional concepts. So to be abundantly clear, it seems that the organic view and functional definition are quite intertwined, and perhaps inseparable. This appears not only in Aristotle’s work, which moves from the proposal that (C-) ‘animal’ must be functionally defined to the conclusion that anyone properly classified as an animal must be living, but also in Olson’s, which moves begrudgingly from the proposal that anyone properly classified as an animal must be living to the conclusion that (C-) ‘animal’ must be defined functionally.

Failures of the Organic View

Having seen the organic views held by both Olson and Aristotle, we can now begin to examine them critically. I want to argue that, *contra* Aristotle and Olson, functional concepts are bad-making features of sortals; in other words, we should not say that what it is to be a C-animal is to be living, nor should we say that C-animals must by definition perform certain functions.

I should note here that there is a rather flat-footed, if in some sense instructive, reason sortals cannot include functional concepts. Sortals, as we saw in Section 2.2, tell us what something is, how we can count it, and the conditions under which it persists in time. Wiggins writes:

If somebody claims of something named or unnamed that it moves or runs or is white, he is liable to be asked the question by which Aristotle sought to define the category of substance: *What is it* that moves (or runs or is white...)?³⁵

Nichols takes the same passage as evidence of what he calls a “Aristotelian-Wigginsian”³⁶ distinction between the questions of what something is and what it does. Whether the distinction in

³³Nichols, 2010.

³⁴Olson, 1997, p. 262. We’ll see the rest of this quote in Section 2.3.2.

³⁵Wiggins, 1980, p. 15

³⁶Nichols, 2010

question is really Aristotelian is up for debate; as we have seen, Aristotle thinks things are best defined by their functions, so although he certainly would concede that the questions are different (as in *Categories*, e.g., part 4), I am not sure he would agree that the distinction between what something is and what it does makes a difference, because of how important what something does is to his conception of what it is.³⁷ The point (a weak one, in my view) is really that functional concepts in some literal sense answer the wrong question: they tell us what a creature does rather than what she is. But as I have said, this is not my own response to the organic view; if you think what an object (necessarily, essentially) does is not importantly separable from what she *is*, as I think Aristotle does,³⁸ this flat-footed point will seem even more superficial. Those who hold this view, though, are the ones I aim to convince in this section with further argument.

Our first task will be to spell out what it is to function, be capable of functioning, or have the potential to function. I should note that I am going to use some examples of artefacts here, which are fundamentally different from animals. Artefacts are designed to function in a certain way—they are designed to be used and useful. Whatever you might think about animals, artefacts seem to be paradigmatic examples of necessarily functional objects. In other words, it seems even more intuitive that the sortals by which artefacts are properly classified are functional than that the sortals by which animals are properly classified are functional. So I will set out to show the plausibility of a stronger claim, which is that not even the sortals under which artefacts are properly classified ought to include functional concepts, and hope that the weaker claim (that the sortal ‘C-animal’ should not include functional concepts) becomes more plausible in so doing.

Consider the case of a car. Cars are artefacts designed for a particular purpose: namely, transportation. Nichols imagines a child pointing at a car, and asking: “What is that?”. He suggests it would be not only permissible but in fact obligatory to respond with not merely “a car”, but also “something which transports people from place to place at high speed”.³⁹ Suppose that ‘something which transports people from place to place at high speed’ is the right definition of ‘car’, and that further it is contained in the sortal ‘car’ (or whatever the sortal for cars is): it answers the kind

³⁷The real issue here, I suspect, is the fact that ‘Daphne runs’ is a bit different from ‘Daphne is a running thing’, where the latter means something like: Daphne is necessarily or essentially a thing capable of running, and the former means something like: Daphne runs [occasionally/often/across fields/right now]. Nichols, too, points out a distinction like this, but apparently does not think Aristotle recognizes it.

³⁸See, for corroboration on this reading, Ainsworth 2020, and Code, forthcoming, esp. n7.

³⁹Nichols, 2010.

question (What is it?), as well as the persistence question (Under which conditions will it persist in time?) and the countability question (How can we count it?). A car ceases to be a car, then, when it no longer is something which transports people from place to place at high speed. This is an obviously functional definition of ‘car’, and similarly if the sortal ‘car’ contains ‘something which transports people from place to place at high speed’ the sortal contains a functional concept, ‘mover’ or ‘transporter’ (or a functional definition).

But is the sortal ‘car’, containing ‘something which transports people from place to place at a high speed’ or ‘transporter’, a good sortal? The matter seems to turn on our reading of ‘transports’, or ‘transporter’. If the words ‘transports’ or ‘transporter’ require of their subject that any time they are used correctly, the subject must be actively engaged in transportation, we should expect cars to cease being cars whenever they are, say, parked. Worse still, if being a transporter is included in the sortal ‘car’, we would expect cars to literally go out of existence when they are, say, parked. This does not seem like a promising interpretation of ‘transports’ or ‘transporter’, even for the proponent of functional definitions.

Most who like functional definitions, though, do not understand functional concepts like ‘transporter’ this way. Rather, they understand them as what Nichols calls ‘dispositional’: a functional concept should tell us not what an object is doing at any given time, but what it is capable of doing. On this understanding of ‘transporter’, a car will not cease to be a transporter when it is parked, and so it will not cease to be a car (even when ‘transporter’ is included in the sortal ‘car’). Parked cars are, ostensibly, still capable of transporting people from place to place at high speed; they are just not actively being used for that purpose. I’ll assume that based on what we have just seen, we should take all functional concepts to be dispositional, and we should read all functional definitions as tracking dispositional traits. It seems clearer to talk about dispositional traits using predicates like ‘transporter’ rather than present-tensed verbs like ‘transports’, so I’ll try to use the former.

The question about whether functional concepts are a bad-making feature of sortals, then, seems to turn on the way we understand what correctly predicating ‘mover’, ‘locomotor’, ‘grower’, etc. of a subject requires of that subject. The question is really about what it means for something to be capable of, or disposed to, e.g., moving, locomotion, or growth. A rather typical answer, I think, would be that ‘capable of moving’, ‘disposed toward motion’, and ‘mover’ express potentiality:

whether an object is moving right now or not, to say that she is ‘capable of moving’, ‘disposed toward motion’, or ‘a mover’ seems to express her potential for motion. I think this is the Aristotelian answer, too: when Aristotle writes that the essence of the eye is sight, he is clear that he means “the power of sight” and contrasts the correctly-identified (i.e., seeing) eye not with, say, the closed eye of a man asleep, but the eye of a statue.⁴⁰ Further, it would seem simply uncharitable to read Aristotle’s extensive talk of functions as requiring that every creature who has the function of (say) locomotion be constantly moving herself around. Rather, it seems right to say that a creature who has the function of locomotion can still be said to have the function of locomotion even when she is stationary, in virtue of her potential or capacity for locomotion.

Later, I do want to say more about Aristotle’s own understanding of potentiality. But for now, the common understanding will do. I take that common understanding to be something like: “something is potentially F if it has the power, capacity, or disposition to be F”.⁴¹

Let’s apply this kind of potentiality to another artefact case. Suppose that my desktop computer has the sortal ‘computer’, and since sortals should include functional concepts, the sortal ‘computer’ includes something like ‘potentially computing, storing data, connecting to the internet (and so on; fill in whatever you think computers necessarily do)’. Recall that sortals describe not only what a thing is, but also its persistence conditions. When I unplug my computer, and it dies, will it go out of existence? That seems unlikely. But my objector might suggest that in this case my computer has not really lost its potential to compute, store data, connect to the internet, and so on, for it is only a moment away from performing all of these functions as soon as I plug it in again. But suppose the computer crashes and dies for the last time, as computers sometimes do; now it is no longer even potentially functional. The proponent of functionally-defined sortals will have to admit that my computer has gone out of existence. The thing sitting on my desk is no longer a computer, and what’s more, it ought to be counted as a second object distinct from the computer in its place mere moments ago. Worse still, the counting point suggests a new thing has come into existence after my computer’s demise. And it’s not clear how we could even classify that new thing using functional

⁴⁰De Anima ii.2. Code corroborates this reading in Code, forthcoming.

⁴¹This definition could be pressed on charges of circularity. But we’ll see what is probably a better definition later, and I don’t know of another way of describing the common notion of potentiality, save for using the locution ‘it is possible that X become F’, which seems to very obviously bring us to the cusp of sticky modal problems. We talk about potentiality again in the next chapter of this thesis, and I address the same concern (as well as many others) there.

concepts, given that it's not functional at all (except, perhaps, as a very large paperweight or some such thing).⁴² The conservative response—that nothing new has been created, and the object on my desk is still a computer, functional or not—seems like the right one.

The point here is that countability and persistence do not seem to correlate nicely with functional concepts, even in artefact cases, and crucially, even when we employ a potentiality-informed understanding of the functional concepts in question. It also seems counterintuitive to answer the “What is it?” question a sortal ought to answer differently of my computer before and after it dies. But let's take a human case, just to see that the point holds there too. The capacity for reason has been long-lauded as that which is most fundamental to humans. So the sortal ‘human’, in this case, might include ‘potentially rational’. When Violet, an elderly woman, develops dementia at the end of her life, she should then cease to be a ‘human’. We should count that object in her rocking chair as a new thing, created when she ceased to have the potential to be rational, and count it as two with Violet, not one. This, too, seems deeply counterintuitive.

Now, take a very different kind of example, meant to prove a different but related point. Suppose we create a robot from inorganic material which functions exactly as a deer does. It moves around independently, respire, grows, and so on. Is the robot a deer? It seems unlikely, but the proponent of functional definition will be in a bad position to say why this is the case. In other words, when we are asked why our robot is not a deer, we will have to cite something other than functional concepts. The robot was not created by means of reproduction typical of any species of deer, we might suggest, nor was it the product of evolution.⁴³ And, we might emphasize, it does not have the genetic material typical of deer, nor does it have the complex cellular organization characteristic of deer and all other living things.

These features, I think—especially genetic material and organization for life—are the kinds of features a sortal ought to include, or rather, pick out in creatures. I think we can characterize them as “intrinsic or structural” (the ‘or’ is inclusive; some might be both intrinsic and structural).

⁴²You might think that some kinds are best defined functionally, while others are not. So perhaps the new thing comes into being as a member of a kind which is not best understood functionally. It would be difficult work, I think, to find some feature of each sort of kind that makes this distinction non-arbitrary. If someone could find such a feature, she would also have to say why it does not appear in animals such that they must be defined functionally, while other things must not.

⁴³My reader might notice that these are actually relational properties of objects. I address this point in the notes (note 58) to Section 2.3.2. Let me note for now that intrinsic, structural features and the relational features I cite here are the same in that they avoid the problems I've said functional definition will run into.

Picking up on intrinsic, structural features of creatures and artefacts alike will help us avoid cases like the ones we saw above—Violet’s, the case of the robot, and the case of the computer. The sortal ‘C-animal’, then, should not include functional concepts, but rather draw upon intrinsic, structural features of objects. As we saw earlier, the organic view is committed to functional definition, because to live is really to perform a series of functions (growing, developing, respiring, and so on), or at the very least to have the capacity to perform a series of functions. Since functional concepts do not seem to correlate with kind (by which I mean whatever the answer to the ‘What is it’ question is of an object), persistence, or countability, the organic view cannot be right.

Let me say one more thing about intrinsic, structural features. As we saw earlier, Olson presents a version of the organic view, but also disagrees with the idea of functional definition. (I’ve shown that even in Olson’s definition, these two ideas can’t be compatible.) Olson writes:

Why doesn’t “It’s a thing that can move”, or “It’s a locomotor”, answer the question What is it? This is a difficult matter, but I think part of the answer is that locomotion is a dispositional or functional property that can be realized in a wide variety of intrinsic structures.⁴⁴

On Nichols’ reading, which I think is correct, Olson is pointing out that the big problem with functional definition is functional concepts themselves.⁴⁵ But Nichols also notes that Olson might be picking up on another problem, which I’ll term the homogeneity concern.⁴⁶ The problem here is that functional concepts can describe a great number of things: ‘locomotor’ seems to group together everything that moves on its own, and in fact locomotion is a property held by things with a variety of different structural and intrinsic features. In other words, ‘locomotor’ (which Olson is using here as an example of a bad sortal) picks out a group that is too heterogeneous to be picked out by the same sortal. On the other hand, we seem to be capable of much more specificity when we use structural and intrinsic features to define sortal words like ‘C-animal’. Olson doesn’t take the homogeneity concern to be a major one, but I, like Nichols, want to take some time to consider it, and show why intrinsic, structural features can help us address it. I do so below, in a subsection to Section 2.3.1 entitled ‘Species and the Homogeneity Concern’.

⁴⁴Olson, 1997, p. 34

⁴⁵Nichols, 2010.

⁴⁶Laura Ruetsche helpfully pointed out to me that ‘multiple realizability’ is used in other areas of the philosophical literature.

But there is something very compelling about functions and functional definition which cannot be ignored. I want to try to find a place in my view for the intuition that what something does is in some sense important to what it is, while still using only intrinsic, structural features as the basis of sortal-determination. First, I want to introduce a new kind of sortal, and explain how this new kind of sortal can account for the functionality-as-important intuition. Then, I want to examine Sarah Waterlow’s reading of Aristotle’s understanding of potentiality, and show that, in a very unorthodox sense, our ideas may not be so diametrically opposed.

So far, I have just been saying ‘sortal’, rather than differentiating between two different kinds of sortals, substance and phase sortals. That is because we have only been talking about substance sortals up until this point. Substance sortals answer the questions a sortal ought to answer (kind, persistence, and countability) of an object over its whole existence, while phase sortals answer the same questions over some phase of an object’s existence. A good example of a phase sortal is ‘puppy’: the underlying object, a dog, will not go out of existence when she ceases to be a puppy, but a puppy will go out of existence when the underlying dog ceases to be a puppy.

As I’ve said above, I do not think that functional concepts are good candidates for substance sortals, for both the reasons cited above (in the robot, computer, and Violet cases) and the homogeneity concern, which I explain in more detail in 3.2.1. But I do think that functional concepts might be candidate phase sortals. Consider a classic example of a phase sortal, ‘athlete’,⁴⁷ narrowed down to just ‘runner’. ‘Runner’ is indubitably a functional concept. But it seems at least possible that ‘runner’, ‘reasoner’, and other such functional concepts could be phase sortals.⁴⁸ This is in part because phase sortals need not apply to a creature over her entire existence; we will not, then, meet trouble suggesting that human runner goes out of existence when she becomes, say, paralyzed. A runner will go out of existence, but the underlying human will not. Later (in Section 2.5.1), I even suggest that ‘living’ itself is a phase sortal, and I think most functional concepts can be. So I do not think that functional concepts are a bad-making feature of *all* sortals—they are just a bad-making feature of substance sortals.

Now we can return to potentiality and Aristotle. It’s not clear to me that there is a consensus in

⁴⁷Olson, 1997, p. 29

⁴⁸Olson calls ‘person’ both a phase sortal and a functional concept, so I think he tacitly accepts this point. Andrea Sauchelli calls ‘person’ a “functional phase sortal”; see Sauchelli, 2017.

the interpretive literature on Aristotle’s understanding of potential and potentiality. Alan Code, for example, suggests that for Aristotle “What makes something potentially F in the first place is the possession of a *dunamis* or capacity”.⁴⁹ This is much like the definition of potentiality I came up with earlier, and called then ‘the common view’. Sarah Waterlow, on the other hand, distinguishes between two senses in which Aristotle uses potential or potentiality. One is an exclusive sense, in which an object is *merely* potentially F, and one is an inclusive sense, in which an object is both actually F and potentially F.⁵⁰ In the exclusive sense, which Waterlow seems to take to be more frequent in Aristotle, ‘potentially F’ means “suitable to be F, but not actually F”,⁵¹ which indicates, necessarily, a privation: a lack of F-ness.⁵²

We have seen why an understanding like Code’s of Aristotelian potentiality will not save functional concepts from being bad-making features of sortals. But Waterlow’s understanding, on the other hand, might in an unorthodox sense be compatible with something like the somatic view I’ll introduce shortly. Put simply for now, there is a way of understanding certain intrinsic, structural features, e.g., organized complexity on macro-physical and micro-physical scales, genetic material, and so on, as making their possessors ‘suitable’ for life. Certainly, many dead animals who die relatively peacefully have these features, and they also lack life (they fulfill the privation criterion). Although it is a truism, as far as I know, that death is final, there might be some sense in which animals are still suitable for life, and thus ‘potentially living’, even after they die. I want to emphasize that this was almost certainly not Aristotle’s own view, as evidenced in *De Anima*, where he writes: “We must not understand by that which is ‘potentially capable of living’ what has lost the soul it had, but only what still retains it”.⁵³ However, Aristotle did agree that the matter of an animal, although not the animal herself, persisted through the death of an animal.⁵⁴ And he agreed that that persisting matter was capable of living again, i.e., becoming ensouled again, as a (new) living thing.⁵⁵ Without a concept analogous to ‘soul’ in my own account, and without any contemporary

⁴⁹Code, forthcoming.

⁵⁰Waterlow, 1982, p. 115. The passage in which Aristotle describes his own two uses of ‘potential’ is *Physics*, 201a19-21, cited in and translated by Waterlow, 1982, p. 115.

⁵¹Waterlow, 1982, p. 115

⁵²The exclusive sense is also more useful to us here, given that we are not talking about living things, who can actualize their functions.

⁵³*De Anima*, 2.2.

⁵⁴Metaphysics, H5.

⁵⁵Metaphysics, H5. See Code, forthcoming, for a corroboration of this reading.

accounts of animal identity or ontology involving ‘soul’ to work with, I cannot truly give Aristotle’s own ideas about potentiality and change a fair or comparable response, given that they are informed by not only what is possible for objects given their matter, but also what is possible for objects given their form, which for living things is soul. But I hope to have, in this section, illuminated some real problems with the organic view by illuminating problems with functional definition, all of which I suspect would continue to be problems for Aristotle’s account even if we were able to pay a bit more mind to soul. I also hope to have shown how functions can have a place in the somatic view, to which we now turn.

2.3.2 The Somatic View

Having seen Aristotle’s version of the organic view, we can return to Olson’s, which will contribute directly to our formulation of the organic view. As we have said, Olson understands ‘animal’ (C-animal) as a substance sortal, and he thinks that in order for any creature to be an animal, that creature must be alive. We have seen what is wrong with this part of Olson’s view, but his view is in fact more complex than I have said. Part of it, I think, is exactly right. For Olson, who uses the terms animal and organism interchangeably, an organism is not just necessarily living, but also “anything that has these life-giving features: metabolism, teleology, organized complexity—and whatever further properties necessarily go along with them, such as self-directed growth and development [and] an internal genetic plan...”⁵⁶

We saw earlier, when we considered the robot case and others, that looking at the intrinsic, structural features of some thing seems to be a good way to determine its substance sortal. The intrinsic, structural features of an object appear to persist when that object appears to persist, and seem to help us determine something’s kind (e.g., by helping us say that only biological deer, and not robots that function like deer, are deer) and whether it ought to be counted as one or two with another similar object. Nichols notes that Olson’s definition only picks out two intrinsic and structural features of organisms: their internal genetic plans and their organized complexity. I think these two intrinsic, structural features are the perfect beginning to a proper explanation of what it is to be a C-animal.

⁵⁶Olson, 1997, p. 262. I omit the rest of the quote because, as Nichols notes, it just lists more functional concepts.

As I have said, I think a C-animal is an object in our world *organized* for a particular kind of life. We saw earlier that Mackie and Locke, engaged in a debate similar to the one between Nichols and Olson (and the one between Aristotle and I), agreed that organization was important for animals but disagreed about whether life was. In the passage below, Mackie proposes a way of defining ‘C-animal’ that takes Locke and Aristotle’s organization criterion seriously, but doesn’t require that that organization actually lead to life. Mackie, like Olson, uses animal and organism interchangeably (separating, unlike Olson, ‘organism’ from its usual usage):

The obvious alternative [to Locke’s view] is to suggest that the persistence of biological organisms depends on their retaining (enough of) the organisation of parts that is the product of their natural biological development, and that makes them apt for life, while stopping short of saying that life itself is necessary.⁵⁷

Mackie’s proposal is, I think, a very good one. It does not draw on the actualization of any functions, which would render its understanding of ‘animal’ functional. Rather, it draws on what is required for these functions, and the Lockean point that what is required for these functions and processes is the proper organization of parts.

Borrowing from both Mackie and Olson, I think we can say that what it is to be an animal (a C-animal, in fact) is to have certain intrinsic, structural features, namely, organization of parts and a genetic plan, which help to render their possessor *apt* or *suitable* for life life.⁵⁸ Call this definition of ‘animal’ (C-animal) the somatic view, borrowing again from Blatti. If we took a further step, and said that life itself (or the functions which make it up) was a requirement, we would give a functional definition of ‘animal’ instead of one that picks out intrinsic, structural features, and we would run into all the problems we saw in the section entitled ‘Failures of the Organic View’.

So ‘animal’, on the understanding the somatic view provides, seems like a good substance sortal. Let’s return to Daphne. Daphne does seem to persist only as long as she is an animal; if Daphne underwent some event, after which there remained only a brick, it would not seem that Daphne

⁵⁷Mackie, 1999.

⁵⁸Earlier, I mentioned that we might also want to say that ‘being the product of evolution’ and ‘being the product of reproduction by means typical of some species’ were part of what it is to be a C-animal. I still think this is right. But I think these two criteria pick out relational properties of objects, rather than intrinsic, structural ones. I don’t want to argue here (lest we distract ourselves from our objective) that relational properties are not bad-making features of substance sortals, although I suspect the case could be made. If my reader finds relational properties unobjectionable, I advise reading them in wherever I’ve listed only ‘organization of parts’ and ‘an internal genetic plan’.

survived that event.⁵⁹ That is because what it is to be Daphne is to be an animal: to have organized parts and an internal genetic plan apt for life. And ‘animal’ as a substance sortal will also help us count Daphne and the brick as two, rather than one.

Species and the Homogeneity Concern

Earlier, when I alluded to the somatic view, I said that animals were not just organized for life, but organized for a *particular* kind of life. To see why this is important, consider another transformation thought-experiment. Daphne, our deer, undergoes a mysterious procedure after which there remains a duck. Certainly, a duck is an animal (a C-animal, according to the definition we produced above). As is a deer. So some animal has survived the transformation, but is that animal Daphne? As I have mentioned, I do not want to say too much about what makes any animal Daphne. But I do think it seems implausible that the remaining duck is Daphne. If this is right, part of what it is to be Daphne is not just to be an animal, but to be a particular kind of animal, organized for a particular kind of life. And Daphne will only persist as long as she is organized for that particular kind of life—deer life. Perhaps Daphne’s substance sortal, then, should not be ‘animal’ but rather ‘deer’.

We could continue on with more thought experiments. If Daphne is a white-tailed deer, would she survive a transformation rendering her a moose (another kind of deer)? The proper conclusion becomes murkier as we descend the pyramid of taxa, encountering increasingly homogeneous groups, and eventually we will reach the question I am trying to abstain from answering, which is whether Daphne would survive a transformation after which an unspecified white-tailed deer (perhaps Daphne, perhaps not) remains. I do not want to say that species designations are the ‘best’ substance sortals, although there seems to be much to be said in favor of the point. Those who have the homogeneity concern we saw alluded to above in Olson—that ‘C-animal’ does not pick out a group homogeneous enough to be described by a single substance sortal—will probably think species designations make better substance sortals than ‘C-animal’.

I should say I do not doubt that there are ways of defining particular species without using functional concepts. We could just draw on the definition above: a white-tailed deer, for example,

⁵⁹Note that even if the brick had deer-like capacities, it would still not seem like a deer; I owe this point to Laura Ruetsche, and I tried to make it clear earlier with the robot example.

could be defined as an object who meets the conditions outlined by the somatic view but is organized for the life of a white-tailed deer in particular (rather than just any life).

There are troubles with species designations as substance sortals, although I suspect they would not be difficult to resolve. The first problem is that, as Nichols says, if homogeneity is what matters in choosing substance sortals, it's not clear why we should stop the search for more and more homogeneous groups at the level of species. Perhaps we should continue on to the family (in the ordinary, rather than taxonomic, sense) or individual level. Second, some philosophers think species are unhelpful because they are hard to differentiate from one another in a meaningful and non-arbitrary way.⁶⁰

On the other hand, there are benefits of using species designations or even genera as substance sortals. I have outlined some of these benefits already, but let me note one more here, and assure my reader that others will become clear when we talk about the moral upshots of the view I'm presenting in sections 2.5.1 and 2.6. The benefit I want to touch on here is the one Aristotle brings up in *Categories*:

Of secondary substances, the species is more truly substance than the genus, being more nearly related to primary substance. For if any one should render an account of what a primary substance is, he would render a more instructive account, and one more proper to the subject, by stating the species than by stating the genus.⁶¹

Aristotle uses 'species' and 'genus' differently than we do today, and takes 'horse' to be a good example of a species and 'animal' to be a good example of a genus. Still, the point remains. It is just more instructive and clear—a better description of a thing—to answer the 'What is it?' question of an animal with her species designation than it is to answer the same question with simply 'animal'. And there is, according to Waterlow's reading of Aristotle, a reason to prefer the instructive and clear answer. That reason is that a description picking up on features that are not actually sortal-constitutive (for Aristotle, substance-constitutive) will mislead us about the changes that can happen to (for Aristotle, within) that object without its destruction.⁶² Species designations may help us understand which changes can happen to an object without putting it out of existence

⁶⁰See McMahan, 2002, pp. 212-217, for this line of argument.

⁶¹*Categories*, part 5

⁶²Waterlow, pp. 22-24.

(i.e., its persistence conditions) better than ‘C-animal’ can.⁶³

For now, we can continue to talk about ‘C-animal’ as a substance sortal, since it will not make a difference to our present purposes whether any animal survives her death as a member of the same species or a different one. But in order to rule out deer-duck transformation cases, the possibility that plants are animals, and other strange (although perhaps not dire) problems with using ‘C-animal’ as a substance sortal, I think that when we are talking about individual cases, it will be best to call individual O-animals ‘C-animals of a certain sort’ (and treat that as their substance sortal). ‘Sort’ leaves open the possibility of species or genus (or my reader’s preferred relatively homogeneous taxon, e.g., family) as a better substance sortal than simply ‘C-animal’.

2.4 O-Animals Are C-Animals

Let’s recapitulate. We saw, first, that there are two senses in which we use the word ‘animal’: O-animal and C-animal. We set about defining ‘C-animal’, and saw an intuitive case for both the claim that C-animal is a substance sortal and the claim that substance sortals track an important metaphysical phenomenon: persistence in time. We also saw that the somatic view of ‘C-animal’ had some advantages over the organic view of ‘C-animal’ as a substance sortal; namely, it didn’t utilize functional concepts, which are bad-making features of substance sortals.

Now that I have said what it is to be a C-animal, I want to say why I think O-animals are C-animals. That is, I want to spell out in more detail why ‘C-animal’ is a good substance sortal for O-animals, and what follows from that. Of course, I have said that C-animal seems like a good substance sortal in that it can answer the questions sortals ought to, the questions of kind, persistence, and countability. But is it a good substance sortal *for O-animals*? Further, I have thus far presented the claim that O-animals are C-animals as an ontological claim—a claim about the kinds of beings O-animals are. But there is a claim about identity which follows from it, namely, the claim that each O-animal is numerically identical with a C-animal. I want to defend this claim, too, and since the two claims are so intertwined as to be inseparable (the latter is really just another way of putting the former), I can defend them together.

⁶³Aristotle’s favor for good descriptions is actually deeply important to his understanding of, and resolution of the paradox of, change. This is all examined further by Waterlow, pp. 12-27.

2.4.1 Animals Are Their Animals

Supporters of a view called ‘animalism’ in the personal ontology and personal identity literature contest that we humans are animals. There are a number of different ways of putting this claim. One way of putting it is that a good substance sortal for us is ‘animal’ (C-animal, and perhaps in the way I’ve defined it above). Another way of putting the claim is that each of us is numerically identical with an animal. Animalists sometimes refer to the animal numerically identical with you as ‘your’ animal; I adopt that convention. Here, I want to say why we might think O-animals are numerically identical with their animals, rather than something else.

Animalism (for humans) seems implausible in part because we humans identify so much with our psychological and mental characteristics, so many of which we consider central to our identities. In animal ethics and other areas of philosophy, it is often proposed that humans differ from animals because of our psychological or mental characteristics: we are different because we are rational, because we have future-regarding interests, because we can make moral judgments, and so on. One view about personal identity, which we can call the psychological continuity view, appeals to similar intuitions, and suggests that what makes me *me* or you *you* is the psychological continuity of us over time.⁶⁴ The psychological continuity view can explain the kinds of intuitions we might have about so-called ‘brain transplant’ thought experiments, in which one’s brain is put into the body of another human. (The most common intuition is that one would survive such a transplant as oneself.) Insofar as your thoughts, memories and so on, and all of their connections, remain intact after the transplant, your self ought to remain intact as well. Animalism cannot explain that same intuition. In fact, there are no self-preserving reasons an animalist can cite to prefer a brain transplant to total annihilation.⁶⁵ But it is not clear that that intuition holds in animal cases.

I think we tend to think of animals as less psychological or mental creatures than we are, and perhaps rightly so. Daphne, our deer, probably does not have many of the things we consider important to our identities. Daphne probably does not have extensive plans for the future (e.g., the deer equivalent of attending graduate school or publishing a book), nor does she likely have extensive

⁶⁴The psychological continuity view is more clearly about the conditions under which we persist in time than it is about what we are, i.e., it does not provide a competitor for ‘animal’ as a substance sortal. Philosophers who like this view offer a wide range of accounts of what we are.

⁶⁵Blatti, 2019.

episodic memories of the past. If she does have memories of the past, she is unlikely to consider them formative in the way we might consider ours formative—almost as if they have helped shape our identities. Daphne almost certainly has some psychological continuity; she must understand that cars are the things which move quickly and ought not be approached based on her past experience, for example. But her psychological continuity seems different than ours; it seems less central to her identity, and less stable or more fractured. Crucially, it seems at best unclear, to me at least, that Daphne would still be Daphne if we put her brain into a different animal, even another deer.

It also seems difficult to conceive of Daphne as being anything other than her animal. I cannot imagine Daphne as just a thinking-thing, for example, the way I take Descartes to be imagining himself, however briefly and for whatever rhetorical purposes, as just a thinking thing. I can conceive of a human brain-in-a-vat perhaps still being the person it was prior to envatment, but not of Daphne as a brain in a vat still being Daphne. Perhaps this is because so many of the characteristics which seem most central to Daphne's identity properly belong to her animal.

To reinforce this idea, take the following sentences:

1. John is deteriorating with age.
2. John's animal is deteriorating with age.
3. Daphne's animal is deteriorating with age.
4. Daphne is deteriorating with age.

When 'John' designates a human, it seems plausible that sentences 1 and 2 mean different things. We might understand sentence 1 as saying something just about John's mind, e.g., 'John's memory is deteriorating', or 'John's just not himself anymore'. Animalists might suggest this is just a matter of linguistic convention, or the strangeness of calling anything in our world 'X's animal'. But they will have to contend with the underlying intuition: there seem to be things attributable to John which are not attributable to John's animal, or things John can do that his animal can't. Sentence 3 is perhaps linguistically strange, but I think it means the same thing as sentence 4, implying that Daphne is inseparable from her animal in the way that animalists suggest humans are inseparable from theirs. The similarity in meaning, also demonstrated by sentences like 'Daphne is thirsty' and even 'Daphne is afraid', also seems to suggest that there is little attributable to Daphne not also

attributable to her animal. This is perhaps just because deer do not do things like read the New Yorker (consider the strangeness of ‘John’s animal reads the New Yorker’), but that fact does not seem like it defeats the point.

The point of these last few arguments, about animals and their psychological continuity and mental features, is that it does not seem likely that O-animals are purely mental or psychological entities who are either contained in their animals or separate from them all together. Something like this might be a plausible account of human ontology, identity, or persistence in time, but it seems unlikely to be a plausible account of animal identity, ontology or persistence in time. On the other hand, saying that each animal is numerically identical with ‘her’ animal, and that each O-animal is a C-animal, seems less implausible for animals than something similar might for humans.

A perhaps less orthodox point in favor of animalism might appeal to those who already like the idea that animals are self-conscious, although I have not yet said anything in favor of that point and will not defend it too extensively here. Most animals, I think, are conscious of themselves as objects in their world distinct from others. Experiences of pain, for example, help us conclude that a creature understands, however briefly, that she is distinct from that branch over there or the seaweed to her left.⁶⁶ She knows that it is *her* tail that has been stepped on, or her mouth on which a hook has been caught, and that is why she yelps or writhes. (I will return to this point, and a question about whether what I’m describing here should really be called ‘self-consciousness’, in Chapter 3.)

It’s important to note that these experiences of pain are perhaps the best data we have about the self-consciousness of animals. Our data on human self-consciousness mostly comes from our own experiences of ourselves, and the reasonable inference that other humans have similar experiences of themselves. We are not in that kind of position for inference when we look at animals, and so these experiences of, say, recognizing pain, are important ones for those who think animals are self-conscious. When we look closely at these experiences, which seem to exhibit self-consciousness, we might ask reasonably what it is that an animal is conscious *of*. Is she conscious of her self, her being, as an immaterial soul, a brain, or a bundle of perceptions? Probably not. She seems to be conscious of her animal, and the role it plays in helping her feel. That might suggest, then, that an animal’s animal is central to her identity in an important sense.

⁶⁶I owe the spirit of this point to Christine Korsgaard, and will make the same point in more detail when we return to her work.

In many ways, the case for C-animal as a substance sortal (and for the claim that each animal is numerically identical with her animal) is reducible to this point: there are not very many other promising directions in which we might look for a substance sortal for animals. The direction of psychological continuity seems to clash with our understanding of animal minds, and especially our understanding of animal memories. It also seems to clash with our intuitive understanding of animal persistence conditions: if animals persisted in time if and only if they were psychologically continuous with their former selves, it is not clear why the intuition that they would survive a brain transplant just as we would is less strong or absent entirely. It is also not clear what the psychological continuity view, applied to animals, would have to say about animals without brains, like jellyfish. And the ‘continuity’ part of psychological continuity, too, seems dubious when we consider it as an alternative to my view. We would expect animals with low capacities for episodic or long-term memories and very few, if any, constant beliefs or desires over time to go out of existence fairly frequently if something like ‘psychologically continuous being’ were the proper substance sortal for these creatures.

There are other views about what we humans are and what our persistence criteria are that could be applied to animals, but they are hard to spell out in any great detail. Could animals be immaterial souls, for example? Perhaps, but it is difficult to say what that would mean, and what persistence criteria would follow.

The alternative, of course, is to adopt my view, which is that each animal is numerically identical with her animal and that O-animals are C-animals (that C-animal, or some sort of C-animal, is the proper substance sortal for each O-animal). This view is not difficult to spell out in detail, as I hope I have shown here, and it provides an intuitively compelling account of persistence criteria for animals.

2.5 Animal Corpse Survivalism

If what I have said so far is right, O-animals are (their) C-animals, and ‘C-animal’ is a good substance sortal for O-animals. It follows, given what we have said about the metaphysical phenomena a sortal tracks, that O-animals exist only as long as they are C-animals.

Plainly, many objects we'd often call 'dead animals' are C-animals. We said earlier that on the somatic view, what it is to be a C-animal is to have certain intrinsic, structural features, namely, organized parts and a genetic plan, which help to render their possessor apt for a particular kind of life. When an O-animal dies peacefully, she often retains her organized structure and internal genetic plan for quite some time following her death. It does not matter that she is not actually living: she is in an important way (genetically and organizationally) 'apt' for life. She has the right machinery; she is simply not 'plugged in' anymore, so to speak.

It follows, then, that in many cases, animals survive their own deaths as what we might typically call their corpses; put perhaps less strangely, O-animals come to be their corpses at the times of their deaths. (Following Olson, we can call this view animal 'corpse survivalism'.) An O-animal survives events after which she is still properly classified as a C-animal (perhaps the right sort of C-animal); plainly, many dead O-animals are still C-animals.

To be abundantly clear, animal corpse survivalism is not the claim that Daphne's animal survives her death but Daphne does not. Daphne *is* her animal, as we have seen, and so if her animal survives her death, so does she. Consider the alternative, which is that Daphne does not survive her death, but her animal does. We will have to say what Daphne is, if she is not her animal, and we saw the difficulties that might arise there in Section 2.4.1. We will also have to say how Daphne's animal could seemingly be attached to her during her life, doing what she does and going where she goes, but could still come apart from her after her death. One related virtue of animal corpse survivalism is that it allows us to count Daphne and her corpse as one, rather than two; we also need not say that anything new comes into existence at the time of Daphne's death.

Since the case for animal corpse survivalism is fairly straightforward, given everything we have said already, we can now turn to addressing some worries about animal corpse survivalism.

2.5.1 Worries About Animal Corpse Survivalism

The first worry I want to address is that dying is a rather large change for any animal, and so it is strange to imagine Daphne continues to exist exactly after her death as she did before her death. This seems right to me; death *is* a serious change. My view can account for this, though, by calling death a phase change (a moment at which someone's phase sortal changes). Recall that phase

sortals apply to a creature over a particular part of her existence, but when phase sortals change, the underlying creature does not go out of existence. When a cat is no longer best classified by the phase sortal ‘kitten’, a kitten ceases to exist, but the underlying cat does not. Similarly, I think, when Daphne dies, she is still best classified by the substance sortal ‘(some sort of) C-animal’, but also best classified by a phase sortal like ‘dead’. I alluded to this possibility earlier: I think ‘living’ is also a phase sortal.

This same proposal, about phase changes, should help us respond to another worry: must we treat living and dead animals the same way? Those who like the ideas of natural kinds and substance sortals, for example, tend to also like a certain approach to ethics. Such an approach suggests that we ought to treat objects in our world in accordance with their kind—perhaps their substance sortals. This seems partially right to me. The problem, though, is that we also seem to need to treat someone in accordance with her phase sortals. Child labor, for example, is perhaps objectionable in part because it fails to treat human children as *children*, and rather treats them as adults. Similarly, we need not take dead dogs on walks—what is good for someone will depend not only on her substance sortal but also her phase sortals, and dead dogs are dogs, but they are also dead. Of course, treating someone in accordance with her substance sortal remains important: we would not want to take those children out of a factory and put them out in a field to graze, nor would we need to send dogs, living or dead, to kindergarten.

While we are speaking about ethics here, I should note one more thing: treating creatures in accordance with their substance sortals will be much more successful, I think, if substance sortals pick out homogeneous groups like species. This may be another reason to prefer species or genera as substance sortals.

2.6 Animal Corpses and the Good

I have just shown that O-animals survive their deaths as their corpses. Say that M_1 is some moment in time before Daphne’s death, and M_2 is some moment in time after Daphne’s death, but some moment at which Daphne still exists (i.e., some moment at which the substance sortal ‘(some sort of) C-animal’ still applies to Daphne). In fact, say M_2 is just that moment right after Daphne’s

death. It does not follow from anything I have said that we owe Daphne at M_2 and Daphne at M_1 the same things. In fact, I have just said that Daphne at M_2 falls under a different phase sortal than Daphne at M_1 , and that phase sortals should impact our treatment of the creatures to whom they apply.

What we are left with, then, is a question about how to treat Daphne's corpse, given that it is Daphne, but also given that it is not Daphne *alive*. You might wonder, since I have not said anything defend a contrary view yet: isn't one morally permissible way of treating a dead animal *eating her*? You might think this way even if you are convinced by the account I have given here. You might think that when the phase change Daphne's death brings about actually occurs, Daphne loses her moral standing, or some such thing.

That question, about the right way to treat animal corpses, is one this thesis attempts to answer, in a number of different ways. This chapter, on the other hand, has only been intended to posit a connection between the corpse and the animal, such that our further work will be rescued from contention with the problem we have dealt with here. Since the connection we have found is a relationship of identity, it should suffice: what you do to Daphne's corpse, you do to Daphne, so to speak. This should serve to relate the conclusions we are going to draw about Daphne—e.g., that her moral standing is permanent—to the conclusions we want about her corpse, e.g., that a violation of her corpse is a way to violate her moral standing, given that she *comes to be* her corpse. And finally, if you disagree with the argument I have presented here, in keeping with my methodological commitments as described in Chapter 1, I will present some arguments which do not draw upon it at all.

Chapter 3

The Permanent Moral Standing of Animals

3.1 Introduction

In this chapter, I introduce a modified version of Christine Korsgaard's idea of atemporal moral standing. I choose to argue instead for the *permanence* of moral standing, in part because the literature on atemporality is beyond the scope of this thesis.¹ My view, which I call the 'Permanence View', is that the moral standing of animals is *permanent*: once it is properly accorded, it can never be revoked, even after the creature to whom we originally accorded it dies.

Korsgaard is actually arguing for two claims with the atemporality argument: that (a) that we should take a creature's moral standing to be atemporal, and (b) that we should take the creature herself to exist atemporally. Similarly, I argue that (a*) that we should take a creature's moral standing to be permanent, and (b*) that animals survive their deaths as their corpses. We saw my defense of (b*) in the last chapter, but in this chapter, I connect (b*) to (a*), and show that the truth of the RVT and PUAT follows.

¹To expand upon this point: 'atemporal' may call to mind for some readers things like 'atemporal truth'. Since I do not want to engage with that literature here, I am using the term permanent instead, and arguing for permanence instead of atemporality. To be very precise, Korsgaard and I both think moral standing can be accorded in time, although it seems that she thinks that moral standing is accorded in time, and then continues outside of time after that moment. I argue that it continues as far as the future does, in time.

3.2 Borrowing and Diverging from Korsgaard

Besides the differences we saw above, there is another point at which Korsgaard's argument and the one I give here diverge. Korsgaard's account comes to us from the book *Fellow Creatures*, which presents a thorough and excellent argument for the claim that we have moral obligations to animals. Korsgaard notes that her argument for atemporal moral standing serves as an argument for the possibility of posthumous harm, but, perhaps surprisingly, she does not bring it up when she argues for vegetarianism.² Rather, she presents it as a response to the Argument from Marginal Cases,³ and takes it (I think rightly) to solve a number of problems in population and reproductive ethics. But the fact remains that Korsgaard did not use her atemporality argument to argue for anything like robust vegetarianism, and it is not clear to me that she would agree with the RVT or PUAT.

Now we can take a look at those things I do adopt from Korsgaard's argument. For Korsgaard, and I think fairly uncontroversially, moral standing is something that gives us obligations to the beings to whom it belongs. So if we have moral obligations to someone, including someone who is dead (or, for Korsgaard, perhaps even unborn), that is in virtue of her moral standing. Korsgaard also argues that it is in virtue of their being 'subjects of lives'⁴ that creatures can be properly accorded moral standing. I agree with Korsgaard on both of these points. It seems clear to me that moral standing is that which generates obligations, and I don't know of anyone who both likes the idea of moral standing and conceives of it differently. I don't argue further for this point. But briefly, later in this section, I present Korsgaard's argument for the claim that creatures have moral standing in virtue of their being the subjects of their lives.

The argument I present for the Permanence View also makes use of three of Korsgaard's important footholds, points about the nature of moral standing separate from the one we already saw—that moral standing is that which generates obligations. The next points of which I make use are (1) that moral standing should not be thought of as applying to creatures at particular stages of life, (2) that it should not be thought of as a switch which can be flipped *off*, and (3) that it should

²For Korsgaard's argument for vegetarianism, see Korsgaard, 2018, pp. 220-226.

³The AMC is a popular approach in the animal ethics literature. Roughly, it suggests that there is no moral standing-conferring characteristic that all humans have and all animals lack.

⁴The phrase 'subject of a life' is also important to Tom Regan's argument for animal rights, but he uses it somewhat differently; Regan's conception is stronger and so ropes in fewer creatures.

not be thought of as a property. The second claim is most important.⁵

Now, we should see why the argument I am about to make will apply to animals *and* humans. As I have said, I agree with Korsgaard that what makes someone the kind of being to whom we can accord moral standing is her being, or having been during her life, the subject of her life. Another way of putting this point is that subjects of lives are the proper units of moral standing. For Korsgaard, what makes someone the subject of her life is her sentience and self-consciousness. This is because for Korsgaard, “to have moral standing is to be someone whose good matters for its own sake”.⁶ Here, Korsgaard is using ‘good’ in a particular sense, meaning ‘end’ or ‘final good’. For Korsgaard, only these goods—final goods or ends—can matter for their own sake. They are to be contrasted with functional goods, which help an object maintain its well-functioning, but are not good-*for* that object.⁷ Functional goods do not matter for their own sake: they matter insofar as they promote the well-functioning of an object. Artefacts like knives only have functional goods, while animals have both final and functional goods.

In order to set ends, or have a ‘final good’, someone must relate to her surroundings and herself in a particular way. She must be able to ‘take’ certain things to be good or bad for her, i.e., value them, or in other words, set ends. And this will require of her that she be both the sort of being for whom things can actually be good or bad and the sort of being who recognizes herself as the one for whom those good or bad things are good or bad. The first condition is met by her sentience, and the second is met by her self-consciousness. (It’s worth noting that self-consciousness, on Korsgaard’s account, admits of degrees, and the kind I describe here is fairly minimal.) Korsgaard thinks that beings who meet these conditions are subjects of lives, and their goods (final goods, or ends) are the kinds of goods which matter morally.

We are now in a better position to see the importance of the distinction between final and functional goods. A knife does not set sharpness as its end, nor does it pursue sharpness; sharpness is only a functional good for a knife. But humans and animals are the kinds of beings for whom things can be good, and also the kinds of beings who can take things to be good or bad for them (set

⁵Korsgaard thinks moral standing is not a switch at all. I will argue that there is a proper way of conceiving of moral standing that is compatible with the idea of moral standing as a switch—but a switch which can only ever flip on, and once it is on cannot be flipped off. It is not, I should say, clear to me that Korsgaard would deny this.

⁶Korsgaard, 2018, p. 83

⁷Korsgaard, 2018, pp. 19-20.

ends, or value things). So animals and humans are subjects of lives, while knives and other artefacts are not. An interesting question arises here about plants, and although I will not answer it in any great detail, I should say that plants do not seem to set or pursue ends, or value things. But the best examples of animals who seem to set and pursue ends, or value things, involve locomotion; even Korsgaard notes this.⁸ But it does not seem that plants conceive of themselves as objects distinct from their surroundings, and namely, the objects for whom things can be good or bad. So a plant seems to lack the kind of self, and self-consciousness, in which Korsgaard is interested.

I should emphasize here that many things which are good for animals are good for them in the sense that they help them function well. This is an Aristotelian idea to which Korsgaard's view is not hostile, despite first appearances. Korsgaard and I agree that much of what is good for an animal, e.g., Daphne, is good for her in that it helps her function well. Similarly, what is good for a ficus is good for that ficus in virtue of the fact that it helps it function well. The distinction between these two senses of 'good-for' is grounded in the fact that Daphne can *take* certain things to be good for her, or set them as ends, while a ficus cannot. The things Daphne takes to be good for her may be functional goods in the sense that they help her function well, but they are not functional goods in the sense that she cannot take them to be good for her; she can, after all, do this. Final goods, or ends, are often just functional goods, but functional goods which an animal can take to be good for her, and set as the ends of action.

We are also now in a better position to see that on Korsgaard's view, sentience and self-consciousness are intimately related. In Chapter 2, we discussed this view briefly, and said there that sentience seems to *be* a minimal form of self-consciousness. An animal, we said, conceives of herself as something in her world for which things can be good or bad anytime she *feels* something as good or bad for her. And she conceives then of herself as distinct from her surroundings.⁹ Returning to plants for just a moment, we can see perhaps even more clearly why they seem like weak candidates for moral standing: they do not, it seems, even conceive of themselves by *feeling* themselves as distinct from their surroundings. But given what we have said about self-consciousness and sentience here, it seems clear that many animals, and most of those we regularly eat, are subjects of lives, and

⁸Korsgaard, 2018, p. 25

⁹In Chapter 2, I said more about the direction in which this works. I mentioned there that it seems plausible that a creature's feelings of pain almost alert her, in a manner of speaking, to the fact that she is distinct from her surroundings.

so the proper units of moral standing.

A different point in favor of animal self-consciousness comes from observing animals not just as they feel pleasure or pain, but as they experience more complex emotions. Daniel Herwitz suggested jealousy in particular might demonstrate self-consciousness. Indeed, a 2014 study by Christine Harris and Caroline Prouvost documented the arousal of what certainly looked like jealousy in dogs brought on by the sight of their human companions being affectionate with stuffed dogs.¹⁰ The dogs in Harris and Prouvost's study displayed more seemingly-jealous behavior when their human companions showed affection to the stuffed dogs than when their human companions showed affection to Jack-o-lanterns. This seems to indicate that the dogs Harris and Prouvost met understood *themselves* as specific beings in their world, competing with like beings rather than unlike ones. Of course, the study's results could also be accounted for with an account of dog-jealousy on which jealousy is an instinct, undertaken without any specific understanding of the object of whom a dog is jealous. On this interpretation, however, dogs would need to be innately inclined to be jealous of only other dog-like objects, and so, it seems, programmed with a sort of recognition of dog-like objects. In any case, this is not terribly important to the broader point I am making here. On Korsgaard's understanding of self-consciousness, no such understanding of oneself and one's similarities to other creatures, which may put one in competition with them, is necessary. Korsgaard's view requires only that a being be sentient in order that she also be self-conscious; sentience, for Korsgaard, is a minimal form of self-consciousness.

But there is a good question about whether self-consciousness as Korsgaard describes is really the sort of thing we want to call self-consciousness. Some philosophers may object that self-consciousness requires language, which many animals may not have; even Korsgaard's source material, the work of Immanuel Kant, suggests that a self-conscious creature can attach 'I think' to all of her thoughts, which it is not clear that animals can do. If my reader finds objectionable Korsgaard's calling an understanding of oneself as something in one's world distinct from one's surroundings self-consciousness, there is a simple solution, drawn from Korsgaard's understanding of what selves and self-consciousness are. Korsgaard writes:

[T]o have a self is to have a point of view, and to have a point of view is to be aware of the

¹⁰Harris and Prouvost, 2014.

difference between you and everything else, and in that sense to be aware of yourself.¹¹

We can see here that Korsgaard conceives of the self as a point of view, and consciousness of the self as awareness of that point of view. A reader who thinks that selves and self-consciousness are something else entirely is welcome to read ‘point of view’ where I say ‘self’, and ‘awareness of that point of view’ where I say ‘self-consciousness’. The word ‘self-consciousness’ itself does no work in Korsgaard’s argument, nor does it do any work in mine. Rather, what is important about ‘self-consciousness’, or ‘awareness of one’s point of view’, if you prefer, is that it means a creature can identify herself as an object in her world distinct from her surroundings, and namely the kind of object in her world that has her experiences of things as good or bad for her. (That, remember, allows her to take things to be good or bad for her, and seek them out or avoid them, accordingly.) You can agree that animals have this special feature—the ability to experience their world from their own perspectives, and recognize themselves as the experiencers of their worlds from those perspectives—without thinking this special feature should be called ‘self-consciousness’.¹²

Although some philosophers think instead that the ground for moral standing is rationality, moral agency, or some other such thing, it seems a fairly well-accepted point in the animal ethics literature that sentience is important (and perhaps the thing most important) for moral standing. Since there has already been so much said in favor of this point, I do not defend it further here. Rather, my argument attempts to proceed from the understanding that living animals *do* have moral standing, and I accept one classic grounding of this claim, which is in sentience. (Although, as I have said, I add, as Korsgaard does, minimal self-consciousness—defined as an awareness of one’s point of view.)

Accordingly, instead of arguing further for the importance of sentience and self consciousness, I spend much of this chapter arguing for point (2) above. Something to note is that in so doing,

¹¹Korsgaard, p. 30.

¹²There is another good question here about whether most of the animals we eat are really sentient and self-conscious (or aware of their points of view, if you prefer). Given what we’ve said about sentience as a minimal form of what Korsgaard and I call ‘self-consciousness’, it should suffice to show that most of the animals we eat are sentient. But I won’t do that here. Rather, I refer the interested reader to Michael Tye’s excellent book *Tense Bees and Shell-Shocked Crabs* (Tye, 2017). Tye explains, using a first-order theory of consciousness and relying on inference to the best explanation as we do for other humans, why we should think that fish (Ch. 6, esp. 6.1-6.3), birds (Ch. 7, esp. 7.1 and 7.3), and even crabs (8.4) have conscious experiences. He describes, in these sections, the exact kind of behavior we might identify in other animals as ‘taking things to be good or bad’. Crabs engage in trade-off behavior to avoid being shocked (8.4); injured chickens choose feed which has been laced with pain relievers (7.3); and trout engage in pain-relief behaviors like rubbing their lips against their tanks and rocking from side to side when their lips are injected with bee venom and acid (6.2). I take it that these are the problem cases for my reader, and that cases like those of cows, pigs, and other mammals are less controversially sentient and capable of pursuing what is good for them and avoiding what is bad for them.

I often use the light-switch analogy, referring to creatures as having ‘moral standing switches’ or simply ‘standing-switches’. In these terms, I should emphasize that what I have said about the grounds for moral standing so far is really about why someone’s standing switch will flip on to begin with, and in particular why the standing switches of animals flip on to begin with; I have not yet said anything about why it cannot be flipped off.

3.3 Why The Switch Cannot Be Flipped Off

A moment ago, I mentioned some characteristics or traits that might be held to confer moral standing. Let’s call these traits standing-conferring traits, or standing-conferring characteristics. Some philosophers, and most in the animal ethics literature, agree with Korsgaard and I that sentience and self-consciousness are the grounds of moral standing: the ‘true’, or ‘ultimate’ standing-conferring characteristics. Others think rationality or moral agency, or even something more vague like ‘personhood’, are the true or ultimate standing-conferring characteristics. I cite these examples not because I plan to argue against them further, but rather to elaborate upon what a standing-conferring characteristic looks like, since standing-conferring characteristics will be important in the sections to come.

My view, again, is that moral standing is permanent. I hold that once you have the standing-conferring characteristics that matter—sentience and self-consciousness—your moral standing switch flips on, and there is no good reason to flip it off after it flips on in the first place. One way to understand this view is to look at its opponents: views that suggest moral standing is a switch which *can* be flipped off. In the following subsections, I address a series of different views I take to suggest that moral standing switches can be flipped off, for some good reason, at some moment in time. My strategy, in broad strokes, is to show of each view that it provides an inadequate reason to flip off someone’s moral standing switch.

3.3.1 The Present Characteristics View

At first glance, you might think that a good reason to flip off someone’s standing switch is painfully obvious. We’ve said that standing-conferring characteristics confer moral standing; why should their

absence at some time T_1 not be a reason to flip off someone's moral standing switch at T_1 ? That is, if someone lacks the standing-conferring characteristic we think matters at some moment in time, why should we think she still has moral standing at that moment? Let's call this view, the view that only a creature who *presently has* a standing-conferring characteristic C (whichever one we think matters) can have moral standing, the 'Present Characteristics View', or PCV. Creatures who do not presently have C do not have moral standing on the PCV.

To see why the PCV can't be right, imagine that C is rationality; we've all agreed that rationality is the standing-conferring trait that matters. Infants are not presently rational, so we cannot have obligations to them on the PCV. Persons with dementia similarly are not presently rational, so they, too, will lack moral standing on the PCV, and we will not be able to owe them anything, either. I suspect that nobody wants to deny that these groups have moral standing, or that we can have obligations to them. The PCV has quickly become an unpalatable view. And so it seems unlikely that someone can lose her moral standing, or have her standing switch flipped off, just because she is not presently X, where X is some standing-conferring characteristic.

You might think this trouble is just with rationality, and that were we to select a different standing-conferring characteristic, the PCV would be successful. But even choosing sentience—perhaps the least stringent standing-conferring characteristic—will not make the PCV more compelling. Persons who are anesthetized cannot feel pain, but it does not seem plausible that at the moment of her anesthetization someone loses her moral standing, and we can no longer have moral obligations to her.

It seems clear, given these results, that someone's present lack of standing-conferring characteristics is not a good reason to turn off the switch of her moral standing. You might object, of course, that I've taken a very narrow view of what it is to be rational, or sentient, or the possessor of any standing-conferring characteristic at all. When we say someone is rational, we do not usually mean that she is reasoning constantly, at every moment in time. Rather, we might mean something like: at every moment in time she has the potential to reason, or at every moment in time she is the kind of being who can be rational. I want to address these views in turn, in the sections below.¹³

Briefly, I want to address one more thought about the PCV. You might have the idea that moral

¹³See Section 3.3.2 and 3.5.2, respectively.

standing has something like a ‘grace period’, and sticks around for a certain amount of time after one has lost her standing-conferring characteristics. Thinking this way will help us deal with cases like the anesthetized patient we saw above: you could say that her moral standing doesn’t disappear *right* after she loses her sentience, but rather after a period of time has passed since she has lost her sentience. The trouble with this view is that you will need to say how long that period of time should be, and why it should be only that long.

Finding a non-arbitrary reason to put an end to that period of time will be difficult. Should it be one hour? Why? Two weeks? Why? I suspect most people who like this ‘grace period’ idea really want to say that the period of time in question should last as long as someone’s biological life. But again, why should that be the case? The reasoning behind the claim, I suspect, is not that lives are the right amount of time, since lifespans vary, but rather either (a) that life is relevant to someone’s moral standing, i.e., we cannot have moral obligations to the dead, or (b) that moral standing requires a subject, and the end of one’s life is the end of one’s being that kind of subject. But (a) can be rephrased as a version of the PCV, which the grace period idea was introduced to bolster and protect from the objections we have already seen. What (a) really says is that life must be *present in a subject* at any time T_1 in order that we may properly accord her moral standing at T_1 . So unless you think life is relevantly different from the other standing-conferring characteristics in that its not being present in a subject actually is a reason to deny her moral standing, it is not clear why (a) would be of any help here. I address the idea that life is relevantly different from the other standing-conferring characteristics below, in Section 3.3.3, and the idea (b) describes in Section 3.5.1. But in a broad way, the ‘grace period’ idea has a home in the Permanence View, as we shall soon see: the Permanence View merely denies that the grace period is a ‘period’, i.e., a slice of time with not just a beginning, but also an end.

3.3.2 The Potentiality View

The Potentiality View (which I will refrain from abbreviating, given that its abbreviation would be the same as that of the Permanence View) suggests that someone has moral standing at some time T_1 if and only if she has the standing-conferring characteristic C that matters at T_1 , or if she has the potential to have C at some later time T_2 . The Potentiality View appears frequently (for the

purpose of refutation) in the animal ethics literature, as a favorite of those who like rationality as a standing-conferring characteristic but dislike the idea of refusing moral standing to infants. But the Potentiality View does not just provide us with an explanation of why someone's standing-switch will turn on in the first place; it also tells us what it is that will flip that switch off. Namely, someone who likes the Potentiality View will suggest that when a creature loses the potential to be or have C, where C is the standing-conferring characteristic we think matters, her standing switch will flip off. I want to reject this view for two reasons, beginning with the idea of potentiality itself.

Proponents of the Potentiality View tend to take a particular view of the nature of potentiality; they adopt what I called in Chapter 2 the 'common' view of potentiality, on which someone has the potential to become F if she has the capacity for F-ness. I alluded in Chapter 2 to some of the troubles with this view of potentiality; chiefly, it is difficult to say what exactly 'having the capacity for F' consists in, and worries may arise about circularity; on the other hand, saying that someone is potentially F if it is *possible* for her to become F seems to dredge up sticky modal problems.

My first pass at refusing the potentiality view, then, looks like a rejection of the notion of potentiality as far too vague to be meaningful.¹⁴ You might wonder I contradict myself by criticizing potentiality here, when I made use in the last chapter of the phrase "apt for life", which may suggest an underlying notion of potential. In fact, I do not think I do contradict myself, but I do want to take a moment to address this worry, since I think it will be instructive. To clarify briefly, "apt for life" need not indicate or evoke potentiality, since it draws on structural features that are important in that they do often give rise to the group of functions (e.g., growth, metabolism) we might think of as 'life', but these intrinsic, structural features can also exist without ever doing so, and without the 'capacity' to give life (whatever that is; I am just trying to distance my view from the common idea of potential, which is, again, typically characterized by this 'capacity' wording).

But I also noted in Chapter 2, and want to emphasize again here, that there is a certain understanding of potentiality compatible with both the claim we saw in Chapter 2, that even dead C-animals are "apt for life", and the claim we will shortly see made by the Permanence View (that

¹⁴Here is another, related point about potentiality, inspired by Regan, 1983, p. 16. Diplomats who come to the United States (and many other countries) are granted a specific kind of legal standing called 'diplomatic immunity' which protects them from prosecution. Suppose Evan, a non-diplomat British citizen, is caught selling drugs in the US. It would still be very strange if he said, upon his arrest: "But I have the potential to become a diplomat in the future, and gain diplomatic immunity—so you cannot prosecute me now!" The point is that according standing in the present based on a characteristic someone might have in the future may lead to strange consequences.

moral standing is permanent). The understanding of potentiality compatible with my view is the one we saw Sarah Waterlow explain: someone is potentially F if she is suitable for F-ness, but not currently F. I contrasted it with the typical understanding of potentiality, the one we saw just above: that someone is potentially F if she has the capacity for coming to be F. The former understanding seems, strangely enough, amenable to the idea that even dead animals are ‘potentially living’, just in virtue of their being apt or suitable for life but not yet living. I emphasized in Chapter 2, and again here, that being apt or suitable for life is a matter of having the intrinsic and structural features which generally give rise to the group of functions we might say make up ‘living’. An animal can have those features when she is dead. You might think similar intrinsic, structural features¹⁵ could stand to some standing-conferring characteristic as organization of parts and an internal genetic plan stand to life. If this is what someone means by ‘potentially rational’, then at least some dead persons are potentially rational, and this understanding of potentiality is compatible with the Permanence View (*mutatis mutandis*: my permanence view cites different standing-conferring characteristics).¹⁶ But I do not take this to be the common meaning of ‘potentially rational’, and it is not the meaning I criticize here. Rather, I criticize the common understanding of ‘potentially’.

Now we can return from this clarification to our rejection of the Potentiality View. You might like the idea of potential, metaphysically, despite everything I’ve said so far. But there is a strong moral reason against accepting the claim that someone’s moral standing switch flips off when she comes to lack the potential to have or be C, where C is whatever standing-conferring characteristic we think matters.

In the sections to follow, we’ll return often to the example of Terri, whom I now want to introduce. Suppose Terri is an average, 26 year-old human. Before her heart attack, she has all of the traits we might think confer moral standing: she is rational in the descriptive sense, sentient, capable of moral decision-making, and so on. She is resuscitated successfully after her heart attack, but having been deprived of oxygen for so long, she has suffered serious brain damage and is now in a permanent vegetative state and wholly reliant on life-support machines. She can no longer reason, feel, or make

¹⁵The presence of a certain type of brain, perhaps.

¹⁶This is all a bit imprecise: this version of the Potentiality View might, I think, be more compatible with something I’ll eventually call the ‘Existence View’, which I introduce in Section 3.5.1. But the Permanence View and Existence View can both support the major conclusions we reach in Section 3.4 and 3.4.2, which is the truth of the RVT and PUAT.

decisions, moral or otherwise; she has no conscious experiences. But her heart is still beating, and she is still alive.

Terri's story is real, and may be familiar to my reader as the story of Terri Schiavo, who, even after decades of exploratory treatments, could never reason, speak, or, presumably, feel again. Most crucially, persons like Terri Schiavo cannot, speaking empirically, be said to have the potential (in the common sense) to regain the characteristics they lost *any more* than the actually dead and buried can.

Yet if someone sexually assaulted Terri, mutilated her, or even spread vicious lies about her, we would, and I think rightly, suspect that these actions were morally wrong. It seems, then, that we can still have moral obligations to Terri, even though she has lost her rationality, sentience, and so on. And so it seems that Terri still has moral standing—her moral standing switch has not yet been flipped off.¹⁷ It seems, then, that even when someone loses all of her standing-conferring characteristics, as well as the potential to regain them, she still does not lose her moral standing. So someone's lacking the potential or capacity to have C, where C is some standing-conferring characteristic, does not seem to be a good reason to turn off her moral standing switch. In other words, we can reject the Potentiality View.

3.3.3 The Life View

Philosophers like Albert Schweitzer¹⁸ and Tom Regan¹⁹ have endorsed the claim that being alive is an important condition for subjects of moral standing to meet: that being alive is a standing-conferring characteristic of its own.²⁰ If 'being alive' is a standing-conferring characteristic, it seems at least *prima facie* plausible that death is a good reason to flip off someone's moral standing switch. Call this view, the view that life is a standing-conferring characteristic and death is the end of moral standing, the 'Life View', or the LV.

I do not think the absence of life is a good reason to flip someone's moral standing switch off, and I want to explain why here.

¹⁷In Section 3.4, I address the objection that if we were to accord Terri moral standing, we would not be able to 'unplug' her, so to speak, and allow her to die, as the parents of the real Terri Schiavo did.

¹⁸Schweitzer's views are summarized by Regan, in Regan, 1983, pp. 241-243

¹⁹Regan, 1983, pp. 243-244

²⁰Schweitzer seems to think that life is both necessary and sufficient for moral standing; Regan seems to believe that it is only necessary.

First, now that we have encountered both the Potentiality View and the PCV, I am ready to state my claim about present and potential standing-conferring characteristics; it will soon become clear why this is relevant to my rejection of LV. When we examined the PCV, we said that it seems implausible that someone's present lack of standing-conferring characteristics is a good reason to flip off her moral standing switch. Maybe you like standing-conferring characteristics that require a lot of their subjects, like rationality or moral agency. Or maybe you like standing-conferring characteristics that require comparatively little of their subjects, like sentience. In either case, if you accept the view that your standing-conferring characteristic of choice must be present in a subject at time T_1 in order that we may accord her moral standing at time T_1 , you will run into marginal cases: persons with dementia, young children, anesthetized persons, or persons in persistent vegetative states like Terri. We also addressed the grace-period idea in Section 3.3.1, and said that unless you think life is a standing-conferring characteristic different from the others in that it somehow avoids the problems we saw with the PCV, you cannot imagine that moral standing 'sticks around' in a subject for some period of time *with a distinct end*, after she has lost her standing-conferring characteristics.

When we rejected the Potentiality View, we also said that someone's possible, future standing-conferring characteristics are not a good reason to accord her moral standing, and more importantly, her failing to have the potential (in the ordinary sense) to obtain those characteristics cannot be the end of her moral standing. We looked specifically at Terri's case, and saw that even when someone loses the potential to have any putatively standing-conferring characteristics at all, we would be remiss to deny her moral standing.

From these conclusions, we can draw an important point about moral standing. Your standing-switch will not flip off because of facts about characteristics you lack right now, nor will it flip off in virtue of characteristics you no longer have the potential to gain in the future.

I'm sure it is not a surprise that I am going to address the LV as a version of the PCV or the Potentiality View, since I already suggested this maneuver in 3.1. To recapitulate, I said there that the LV works like the PCV: it suggests that a subject must be living (life must be present in a subject) at some time T_1 in order for us to accord her moral standing at T_1 . There is another version of the LV, which, drawing on the Potentiality View, says that a subject must be living (life must be present in a subject) at some time T_1 , *or* some subject must be potentially living in order for us to

accord her moral standing at T_1 . Let's first briefly address this Potentiality View-LV hybrid: I have already said that on the Waterlowian understanding of potential, someone is generally potentially living after the end of her biological life, however strange that may sound. So the Potentiality View-LV may not actually support the LV. Further, there are all sorts of worries about potentiality as too broad or too vague, and perhaps even more problematic worries about fetuses, zygotes, and so on. I also doubt the Potentiality View-LV hybrid has many supporters.

The PCV-LV hybrid,²¹ on the other hand, may have supporters I now want to address. We have already said why the PCV is wrong, but we used other standing-conferring characteristics, like rationality and sentience, to make that point. A proponent of the PCV-LV hybrid may now suggest that life is a standing-conferring characteristic relevantly different from the others, such that the PCV-LV hybrid may succeed while others fail. If this were the case, the present absence of life in a subject would be a non-arbitrary reason to flip off the switch of her moral standing. I am going to suggest in response that we have reason to doubt that life is a standing-conferring characteristic, but even if it were, the LV would still be wrong, because it is not relevantly different from the PCV.

It is true, I think, that 'being alive' or 'life' is relevantly different from the other standing-conferring characteristics. But this difference may work against the PCV-LV hybrid view, rather than in its favor; we may decide, in fact, that life is not a standing-conferring characteristic at all. In Chapter 2, we agreed with Aristotle about what it is to be alive: what it is to be alive is to perform certain functions, e.g., respiration, metabolism, growth, and so on. The LV may seem appealing in part because we might think of life as something mysterious or special, but life, on the Aristotelian conception with which we have been in agreement, is merely the performance of certain biological functions. (Still, I do address the 'mysterious and special' view of life later in this section.)

These functions seem different in kind from the function of, say, reasoning or feeling, which we may take to be morally significant. But they are not intuitively more relevant to moral standing than those other characteristics. They are, I think, intuitively less relevant to moral standing (although not, as I discuss later in this section, less morally relevant in general). Even if you think otherwise, you will need to say why these natural functions are relevant to moral standing, while the natural

²¹The LV is a form of the PCV, so the views are not different enough to warrant the label of a 'hybrid' view. I only call the typical form of the LV, the one we address here, 'the PCV-LV hybrid' in order to avoid confusion with the Potentiality View-LV hybrid (of which the same holds).

function of, say, sight, is not.²²

There is also a very old problem about deriving normative claims from natural facts. Although I am not always convinced that this problem really is a problem, it is worthwhile to note that deriving the claim that someone has moral standing from the claim that she is living is in fact deriving a normative claim from a natural fact. We might also note here that life can exist in a subject without giving rise to any other standing-conferring characteristics, as we saw in Terri's case.

If you still think, after all of this, that life might be a standing-conferring characteristic, you will still have to say why the absence of life in a subject is different than the absence of other standing-conferring characteristics. That is because we have already shown, in Section 3.3.1, that the absence of the other standing-conferring characteristics is not a good reason to flip off someone's standing switch. You might argue that life is distinct from rationality, sentience, and the other standing-conferring characteristics we've been considering in that it *lasts* longer, i.e., is present in a subject longer than other characteristics. This seems like a promising direction in which to look for support for the PCV-LV hybrid, because we rejected the PCV in part because it allows someone's standing-switch to flip on and off too rapidly, denying her moral standing when we would intuitively like to accord it to her.²³ But it is not immediately clear why longer-lasting characteristics should be favorable; this is a claim in need of an argument. If the answer to my query is, as I suspect, that longer-lasting characteristics prevent us from denying moral standing to persons like Terri, the proponent of the PCV-LV hybrid should note that she must also accept that the PCV-LV hybrid *also* accords moral standing to some things to which we would not usually like to accord it, e.g., plants and cancer cells.²⁴

The final point I will make against the PCV-LV hybrid view is that we do not typically assume we can only have moral obligations (the result of moral standing) to those who are presently living. For instance, you might think it utterly wrong to remove the organs from a dead person without her prior consent. Of course, I am ultimately arguing against a similar kind of behavior toward animals, and I do not want to engage in any circular reasoning. This point merely suggests that the PCV-LV

²²One response might be: "They are life-giving, and that is what makes them important." This will take us nowhere fast: *why are life-giving functions important?* is the question for which we seek an answer.

²³This might not even be right: someone can presumably be what we would usually call 'living', while not, at any particular moment in time, be performing all of the functions we have said make up life.

²⁴This point is drawn from Regan, 1983, p. 242.

view is less intuitive than it may seem.

In sum, I think we can reject the LV because it is a form of the PCV, and we have found nothing to suggest that life is different from the standing-conferring characteristics which we used in our argument against the PCV. Put simply, we are now in a good position to say that the absence of any characteristic, standing-conferring or not, in a subject at some time T_1 is not a good reason to deny her moral standing at T_1 , or flip off her standing-switch at T_1 .²⁵

One final question to address is the question that was raised in (b), in Section 3.3.1. We saw there that those who like the LV may like it for one more reason not yet addressed. Someone who is not living, you might think, cannot be a subject, and so cannot be a subject of moral standing. I will address the claim that moral standing requires a subject in much more detail in Sections 3.5 and 3.5.1, but for now, it will suffice to note that based upon what we have said in Chapter 2 about animal corpse survivalism, death is not the end of the existence of an animal, at least in most cases. (This matters only if you think the end of someone's existence is the end of her being a subject, which I give reasons to doubt in 4.2.1.) Since we are concerned chiefly with making the claim that eating or otherwise using an animal is a violation of her moral standing, all of the cases with which we are concerned do have subjects: animals survive their deaths as their corpses, and so if their moral standing, too, survives, as I think it does, there are still subjects of moral standing after life has ended.

Still, there are three very good questions related to the LV which remain. The first is about whether life is morally relevant at all; what I have said here may suggest it is not, but I want to maintain that it is—it simply is not morally relevant to *moral standing*, as we have already shown. The second is about life as an indispensable means to the other standing-conferring characteristics, and whether this can help the LV. The third is about a different conception of life than the biological one we have been considering, and whether such a conception might make life more promising as a standing-conferring characteristic. I address all three below.

²⁵Almost. I hold off on addressing two last versions of the PCV until Sections 4.2.1-4.2.2, but neither proves threatening to the RVT or PUAT.

Remaining Questions about the LV

I do not think life is not morally irrelevant, even if ‘being alive’ is not a good reason to stop according someone moral standing. We said in Chapter 2 that it was important to treat someone in accordance with her phase sortals, and I think this remains true. (‘Living’, recall, is a phase sortal.) Intuitively, the fact that someone is alive is not morally irrelevant at all: it tells us a great deal about her functions, and that will lead us right to her functional goods. But the claim that I have made in this section—that ‘not being alive’ at some time T_1 is not a good reason to flip someone’s moral standing switch off at T_1 —is not incompatible with the claim that ‘being alive’ and ‘not being alive’ are morally relevant in some other way. To see why this is the case, let me elaborate upon the distinction, left implicit until this point, between someone’s moral standing and her good.

As we saw in Section 3.2, there is an intimate relationship between someone’s having a good and her having moral standing. To say that someone has moral standing, we said there, is to say that she has a good that is valuable for its own sake. The fact that you have goods, where ‘goods’ means ‘final goods’ or ‘ends’, is the reason your standing-switch flips on to begin with, and this is why sentience and self-consciousness are so important. But your (final) good and your moral standing are distinct, even though it is true that your having the former is the reason you *begin* to have the latter. Recall that moral standing is that which generates obligations. When I say that you have moral standing, I am saying that you have a good which is valuable for its own sake, and that fact creates obligations for me. But the content of these obligations will depend on the content or nature of your good. Saying that someone has moral standing tells us nothing about what we owe to her, because moral standing does not depend on the content of her (final) good, but rather on its existence. Saying that someone has moral standing merely tells us that we *do* or *can* owe her something, and does not tell us what we do or can owe her. Whatever your final good is (or whatever your final goods are), I am obligated to respect it as long as it really is a final good, because that is what it is for you to have moral standing. But the fact that you have moral standing only tells me that you *do* have final goods for me to respect; it does not tell me what your final goods are, or how I ought to respect them. Put one final way, I can deduce from the fact that you have moral standing that you have a final good, but I cannot say what that final good is from the fact alone

that you have moral standing.²⁶

Now it should be easier to see how someone's being alive can be relevant to her good without being relevant to her moral standing, as we have already shown it is not. The fact that someone is alive right now may tell us something about her good, or what we owe to her. We will certainly still need to investigate further in order to say exactly what we owe to her. But from the fact that someone is alive, I can tell that it is at the very least *functionally* good for her to grow, metabolize, respire, self-repair, and so on. (Recall that to say something is functionally good for someone is just to say that it helps her function well.) The point is this: someone's being alive tells me what is (at least functionally) good for her. Take Daphne as an example. I know that I have moral obligations to Daphne in virtue of her being, or having been, sentient and self-conscious. If she is alive, the content of these obligations will be different than it would be, were she dead instead. I might owe her help when she is hurt, or it might be my duty to refrain from thwarting her pursuit of her goods. If she were dead, I would not owe her either of these things—although I might owe her something different, as I will later argue.²⁷

Next, let us consider the claim that life is an indispensable means to the standing-conferring characteristics we might think matter. It is not obvious how this claim might help to support the LV, but perhaps its proponent thinks it will make a final case for life as a standing-conferring characteristic of its own. I will respond to it here in part because it highlights something important about the Permanence View and the LV. We have seen that life can be present in a subject without entailing that the other standing-conferring characteristics are: Terri's case is a good example of this. It seems conceivable, at least, that we could develop robots who, while not biologically living, could feel, reason, and be conscious of themselves. So perhaps life and the other standing-conferring

²⁶An attentive objector might think something like this: Bess, you have just said that life is relevant to someone's good; it would not be too difficult, then, to say that life gives someone a good. If someone has a good, this objector will reason, based upon what we said in Section 3.2, she has moral standing! So life is, after all, a standing-conferring characteristic. But this line of reasoning is mistaken. Even if I grant that life gives someone a good, life may only give someone *functional* goods. And functional goods are not sufficient for moral standing, as we showed in Section 3.2. (In fact, I am fairly sure that this is the case, i.e., that life does give all its possessors a functional good. But it does not give all its possessors a final good. Plants have life but no final goods, in virtue of the fact that things can help them function well and so be good for them in the functional sense, but also in virtue of the fact that plants do not take those things to be good for them.)

²⁷A particularly nice facet of this understanding is that it avoids the problem we considered earlier about deriving normative claims from natural facts. To say that helping Daphne when she is hurt is good for her, or that giving Daphne water is good for her, is simply to cite a natural fact derived from a natural fact (the latter natural fact being one about what helps her function well).

characteristics are not so inseparable.

But I do not need to reject the claim that life is an indispensable means to the other standing-conferring characteristics in order to make my point. I do not even need to reject the claim that life is a standing-conferring characteristic to make my point, although I think I have given some reasons to think that it is not one. It could be true that life is an indispensable means to the other standing-conferring characteristics and simultaneously be true that the absence of life, like all other standing-conferring characteristics, is not a good reason to flip off someone's moral standing switch. On such a view, life might be one part of the reason someone's standing switch flips on to begin with, given that her sentience and self-consciousness may be dependent on it. But that does not make it a good reason to flip off her standing switch, as we have seen.

Finally, I want to respond to a final objection to my response to the LV in the previous subsection. Some proponents of the LV, I think, are proponents of the LV because they view life differently than I have described it here. They see something in life that transcends the biological, and I have only responded to the LV as a view about biological life. This other view is difficult to spell out or argue for in any great detail, but I want to try to briefly understand and respond to it here. This view, I think, is that life has some special quality—maybe sacredness, or inviolability, to draw from Jeff McMahan—that isn't describable in terms of functions, or necessary and sufficient conditions for being alive (things of that nature). There is something about life, or about the living, that inspires, as Schweitzer would say, *reverence* in us. If this is the case, I should note that my rejection of the LV on the basis of its similarities to the PCV will still stand; only my rejection of the LV on the basis of life as a standing-conferring characteristic at all will be threatened.

My response to this version of the LV is: does the same not hold true of death, or the dead? The meaningful contrast between 'living' things and 'non-living things', where one inspires some kind of reverence and the other does not, does not seem to be between things that are living and things that are dead. Rather, the 'non-living things' that do not evoke in us some sense of reverence are more likely ordinary artefacts. (When Schweitzer and Regan defend the view that life is a standing-conferring characteristic, they contrast living things with always-inanimate ones, not formerly-living ones.) You might marvel at the way a plant or a child grows, for instance, but are unlikely to marvel at a table. On the other hand, Iskra Fileva has written that perhaps death inspires a sort

of reverence too: when we look down upon those who speak ill of even the least admirable dead, she wonders whether we are responding to, or acting out of respect toward, the ‘otherworldliness’ of death.²⁸ While interesting, I do not rest my argument on this point—I do not know how to argue for it, and Fileva similarly refrains from doing so. It is easier to respond to the ordinary LV, which can be at least explained, if not also argued for, in great detail. I aimed to do so satisfactorily above, in Section 3.3.3.

3.4 The Permanence View

To recapitulate, we have seen three different views, the PCV, the Potentiality View, and the LV, each of which describes one reason we might flip off someone’s standing-switch. We have rejected each. Without a good reason to flip off the switch of moral standing, I think, we are in a good position to conclude that moral standing is permanent: that once we properly accord someone moral standing, it can never be revoked.²⁹

Having heard the points I’ve made about present and potential characteristics, though, you might wonder if I haven’t been simultaneously arguing for another claim. That claim might be something like this: the position of someone’s standing-switch at any time T_2 is not dependent on her characteristics at T_2 , or her potential characteristics at some time T_3 in the future, but rather on her characteristics at an earlier time T_1 , when she became the subject of her life and so was granted moral standing. This claim is, I think, really just another way of putting the Permanence View. But I have not been arguing for the Permanence View as a positive claim. Rather, I have been arguing for the Permanence View as a negative claim: that there are not good reasons to flip off someone’s standing switch, and so we cannot rightly do so. I suspect the alternative positive claim may require a different sort of argument, so I leave this matter aside, and continue to understand the Permanence View as I have before.

Korsgaard’s view is this: “Once you exist, once your life begins, you have a moral standing that

²⁸Fileva, 2020.

²⁹Later, I address one final view, the Existence View, which suggests that someone’s ceasing to exist is a good reason to flip off her standing-switch. This view arises naturally as this chapter progresses, so I address it when it does so. But importantly, it does not pose a threat to any of the claims I make about the moral standing of the dead animals with whom we are concerned here, or what we owe to them.

is itself atemporal”.³⁰ Mine is this: Once you have moral standing (once you are the subject of your life, i.e., sentient and self-conscious), that moral standing is permanent. Your standing switch can never be flipped off, because there is no good reason to flip it off, and so from the beginning of your life, you have moral standing which extends as long as the future does. Put another way, if you were the subject of your life at time T_1 , then you have moral standing at *any* later time T_2 , regardless of whether T_2 is before or after your death, while you are in a coma, while you have dementia, and so on.

It follows from the claim we have just defended—that moral standing is permanent—and the claim we saw in Section 3.2, that moral standing is that which generates moral obligations, that we can have moral obligations to a creature after her death. In fact, if she was the subject of her life (i.e., if she was sentient and self-conscious) at T_1 , we can have moral obligations to her at any later time T_2 , in virtue of the permanent moral standing she acquires at T_1 .

Knowing what kind of permanent moral standing animals have will help us understand what we owe to them. For Korsgaard, the exact kind of moral standing subjects of lives (including many animals, namely, plenty of the ones whose corpses we eat and use) have is standing as *ends in themselves*.

I do want to say something here about why, for Korsgaard, animals have *this* kind of moral standing, moral standing as ends in themselves, especially because the term ‘end-in-itself’ is undeniably Kantian, and Kant himself did not take animals to be ends-in-themselves. What it is to be an end in oneself, Korsgaard thinks, is to be someone who matters for her own sake, and whose good matters for its own sake *because* she matters for her own sake.³¹

Korsgaard’s story about why animals are ends in themselves goes like this. We humans are rational beings, and so in order to properly value anything, rather than just want it, we must value it for a reason. Ruling out the possibility that things are valuable all on their own, i.e., without valuers, Korsgaard argues that we start by valuing things that are good for us: we set them as ends. In other words, we take something’s being good for us to be a reason to value it, or set it as an end. In taking what is good for us to be valuable, or worth pursuing, we treat ourselves as ends in ourselves. And we expect others to treat us as ends in ourselves, too: we expect them not to

³⁰Korsgaard, 2018, p. 89

³¹Korsgaard, 2018, pp. 136-137.

interfere with our pursuit of our ends, and to help us pursue them, when our ends are not in conflict with their own. (As rational beings, all of our ends ought to be like this.) Korsgaard and Kant both think we cannot treat ourselves as ends in ourselves, and expect others to treat us as ends in ourselves, without also treating others as ends in *themselves*. Since what it is to be an end in oneself is to be someone whose good matters for its own sake because she matters for her own sake, we can say that we expect others to treat us as if our goods matter for their own sake, because we matter for our own sakes. Put loosely, this part of the story goes: I take what is important to me to be important *because* it is important to me, and in doing so, I take myself to be important. I expect others to take what is important to me to be important because they take *me* to be important.³²

But why are we required to treat others this way? It is because they share some important feature(s) with us. For Kant, these features are our autonomy and rationality. Korsgaard thinks this is wrong, at least in part. The features that matter when we are considering treating someone as an end in herself, Korsgaard thinks, are not her autonomy or rationality. Rather, what matters is whether she has a good: whether she sets ends. After all, when we treat ourselves as ends in ourselves, we do so because we take what is good for us to be valuable, worth pursuing, an end, etc. And the other creatures do this too: they also set ends, take what is good for them to be valuable, and so on. (We saw this in section 3.2.) They can do so because things are good for them, in the sense of ‘functionally good’. (This is also from 3.2.) So we must treat others who set ends, who value themselves and what is good for them, as ends in themselves, because this is why we value ourselves as ends in ourselves.³³

You may now interject that this is not quite what Kant had in mind. Korsgaard is quick to present the idea that there are two senses in which someone can be an end in herself. The first is the active sense, which requires of beings that they are rational and autonomous. If someone is an end in herself in this active sense, we must respect her choices not only because they are good for her, but also because she makes them rationally and autonomously. This carries with it some extra duties: we must not coerce and deceive her, for example.³⁴ (This should all sound more clearly Kantian.) This first sense in which someone can be an end in herself is also the ‘legislative’ sense:

³²Korsgaard, 2018, p. 139.

³³For Korsgaard’s longer and more precise version of this same story, see Korsgaard, 2018, pp. 136-145 and Ch. 8 more generally.

³⁴Korsgaard, 2018, p. 145.

someone who is an end in herself in this sense should be able to engage in reciprocal moral legislation with us. (To see how this all fits together, consider that autonomy, on one popular understanding, is self-legislation.) I'll say more about this legislative sense in just a moment.

But if someone is an end in herself in a second sense, the passive sense, we do not owe her duties of non-coercion and non-deception. Rather, we owe her duties of benevolence: we have obligations to promote her good. So far, we have been talking exclusively about ends in themselves in the passive sense: whenever I have said, say, that you can expect others to treat you as an end in yourself by taking what is good for you to be valuable, I have meant 'in the passive sense'. To be an end in yourself in the passive sense, you need only have a good, i.e., you need only be sentient and self-conscious. And so most animals, and almost all of the ones we regularly eat, are ends in themselves in this passive sense.

Animals cannot be ends in themselves in the legislative sense, but their inability to legislate themselves does not preclude them from being protected by moral law. If we are to make reasonable moral laws about duties of benevolence, they must include animals. This is because the reason we must have duties of benevolence to begin with is that we expect them ourselves, in virtue of our having things which are good for us and also taking those things to be good for us. If our moral laws about benevolence are to apply to other humans in virtue of the fact that they share this trait with us, the same laws must also apply to animals. This all comes from the story we told above.

The way to treat someone as an end in herself in the passive sense is perhaps unsurprising, since it follows from Korsgaard's understanding of the term 'end in itself'. All we must do for creatures who are ends in themselves in the passive sense is to treat their goods as valuable for their own sake: to help them pursue these goods when we can, for instance. In doing so, we treat these creatures *themselves* as valuable for their own sake: as ends in themselves. Valuing animals as ends in themselves, then, is as simple as valuing what is good for them, and actively treating them in ways consistent with their good.³⁵

Now I can state my view, the Permanence View. Anyone who was once the subject of a life—a sentient, self-conscious creature, and so one with a good—has permanent moral standing as an end in herself. We showed earlier (in Section 3.3) that moral standing must be permanent. We showed

³⁵Korsgaard, 2018, p. 219.

in Section 2 that animals are subjects of lives, and so have moral standing. And we've just shown here that that permanent moral standing animals have takes the form of standing as an end in itself. It follows, then, from this and what we have said about treating ends in themselves in accordance with their good, that we ought to continue to treat animals in accordance with their good, even after they are dead.

Having seen what it is to treat creatures in accordance with their moral standing as ends in themselves, we can address a lingering worry about Terri, which is that if we accept that she has (permanent) moral standing, we might not be permitted to do what the real Terri Schiavo's parents did—remove Terri's feeding tube and allow her to die. But, of course, removing her feeding tube and allowing her to die may have been the best way for her parents to treat her in accordance with her good. By all accounts of the real case, it seems that it was the way to treat her with dignity, and as an end in herself rather than a object and a topic of highly politicized debate.

There is one more worry to address here. It is not clear, you might think, why an animal's moral standing *as an end in herself* should be permanent. You might wonder, in other words, why her moral standing should not change at the time of her death. This, I think, is a good time to refer back to Section 3.3.3, where I explained the difference between moral standing and the content of moral obligations. To say that someone has moral standing, recall, is to say that we can have obligations to her, but is not to say anything about the content of those obligations. So, as we said there, it seems obvious that the content of our obligations to some being will change after she has died. However, it is not clear why her moral standing itself should change, and an objector wanting to claim that it should will have to provide an argument for that claim.

Making matters more difficult for this objector is the fact that our ethic of respect for the dead is typically deontological in nature: we do tend to view the dead as ends in themselves in the sense that we dislike the idea of instrumentalizing them, e.g., for food or clothing. This is of course a point about humans, and one to which we will return in Chapter 5. But it is not obvious why it should fail to apply to animals, given that animals and humans each have standing as ends in themselves during their lives. This, remember, must be the case: we have to treat humans as ends in themselves because we wish for the same, and we wish for the same on the basis of a trait we share with the other animals (having a final good). Put simply, this point about the dead is: our practices suggest

that the moral standing the human dead have is as ends in themselves; if the reason they have this sort of moral standing is because they had it during their lives, and it is permanent, it is not clear why animals should lose their standing as ends in themselves at the moment of their death while humans do not.

3.4.1 Instrumentalizing and the Good

Here I want to be a bit clearer about the relationship between not instrumentalizing a creature and treating her in accordance with her good. This will all be important in the next subsection, 3.4.2.

In Section 3.4 just above, we saw why animals are ends in themselves (in the passive sense). Animals are ends in themselves in the passive sense for the same reason you and I are ends in ourselves in the passive sense: we all set particular things that are good for us, since we are after all the sorts of beings for whom things are good or bad, as ends. We, in other words, have final goods. When we do this, we want others to refrain from interfering in our pursuit of these ends, and we want help when we need it. This is what it looks like to want to be treated as an end in yourself: you want others to value your ends. Treating someone as an end in herself, then, just looks like valuing her ends, but it doesn't look like valuing her ends for any old reason, or because they're good for you in some way. You should value her ends because you value *her*.³⁶ When you fail to value a creature's ends, then, you fail to treat her as an end in herself.³⁷

A very obvious, literal case in which you do not treat someone as an end in herself is that of instrumentalizing, understood here as using someone as a mere means rather than an end in herself. *Of course*, you might say. It seems obvious that treating a creature as a means to an end rather than an end in herself is failing to treat her as an end in herself. But so that we are not just playing with words, let me explain how these two ways to fail to treat someone as an end in herself are related.

If you are an end in yourself, remember, you are valuable for your own sake: you are not only valuable for the ends which you might help someone else achieve. As a result of your value, the rest of us have an obligation to treat your ends as valuable. When we treat you as if you exist just for our ends, i.e., as a mere means to our ends, we disregard your ends, and so we disregard your value.

³⁶Just so you can see how this might go, you might sometimes dislike her ends and still value her enough to help her pursue them.

³⁷Valuing a creature's ends will not always mean you must put them before your own or those of another creature. This is because all three of you might be ends in yourselves, all deserving of similar treatment.

But, of course, it cannot be the case that every time I use you as a means I am disregarding your ends. For instance, I might use you as a reference on my curriculum vitae, as a means to obtain a good job. But you might share in that end: you might even have my getting a good job as one of your own ends. At the very least, you *could* share in it: presumably there is nothing about your constitution or your own ends that conflicts with my end of getting a good job.

This is the sort of reasoning, as we shall soon see, Kant seems to adopt; you are using someone as a *mere* means to an end when you use her for an end in which she cannot share. You are doing so even if you use her as a means to an end that does not directly conflict with one of her 'set' ends, one of the things she is presently pursuing: if your end is something in which she cannot share, you are using her as a mere means. Since ends are 'final goods', as we said in Section 2, we can circle back to Korsgaard's idea of treating beings in accordance with their good, and see that instrumentalizing someone, or treating her as a mere means, is not treating her in accordance with her good. To treat her in accordance with her good is to value her ends because you value her, and if you show disregard for her ends by using her for an end of your own in which she cannot share, you are showing that you do not value her by not valuing her own ends. And the last 'her own ends' might even make more sense read as 'her own good', since you can use someone as a mere means to an end without contradicting her own presently-set and pursued ends, just in case your ends are those in which she cannot share.

So, in the end, it seems that instrumentalizing someone is in fact one way to fail to treat her as an end in herself. Understood most simply and literally, this is because valuing her as an end in herself just cannot admit of treating her as a mere means. Understood in a more Korsgaardian way, this is because valuing her good is the way we treat her as valuable in herself, and valuing her good cannot admit of treating her as a means to our achieving our own goods, when she could not possibly share in them.

Having shown that instrumentalizing and treating someone in ways incompatible with her good come together like this, we are now in a position to talk about eating meat as instrumentalizing, and instrumentalizing as a violation of an animal's (permanent) moral standing.

3.4.2 Animal Corpse Survivalism and the Permanence View

Here I want to make the case that eating or otherwise using an animal's corpse is a violation of her permanent moral standing as an end in herself.

Korsgaard, as we have noted, is not writing specifically about dead animals. Some of what we saw her say earlier in Section 4 cannot be straightforwardly applied to the dead. Namely, while it seems right to say that an animal's moral standing as an end in herself persists through her death, since her moral standing is permanent, it is not clear that treating her as an end in herself after she has died will look the same way as treating her as an end in herself did while she was alive. It does not seem obvious to me, at least, what a dead animal's good is. Korsgaard, drawing on Aristotle, tends to conceive of what is good for someone as in part related to her natural functions, and so many of her examples of treating someone in accordance with her good are examples of helping someone have what she needs to function well: water, food, and so on. It does not seem right to say, however, that giving a dead animal water or food will be treating her in accordance with her good.

But Korsgaard does make a very useful point in her own case for vegetarianism. She writes that eating meat

...is about you and a particular animal, an individual creature with a life of her own, a creature for whom things can be good or bad. It is about how you are related to that particular creature when you eat her, or use products that have been extracted from her in ways that are incompatible with her good. You are treating her as a mere means to an end, and that is wrong.³⁸

Korsgaard tends to refrain from drawing too literally on the Formula of Humanity in *Fellow Creatures*, and perhaps that is for the best—it is the Formula of *Humanity*, after all. But she makes the point here that when you eat meat or use animal products, you do treat someone who is an *end* in herself as a mere means. In fact, *prima facie*, eating someone seems like a very clear case of the kind of instrumentalizing that the Formula of Humanity warns against. Korsgaard seems to realize this, although she has been interested in a looser understanding of our duties to ends in themselves in discussing other problems in animal ethics. This is why we had to spend some time talking about instrumentalizing in the last subsection; I wanted to show that Korsgaard's account

³⁸Korsgaard, 2018, p. 223.

of treating ends in themselves *as* ends in themselves is indeed compatible with the more literal idea that instrumentalizing creatures is not treating those creatures as ends in themselves.

Suppose that we set ‘humanity’ aside, as Korsgaard does above, and only talk about instrumentalizing creatures themselves. Is there a case to be made for the wrongness of instrumentalizing other creatures? I think there is. Let us begin where we left off in the last section. I said there that instrumentalizing a creature fails to treat her in accordance with her standing as an end in herself because it *disregards* her good: it treats her as a mere means to your own good, in which she could not share. Although it is not at all obvious to me what treating a dead animal in accordance with her good looks like, in a positive sense, it seems easier to say what treating a dead animal poorly looks like, based on things like the ends in which she could not share. This is why arguing against instrumentalizing, rather than taking a more straightforwardly Korsgaardian approach, seems appropriate here.

Let us, then, look at a passage from Kant about treating other creatures as mere means. Kant writes, in a passage on making false promises:

Second, as regards necessary duty to others or duty owed them, he who has it in mind to make a false promise to others sees at once that he wants to make use of another human being merely as a means, without the other at the same time containing in himself the end. For, he whom I want to use for my purposes by such a promise cannot possibly agree to my way of behaving toward him, and so himself contain the end of this action.³⁹

Samuel Kerstein notes that many philosophers read this passage as providing a sufficient condition for using someone as a mere means, or instrumentalizing someone, as I have been putting it.⁴⁰ The condition in question, as I suggested in the last section, is that of end-sharing. If the creature being used cannot share the end for which she is being used, she is being instrumentalized, or treated as a *mere means* rather than an end in herself. It seems fairly obvious that no animal, dead or alive, could share in the end someone wishing to eat her or use her body might have in mind.⁴¹ And this is why eating or using the body of a dead animal is wrong, as a violation of her permanent moral standing: it treats *her* as a mere means to an end which she cannot share. As I have said, I do not know what a dead animal’s good is. But it seems fairly obvious that treating her as a mere means

³⁹Kant, 1997, 4:430.

⁴⁰Kerstein, 2019.

⁴¹I address this worry again, though, in Chapter 4.

to an end is a good way to fail to treat her in accordance with her good: it is a good way to use her for ends in which she cannot share.⁴²

Now we are in a better position to see why the last chapter of this thesis was necessary. An objector might now suggest that I have made an impermissible move. Treating an *animal* as a mere means to an end is wrong, she might agree, but treating a corpse as a mere means to an end, as, she might grant, we do when we eat or otherwise use animal corpses, is a different matter entirely. Corpses do not have moral standing, she might say, and so there is nothing wrong with treating them as mere means to an end. But we have shown that animals come to be their corpses; they survive their deaths as their corpses, in fact. We have also shown that their moral standing is permanent. These points, in combination with what we have just said about instrumentalizing, show that eating or otherwise using a creature's corpse is a violation of her moral standing. After all, following her death, she *is* her corpse. So treating her corpse as a mere means to an end, as we have just shown that eating or otherwise using her is, is treating *her* as a mere means to an end.

Parts of Animal Corpses

There is, of course, a point which cannot be ignored. It is fairly rare that we find entire corpses of animals, and decide to instrumentalize or eat them. It is much more common that we encounter parts of animal corpses. Will what I have said deem eating just parts of animals morally impermissible, too?

An animal seems to be more than the sum of her parts, and it seems right to say that, say, steaks, are not cows. However, it remains true that steaks are parts of cows (since animal corpse survivalism is true), just as my left kidney is part of me right now. Suppose someone took my left kidney out in the night, meaning to use it for an organ transplant to which I had not agreed. (Suppose further that I never learn of this, and I feel no pain, and so on—just so that the conditions are analogous to cases in which the subjects are dead.) This, I think, would still be using *me* as a mere means to an end. First, it is certainly a case in which something is used for an end in which I cannot share.

⁴²There is a good question here: are all uses of the dead like this case? That is, can the dead share in *any* ends? The answer to this question eludes me, but I do wonder whether there might be ends in which a dead being can share. For example, one of my ends—one of the things I take to be valuable for its own sake, that is—could be seeing my children, or my business, flourish. Perhaps that remains one of my ends after my death. But whether there is any situation in which I, posthumously, am used as a means in order to bring about that end is unclear.

The question, of course, is whether the ‘something’ used is related to me in a morally relevant way. Since my right kidney is still here, I do not need my left kidney any more than a dead cow needs, say, the flesh of her back. But in some sense, the kidney case is a bit misleading. After all, we have said that animals *are* their animals. Their animals are their *selves*. Humans, like me, might be something else entirely: we might be brains, immaterial souls, bundles of perceptions, and so on. Instrumentalizing a part of my animal, if I am not my animal, should not be a terrible violation of *me*. On the other hand, instrumentalizing a part of an O-animal’s animal is instrumentalizing a part of *her*; instrumentalizing a part of her *self*. And that, I think, is what makes eating or otherwise using even parts of an animal’s corpse a violation of her moral standing. My moral standing, as a human, may not even extend to my animal, perhaps problematically: it may only extend to whatever it is that I am. But an animal’s moral standing belongs to *her*, and she is her animal.

It seems to follow from this, and the points made in the rest of this chapter as well as in Chapter 2, that we should practice robust vegetarianism: vegetarianism in all normal circumstances, and that we also ought not otherwise use the corpses of animals. This is because when an animal dies, neither she nor her moral standing cease to exist. Rather, she continues to exist as her corpse, and her moral standing continues to exist, since it is permanent. Using her, by way of using her animal, and in this case her corpse, as a means to an end, is a violation of that permanent moral standing. As such, we are violating an animal’s moral standing when we eat or otherwise use her, i.e., her corpse, which as we said in Chapter 2, *is* her. To eat or use Daphne’s corpse, or even parts of it, is to eat or use *her*, and that is a violation of her permanent moral standing.

3.5 Person-Affecting Principles and the Problem of the Subject

Korsgaard commits at the beginning of *Fellow Creatures* to something often called a ‘person-affecting principle’ in the literature on population ethics. Her person affecting principle suggests that everything which is good (or bad) is good (or bad) for someone.⁴³ When she argues that moral standing is atemporal, she preserves her person-affecting principle by suggesting that the self, too, is atem-

⁴³Korsgaard, 2018, pp. 9-12.

poral. Korsgaard, then, addresses a major problem in the literature on posthumous harm. That problem is called the ‘problem of the subject’, and we will see it arise again in response to Joel Feinberg’s argument for the possibility of posthumous harm in a later chapter. Here, I too have tried to preserve a person-affecting principle for those readers who might accept it, although we, like Korsgaard, will have to read ‘person’ quite loosely. (Korsgaard’s person-affecting principle is more of a ‘creature-affecting’ principle.)

Some philosophers are hesitant to accept person-affecting principles. Others find it hard to conceive of harm or good being harmful or good without being harmful or good *to someone* or *for someone*. But one virtue of the account I have just presented is that it does not face the problem of the subject: rather, since animals survive their deaths as their corpses, they are the subjects of the posthumous harm they encounter. Those who like person-affecting principles will note this as a virtue of the account I have provided.

3.5.1 What Happens Later?

What I have just said about person-affecting principles might seem too good to be true. In point of fact, corpses are not permanent: they decompose, and eventually go out of existence. But moral standing is permanent, as we have said. There is, then, a question about what happens after an animal has decomposed, although her moral standing remains. To begin with, if you accept a person-affecting principle, you might worry that when an animal ceases to exist, she can no longer be the subject of goods or harms, and perhaps then can no longer be the subject of moral standing. Then, you might think, the Permanence View is not quite right: moral standing requires a subject, and some subjects of lives (and so moral standing) do not exist permanently. One reason to think this way might be that moral standing seems to come about in virtue of the fact that there are beings for whom certain things were or are good or bad. You might think that when those beings cease to exist—even if that does not happen at the end of their biological lives—their moral standing does, too.

The first thing to note, I think, is that you do not need to accept the Permanence View, word for word, in order to have seen compelling support for the RVT and PUAT in this chapter. There is an alternative for which I have not argued. The alternative view is maybe best called the ‘Existence

View' (EV). The EV says that a creature's moral standing ceases to exist when she does, i.e., that moral standing is properly accorded over the period of time that is a creature's existence (aligned or unaligned as that may be with her biological life). We showed in Chapter 2 that animals continue to exist after their deaths as their corpses, but it seems that when their animals cease to exist, i.e., when their corpses decompose or when they are cremated, they too cease to exist.⁴⁴ But you might agree that animals continue to exist after their deaths *and* think that at some later time they cease to exist, and at that time (whenever it is) their moral standing, too, should stop. Those who like person-affecting principles, I think, will be drawn to the EV.

But even if you accept the EV rather than the Permanence View, you will still have reason to accept the RVT and PUAT. The RVT and PUAT are both theses about harms which we do to animals by way of their corpses, and as long as you accept animal corpse survivalism, the EV will still be enough to provide support for the RVT and PUAT. It will still be true that when you eat or otherwise use an animal's corpse, you are doing something wrong: you are using *her* as a means to an end, and that is a violation of her moral standing—the moral standing she still has, because she is still in existence. So you do not need to accept the Permanence View in order to accept the RVT and PUAT: you can accept the EV instead.

Note, next, that the EV is a form of the PCV: it suggests that in order to have moral standing at some time T_1 , someone must be in existence at T_1 . In Section 3.3.3, we were able to reject the LV, another form of the PCV, even when faced with the claim that moral standing requires a subject. We were able to do so because animals survive their deaths as their corpses, and so can be the subjects of moral standing even when they are not alive. Here, though, we are faced with a different challenge; even though life is not necessarily the end of existence, existence is the end of existence. And if you think existence is required of someone in order that she be a subject, you will

⁴⁴As an interesting but somewhat tangential question, you might wonder whether cremating an animal is a violation of her moral standing. This really seems to turn on why you cremate an animal: are you using her as a means to an end in doing so, or somehow otherwise not treating her in accordance with her good? If the answer is 'no', then cremation should be just fine, even on the Permanence View supplemented with the thesis of animal corpse survivalism. The only other objection to cremating animals might be that existence itself is a good. But that seems wrong: some existences are definitely bad, and that is why we have the intuition the procreation asymmetry draws out: you do not have an obligation to bring into the world a child who would have a good life, but you do have an obligation to refrain from having a child whose life would be horrible. Existence cannot be a good unless the person existing can enjoy it. Further, if existence were a good (on its own), we might be obligated to create things all the time: reproduce constantly, breed our pets and all other animals, and produce as many artefacts as possible. All of that sounds quite implausible. We'll return to the issue of cremation later when we turn to Joel Feinberg's argument for the possibility of posthumous harm, which, I think, takes up a different position on cremation of animals.

have good reason to think that the EV is a form of the PCV not easily rejected by the means we used earlier to reject the PCV, since existence is relevantly different than the other standing-conferring characteristics in that when it disappears, someone ceases to be a subject all together. In what follows, I try to give some possible reasons to reject the EV nonetheless, some of which are related to its being a version of the PCV and some of which are not.

But there are reasons to accept the Permanence View over the EV. First, someone who likes the EV will have to say why someone's going out of existence is a good reason to flip her standing switch off. Citing a person-affecting principle itself might be helpful here, but one must be prepared to argue for it. And even this line of defense may not be helpful. You might accept that all harms and goods have subjects, and that moral standing, related as it is to beings for whom things are or were good or bad, also requires a subject. But you might also accept that beings need not be in existence in order to be the subjects of harms or goods, or the subjects of moral standing. Think, for instance, of the statement that our failure to mitigate or slow the impacts of climate change is a harm to future people. In making this statement, one implicitly accepts that subjects of harms and goods need not be in existence in order to be the subjects of harms and goods.⁴⁵ I will not press this point here, since I have already shown that it is not necessary for the truth of the RVT and PUAT that my reader accept it. But I think it is a promising direction in which someone devoted to the Permanence View and a person-affecting principle might look.

In further support of the idea that we can have duties to subjects not in existence, it might be worth mentioning just how deeply held our own convictions about the dead are. Most of us, I think, tend to believe that humans cease to exist when they die. I have not said anything in support of animalism about human identity, and in fact I have remarked on its implausibility often. So it seems quite possible that humans do not survive their deaths as their corpses, and perhaps even that they do not survive their deaths at all. Still, it seems evident that in almost all human cultures, the dead, and things like their bodies and reputations, are held to be important and worthy of respect. Murderers who violate the bodies of their victims are seen as especially disturbed and perverse; speaking ill of the dead is frowned upon; even those of us who are not religious engage in elaborate rituals surrounding our dead. We dedicate things like books to our dead, carry out their wills and

⁴⁵Depending on your views about when existence begins, saying to an expectant mother that something is 'good for the baby' might convey tacit acceptance of the same idea: something can be good for someone who does not exist.

last wishes, and feel sympathy or sadness for them when we feel they have been wronged or violated. For whom do we do these things? If we ultimately do them for ourselves—to aid us in grieving, perhaps—why do we continue to do them even when they are inconvenient, or in direct contradiction with our own wishes? Why do we respect the goods and interests of the dead as we do the living?

Another reason to accept the Permanence View over the EV is that the EV is reliant on persistence conditions which may be difficult to spell out in great detail. In other words, in order to act in accordance with the EV, we will need to know when all beings with moral standing really do cease to exist.⁴⁶ We know roughly when animals cease to exist, since I have said a great deal about their persistence conditions. But I have not said anything about human persistence conditions, and you might think that such conditions are even more difficult to understand. Further, even if we can agree on these persistence conditions, they may not neatly correlate with our intuitions about moral standing. For instance, suppose you think each human is that human's brain: that humans are the kinds of things in our world that fall into the extension of the substance sortal 'brain'. Each of us, then, persists only as long as her brain does. But then brain-death will presumably be the end of existence for us. Is it permissible, then, to mutilate the body of a brain-dead object which once was human?

I hope to have given some reasons against accepting the EV over the Permanence View, but I should say again that it does not matter to the truth of the RVT and PUAT which my reader prefers. Assume that you have been convinced by my critiques of the EV, and are now poised to accept the Permanence View. You might still wonder: what happens after an animal's corpse decomposes, and she ceases to exist? Can posthumous harm still come to her?

In theory, I suspect it could. In order to maintain a person-affecting principle (a creature-affecting principle) while holding that an animal ceases to exist after her corpse decomposes and that her moral standing is permanent, we will have to accept the line of reasoning I alluded to above: the idea that someone can be the subject of harm or good without being in existence. This does not seem terribly problematic: in fact, as we noted earlier, it seems to match up with a typical thought about having duties to future generations and the dead. We could also talk about something like 'Daphne's memory' as the subject of her posthumous harm or good after her animal, as her corpse,

⁴⁶You might argue that we might need to know only roughly when a creature ceases to exist, and act carefully around the time of our estimate.

has decomposed.

But in practice, I am not sure whether animals could be the subjects of posthumous harm after their corpses decompose. Philosophers who argue for the possibility of posthumous harm like a certain kind of very intuitive example of posthumous harm, and that kind of example rarely involves corporeal harm. When we think of animals, living or dead, we are, I think, more inclined to expect harm that comes to them to come through their bodies, or their animals. Examples of non-corporeal posthumous harm to humans include things like slander, for instance, or the miscarriage of one's will. Philosophers like Joel Feinberg take these to be the paradigmatic examples of posthumous harm. But animals do not have wills; and if they were slandered during or after their biological lives, it is not clear that they would know or mind. Of course, this is not to say that slandering an animal cannot be a violation of her moral standing: plenty of things about which someone cannot know, and which might not bother her, can be violations of her moral standing. But there seems to be something odd about saying that slandering an animal would violate her moral standing, however improper or strange it might be to actually slander a dead, or living, animal. (I suspect no one would like to hear her dead pet called a terrible menace, or some such thing.)

The point remains: non-corporeal harm is a bit unrelated to the specific harms we are talking about, all of which are harms to the corpse. This point has some symmetry with the harms and goods of living animals: if you asked me to come up with a list of things that are good for a deer, I might list things like water, food, safety, space to move around, and so on. Most of the things that are good for most living animals are really good for their bodies, or their animals.⁴⁷ If what we are concerned with chiefly is treating animals in accordance with their goods, as Korsgaard suggests, we might think that most of an animal's goods are related to her animal, and that this will still be true after her death. It would seem likely, then, that her harms and goods would continue to be related to her animal, even after her death. On the other hand, there are perhaps ways of instrumentalizing an animal, say, Daphne, without literally instrumentalizing *her*, i.e., her animal. This point may still hold after her death. So it seems at least possible that Daphne could still be harmed posthumously even after her animal, as her corpse, decomposes.

⁴⁷This equation of 'body' with 'C-animal' is a bit imprecise. See Olson, 2003, for some reasons we might not want to say that Daphne's animal is her body.

3.5.2 Species Membership and the EV

Let us return briefly to our conversation about moral standing switches. There is one last view to consider about this matter, but to address it properly, we will need to have the EV in mind; that is why I have reserved it for this last section. The final view to consider is the Species Membership View (SMV). The SMV suggests that a creature's moral standing is accorded to her on the basis of her membership in a species that is constitutively C, where C is the standing-conferring characteristic we think matters. I am not going to argue against the SMV; rather, I am going to show that it is compatible with the EV, and perhaps even the Permanence View, and so compatible with the truth of the RVT and PUAT, and the argument we have made for that truth.

First, let us see why the SMV might seem, at first glance, incompatible with the Permanence View or EV. Put simply, you might think that someone's membership in a species ends at the end of her biological life. I am going to show that this is not the case, but first, I want to show that the species membership view is compatible with both the claim that animals have moral standing and the metaphysical work we did in Chapter 2 regarding sortals.

First, although it has found favor among those who seek to deny that animals have moral standing in the animal ethics literature, the species-membership variation is not incompatible with the claim that animals have moral standing. It's certainly true that some proponents of the membership variation like rationality as a standing-conferring characteristic, and so say that only members of a constitutively-rational species (i.e., *Homo sapiens*) have moral standing. But as we have seen, there are other possible standing-conferring characteristics; we might instead say that membership in a species that is constitutively *sentient*, or even just generally sentient, is the proper basis on which to accord moral standing.

In that last line, I alluded to the fact that we could seemingly replace 'constitutively' with 'generally'. I understand 'constitutive' loosely here to avoid confusion. Saying that some trait—like rationality—is constitutive of a species might sound a bit like saying that rationality is part of what it is to be a human, or a member of the species *Homo sapiens*. But this is not what the membership variation as I understand it is suggesting. In fact, if it were, the idea behind the membership variation would be incompatible with what we saw in the last chapter, which, as I show just below, is not the case. The reason this incompatibility would seem to arise is that many traits we might

want to call constitutive—like rationality and sentience—are functional. And as we have seen, good substance sortals should not be functionally defined; we saw in particular, when we examined the case of Violet, the elderly woman with dementia, that ‘rational’ or ‘reasoner’ cannot be included in whatever the substance sortal for humans is.

But I do not think the membership variation attempts to identify traits that might make up substance sortals. That is, I don’t think the membership variation suggests that traits *constitutive* of a species answer the kind, persistence, and countability questions we saw sortals answer in the last chapter. Rather, I think that saying that members of a species are constitutively *X*, where *X* is some standing-conferring trait, must mean something like: the average member of this species is *X*, although members of the species can exist without being *X*.⁴⁸ I’ll continue to use the word ‘constitutively’ with this understanding in mind.

Now I want to turn to showing how the SMV is compatible with the claims I have made in this chapter. I do not think species membership ends at the end of someone’s life. In the case of animals, I suspect, species membership persists as long as the animal in question does. The short way to defend this claim is to say that all animals are members of some species or other,⁴⁹ and since animals survive their own deaths as their corpses, their corpses retain membership in the same species. This line of reasoning seems promising, but would likely require further elaboration.

A more thorough defense of the claim that species membership does not end at the end of life might make use of the work we did in the last chapter of this thesis. We saw that what it is to be an animal is to have the sort of organization that makes one apt for life, as well as some other intrinsic, structural features, including an internal genetic plan. These features persist through death. We might simply amend this definition to say that, say, a dog, is a member of the species *Canis familiaris* just as long she has the complex organization characteristic of those apt for the life of a dog, and the sort of internal genetic plan typical of a dog. We might also note some relational features: someone is a dog if and only if she has been produced by means of reproduction typical of dogs, and if she is the product of a certain sort of evolution. With all of this in mind, it seems right to say of anyone who is the kind of thing in our world in the extension of the sortal C-animal that

⁴⁸There might be a connection between constitutive traits and phase sortals very common among members of a species: reasoner, feeler, etc.

⁴⁹In fact, as Jens Johansson (Johansson, 2016, p. 285) writes, we might take “individual whose body is a member of some biological species” as a “suitably loose” definition of ‘animal’.

her species membership persists through her death.

It follows, then, that the SMV can support the RVT and PUAT, providing a sort of intermediate step between standing-conferring characteristics and moral standing. A dead cow who dies peacefully, for instance, will first have been accorded moral standing in virtue of her membership in a species that is constitutively sentient and self-conscious, namely, the species *Bos taurus*. Since her membership in the species *Bos taurus* will persist through her death, so will her moral standing. In fact, her membership in the species will persist as long as she does, if we accept the claim made in Chapter 2 that species designations are in fact the best substance sortals for animals. That is because her persistence conditions are dictated by her substance sortal—she literally cannot exist without existing as a member of the species *Bos taurus*. All of this is to say that species membership persists in animals who die peacefully at least as long as they do, and so if it is their species membership from which their moral standing is derived, their moral standing should persist well beyond their death. In other words, the SMV is compatible with, or a version of, the EV. And as we have said, the EV can support the PUAT and RVT.

I said just a moment ago that species membership persists *at least as long as* animals do. I chose to say this because you might think that species membership can work like sentience and self-consciousness do in the Permanence View. Late in Section 3.3.3, we said the same thing about life. Perhaps it is the case that species membership is a necessary condition on someone's moral standing. But it could also be true that someone's species membership is just the reason her standing-switch flips on to begin with, and is not a reason to flip it off. I have not been talking about the SMV as a form of the PCV, but it is in fact one, although it need not be. Rather, it could be the case that someone's species membership (in a species constitutively sentient and self-conscious) at some time T_1 is the reason we begin to accord her moral standing, and the reason she has moral standing at any later time T_2 , even if T_2 is a time at which she is no longer in existence, and so no longer *presently* a member of the species in question. In this way, the SMV may even be compatible with the Permanence View.⁵⁰

⁵⁰Interestingly, the same could be said, *mutatis mutandis*, of the Potentiality View, even when it employs the common conception of potentiality, which we have criticized. The important thing to bear in mind in each case is that reasons for turning *on* someone's standing switch may not also be reasons for turning it off. As we saw in Terri's case, even if potentiality (to be sentient and self-conscious, perhaps) were the reason her standing-switch flipped on in the first place (perhaps before she was born), her presently lacking that same potentiality still would not be a good reason to flip her standing switch off.

Chapter 4

The Surviving Interests of Animals

4.1 Introduction

In the last chapter of this thesis, I defended the claim that animals have permanent moral standing. I showed there that eating or otherwise using animal corpses is wrong in that it violates an animal's permanent moral standing, since animals come to be their corpses. Here, I want to defend a very different kind of argument for the possibility of posthumous harm to animals, which I think will help us reach the truth of the RVT and PUAT in a new way. This argument may be more appealing to non-Kantian readers, or those who are hesitant to accept the metaphysical conclusions we drew in Chapter 2.

The argument I present here begins with an explanation of Joel Feinberg's argument for the possibility of posthumous harm. I go on to show that this argument, although developed for humans, can also be applied to animals.¹ Feinberg's most important contribution is perhaps the concept of a surviving interest—an interest which survives the death of an original possessor while maintaining its ability to be the basis of moral claims upon others. After what I hope is a thorough treatment of both Feinberg's broader picture and the concept of a surviving interest, I try to imagine the surviving interests of animals, and the obligations, for us, that may follow.

¹It's probably worth noting that Feinberg has written elsewhere about the place of animals in the same sort of account of harm and interests he gives here. I don't draw on that argument here, because it is largely concerned with living animals, but it can be found in Feinberg, 1974.

4.2 Feinberg's Argument from Interests

We should begin with an understanding of two important concepts of which Feinberg makes use: harm and interests. For Feinberg (and, I think, fairly uncontroversially), these two things are intimately linked. Feinberg's primary claim is that posthumous harm is possible. In order for this claim to be compelling, then, Feinberg must make a case for posthumous interests. This is because he explains harming as follows: "A person is harmed when someone invades (blocks or thwarts) one of his interests. A person has an interest in Y when he has a stake in Y, that is, when he stands to gain or lose depending on the outcome or condition of Y".² There is no harm without interests, Feinberg says, because by definition harm is the invasion of interests.

Feinberg has more to say about what an interest is and what it is to have interests. He detangles interests from wants, which will be important for my later expansion upon his argument. Wants are not, strictly speaking, necessary or sufficient for all kinds of interests. Some interests, like 'welfare interests', as Feinberg calls them, do not require any wanting at all: someone has them just in virtue of what is good for her. Health, Feinberg posits, is a welfare interest: it is in a person's interest that she be healthy, regardless of whether she wants to be healthy or not. Wanting is necessary but not sufficient for creating another kind of interest, which Feinberg calls 'ulterior interests'. Ulterior interests require of someone not only that she want X, but also that she stand to gain or lose depending on the outcome of X. This last condition follows from Feinberg's definition of interests: recall that what it is to have an interest in X is to stand to gain or lose when X is fulfilled or thwarted.³

Making use of W.D. Ross' distinction between want satisfaction and want fulfillment, Feinberg argues that these two things are not so inextricably linked. In fact, we often have our wants fulfilled without feeling satisfied (e.g., when we had hoped for X, but X was not all we thought it would be when we finally got it). We also sometimes feel satisfied without actually having had our wants

²Feinberg 1977, p. 45

³There is a certain parallel between the welfare/ulterior interest distinction and the functional/final good distinction, and the ideas of 'wanting' and 'taking something to be good for oneself', but it cannot be followed too far without inducing confusion; Korsgaard's idea of 'taking something to be good for oneself' is not quite wanting, and presumably we can want things without taking them to be good for us and conversely. Final goods are ends we set for ourselves, and it is not clear that everything we want and have a stake in (i.e., have an ulterior interest in) also becomes an end for us. For humans, at least, setting ends ought to be a process guided in part by reasoning; wanting things and having a stake in them are not quite the same.

fulfilled (e.g., when we are deceived into thinking we have received X but really have not). So the proper account of harm, Feinberg contends, does not accord significance to whether such harm is felt or affective in any way—whether we are satisfied or frustrated.⁴ Instead, it accords significance to whether one’s interests are thwarted or promoted (fulfilled or not fulfilled). In short, harm is not about interest satisfaction, so to speak, but about interest *fulfillment*. In accordance with Feinberg’s own terminology, we can call this position about harm and interests a kind of *objectivism*.⁵ The idea is that harm does not depend on your subjective experience of being harmed, but rather on whether, objectively speaking, your interests have been thwarted.

Now, it may still seem doubtful, even with this objectivist framework in place, which allows for what I’ll later call ‘non-affective’ harm (harm that doesn’t affect its subject, phenomenally or otherwise), that the dead could be harmed. For presumably someone, or something, must be the subject of harm, and the dead, as George Pitcher puts it, are ‘just so much dust’. Feinberg has an answer for this: we ought to think of interests, not persons, as the subjects of harm. When we talk about persons being harmed, Feinberg suggests, we are really speaking ‘elliptically’—it is their interests that are harmed, and they are harmed as a result of that. Feinberg writes about this ‘elliptical’ way of speaking as follows. If I punch you and break your nose, what I have really done is harm your interest in maintaining the integrity of your nose, and I have harmed you, in a sort of roundabout way, by harming your interest in the integrity of your nose. After someone is dead, her ‘surviving’ interests can still be harmed—what it is to be a surviving interest is to be an interest available for promotion or thwarting after death.⁶ Some of her interests, about things like pleasure she wants to experience, will not survive her death, but others, such as her interest in having a good reputation after she dies, will. And those interests can be the subjects of harm long after their original possessor (the antemortem person who had the interests in question) is gone. In other words, some interests can be harmed postmortem, because “the area of a person’s good or harm is necessarily wider than his subjective experience and longer than his biological life”: he can have

⁴In tagline form: What matters is that you get what you want, not how you feel when you get it.

⁵Feinberg, 1977, p. 63. Notably, Feinberg is not an objectivist about well-being in general; as we said earlier, he does think some interests, namely ulterior interests, require desire on the part of the interested party. Only welfare interests indicate some commitment to objectivism about well-being on Feinberg’s part. It’s worth noting, though, that welfare interests will play a greater role in my expansion of Feinberg’s argument than will ulterior interests.

⁶Feinberg, 1977, p. 64

interests available for harm or promotion after his death.⁷ One final way of putting this is that Alice's having had an interest in X at time T_1 makes it possible for her interest in X to be harmed at time T_2 , where T_1 is during her life and T_2 is after her death, as long as her interest is of the kind which can survive her death (I will say more about this in [later]). Putting Feinberg's point in this way also eliminates worries about backward causation that can sometimes accompany accounts of posthumous harm.

Feinberg has more to say to motivate the possibility of posthumous harm to antemortem interests. He offers three cases for our consideration. Case A features a man who devotes his life to a certain cause and founds an institution in order to further it. He has an interest in this institution's continued flourishing. It collapses a month before he dies, but his friends deceive him into thinking this is not the case, and he dies happily, without knowledge of this collapse. Case B is identical to Case A save for the fact that the man's institution flourishes until his death, after which it collapses. Feinberg wants to suggest that there is no relevant difference between these two cases. We should say, in both cases, that the man's interests have been harmed, even though the man is no longer alive at the time of his interests' being harmed in Case B, or risk saying, against our intuitions, that the man's interests have not been harmed in either case.

What happens here, in greater detail, is that Case A gets us to agree with Feinberg that not all harms are affective: that we need not feel differently in order that it be true that our interests have been harmed. This point reinforces the earlier distinction we saw Feinberg make between interest-fulfillment and interest satisfaction: what matters is not that you feel differently when your interests are harmed or helped, but *that* your interests have been harmed or helped. Since we want to say that Case A really is a case of harm, Feinberg thinks, we'll also have to agree that Case B is a case of harm, even though posthumous harm, by nature, cannot have an affective character; the dead cannot feel satisfied or hurt. Feinberg thinks there is only one relevant difference between Cases A and B left to address, and he raises Case C in order to do so.

In Case C, the facts are the same as in Case B, but the collapse of the man's institution is caused by a group of "malevolent conspirators" who spread rumors about the man and his institution, betraying his trust and leading to the "ruin of his interests".⁸ Case C is meant to address the

⁷Feinberg 1977, p. 64

⁸Feinberg 1977, p. 67

problem of the subject, which we saw arise in Chapter 3 of this thesis, too. Feinberg claims that there can be no ‘problem of the subject’ in Case C; if his objector had been concerned about Case B for this reason, Case C is a response. For, Feinberg says, in Case C it is clear that something wrong has been done, and to whom could it have been done, besides the man, elliptically, through his interests? He writes:

When a promise is broken, someone is wronged, and who if not the promisee? When a confidence is revealed, someone is betrayed, and who, if not the person whose confidence it was? When a reputation is falsely blackened, someone is defamed, and who, if not the person lied about?⁹

Let me make some comments about Feinberg’s argument. Primarily, he seems to be trying to make a case for something we might call *nonaffective harm*.¹⁰ The point of the first argument I explained seems to be that (a) harm is about thwarted interests, not about feeling unsatisfied when you believe (rightly or wrongly) that your interests have been thwarted, and that (b) it is legitimate to talk about interests, instead of persons, as being harmed, especially because harm need not affect someone’s felt condition in any way. The point of the second argument (the argument by analogy) which I explained seems to be to reinforce claim (a) from above by showing that harm can come to a person’s interests without that person knowing about the harm in question, and to show that nonaffective harm during a person’s life is no different than posthumous harm, which is by nature nonaffective.

4.2.1 Feinberg’s Argument and the Problem of the Subject

Note that Feinberg’s argument is fairly different from the one I gave in the last chapter. Perhaps most notably, Feinberg thinks of interests as the subjects of harm, and so his case for posthumous

⁹Feinberg, 1977, p. 68.

¹⁰The possibility of nonaffective harm as something bad is inherently incompatible with hedonism, a view about well-being. I do not take this to be a major problem for Feinberg’s view, and suspect that hedonism is not widely held to be true, especially in light of some compelling defeaters, like Nozick’s ‘Experience Machine’. There are also some philosophers, like Ernest Partridge, who deny the possibility of nonaffective harm, in order to argue against posthumous harm as Feinberg conceives of it. I won’t engage further with this view here, but the case for nonaffective harm can be bolstered with more thought experiments. A friend of mine likes this one: Suppose there are two worlds, D and E. In each world, you’ll have many friends, who will bring you great joy. In World D, however, they all secretly hate you, although you never learn it, and of course your felt experience is the same. In World E, your friendships are all genuine. In which world would you rather live? (The point is that presumably you have an interest in genuine friendships, and it matters to you whether this interest is thwarted or not—not just that you *feel* as though it’s not thwarted.)

harm need not turn on whether a person or an animal survives after her death, but rather whether her interests do: whether they are still available for promotion or thwarting. By contrast, we saw that the argument I gave in Chapter 3 relied on the metaphysical conclusions I laid out in Chapter 2. This is, I think, a very good time to remind my reader that the arguments I give in Chapters 2 and 3 are not meant to be compatible with the argument I give here; rather, these arguments are meant to appeal to different readers with different convictions, prior commitments, and intuitions.

Of course, Feinberg's argument has still met some of the same kinds of objections we saw in the last chapter. James Stacey Taylor, for instance, has charged Feinberg with responding to the problem of the subject insufficiently.¹¹ This, I think, is not an unfounded concern. Feinberg favors the point that interests rather than persons are the subjects of harm, but also thinks that persons can (only) be harmed through the thwarting of their interests.¹² When he discusses posthumous harm, he prefers the former point to the latter, but realizes that those who do not like the idea of interests as the subjects of harm rather than persons may still need persuading, and this is why he brings to our attention Case C.

It is not immediately obvious, though, that those who like person-affecting (or creature-affecting) principles, or those who are concerned with problems of the subject,¹³ will be convinced by this reasoning. Feinberg asks us a bit of a leading question: *Who* is the subject of the harm that happens in Case C? He wants us to respond, as we saw, that the man is the subject of the harm which comes to him by way of his thwarted interests. But let us pause to consider how this could be right.¹⁴

Call the man in Case C 'Cal'. How could it be the case that Cal is harmed by the thwarting of his interests? One possibility is that Cal exists after his death. Another possibility is that Cal doesn't exist after his death, but can still be the subject of harm when he is not in existence, as

¹¹Taylor, 2005.

¹²Feinberg, pp. 67-68.

¹³I tend to think these two groups have a lot of overlap, but Feinberg is writing in the 1970s, and so he only responds to the latter group by name. To my knowledge, talk of 'person-affecting principles' started later, in the population ethics literature, and rose to prominence with Parfit, 2017.

¹⁴I should note that, despite their name, person-affecting principles should not be taken to prioritize affective harms exclusively. Korsgaard's, for instance, states that everything which is good (or bad) is good (or bad) for someone. Something can be good (or bad) for you without your knowing about it, and without its changing your condition. (Korsgaard does not say 'everything which is good must feel good for someone', and Kantian accounts tend to be fairly amenable to nonaffective harm in general, since they aren't concerned with pain and pleasure above all else.) For instance, you might take monogamy to be good for you, and set it as an end, in Korsgaard's language. If your partner is unfaithful, then, she has hindered your good, or end, even if you never learn that she has done so.

we discussed in the last chapter. A final possibility is backward causation: antemortem Cal is harmed by the thwarting of his antemortem, surviving interests, although the time at which those interests are thwarted is after his death. Feinberg gives no indication that he accepts the first or third possibilities, and since they would probably require a good deal of further argument on his part, I take it that he accepts the second. The longer quote we saw above, I think, is supposed to serve as his argument for the second possibility. He seems to take it that certain harms—breaking promises, for instance—require a subject, and concludes from this point that the best candidate subject of the harm that indubitably happens in Case C is Cal, through his interests. He concludes, then, that those who are concerned with the problem of the subject need look no further: certain harms that require subjects certainly can come to the dead, and nobody but the dead person in question could be that subject.

This is a convincing enough argument, but I don't think Feinberg needs it, and Taylor and others are ready to push back against it. Rather, I think Feinberg can be content with the point he's already made, and the point I take him to prefer: that interests are the subjects of harm rather than persons. He assumes that some harms necessarily have persons for subjects when he asks *who* the subject of the harm in Case C is, but he doesn't need to: he could simply ask 'what' the subject of the harm in Case C is, instead. There is something nice (simple, perhaps) about the idea of surviving interests as the reason posthumous harm is possible: we do not need any further ideas about what it takes to be a subject, or any metaphysical premises about survival of subjects after death. (I say more about this in the next section.) At a bare minimum, Feinberg's argument can work whenever certain interests are available for promotion or thwarting after their initial possessor's death.

In another way, though, Feinberg can preserve some of the sentiment behind a person-affecting principle even if he were to refrain from assuming that certain harms necessarily have subjects. One idea behind Korsgaard's person-affecting principle¹⁵ is that there are not free-floating goods (or harms): everything which is good (or bad) is tethered to someone for whom it is good (or bad). In other words: whenever we say that something is good, or better, we must ask: "Good, or better, for whom?" The way Korsgaard frames her own person-affecting principle suggests that at least part of the reason she accepts it is in order to avoid statements like: 'Human lives are better than pig

¹⁵I draw the interpretation I give in this section from Korsgaard, 2018, pp. 9-17.

lives.’ (“Better for whom?”) Of course, this is not the only concern which leads her to adopt the person-affecting principle she does; but it suggests something important about her person-affecting principle, which I don’t think is totally missing from Feinberg’s account. She means to suggest in part that the idea of a good, or something’s being good, comes about because there are beings for whom things are good: as she writes in Chapter 2, “I think that there are things that matter because there are entities to whom things matter: entities for whom things can be good or bad, in the sense that might matter morally”.¹⁶

In fact, the centrality of interests to Feinberg’s account of harm preserves this thought: interests arise because there are beings who have them, and if there were no beings for whom things could be good or bad, there would be no interests. (Welfare interests depend upon what is good for someone, and ulterior interests depend upon what is good for someone and what she wants.) Of course, interests do not survive only under the condition that there is (still) someone in existence for whom they are interests, but they come about to begin with because they are *someone’s* interests, i.e., there is no such thing as an interest which never had a possessor. And that idea—that things are good, or morally worth promoting, because they are ‘good-for’ someone—is part of the idea behind Korsgaard’s person-affecting principle, too. I think Feinberg’s take on the same matter is that interests come about because there are beings for whom things are good or bad, and so that harms and goods come about because there are beings for whom things are good or bad—those are the beings who have interests. Feinberg just also believes that those interests can persist even when those beings in whose interest they initially were cease to have them as interests (i.e., cease to be beings for whom the promotion or thwarting of those interests will be good or bad).¹⁷

The Interests-First Approach

Even if you don’t accept a person-affecting principle, or worry about the problem of the subject, you might think it is strange to talk about interests, rather than persons, as the subjects of harm for another reason. Earlier, I gave this case, borrowed from Feinberg, to explain the ‘elliptical’

¹⁶Korsgaard, 2018, p. 17.

¹⁷The only way Korsgaard can conceive of posthumous harm while avoiding this same idea is by simultaneously conceiving of the self (the subject of harm) as atemporal; I avoided the same idea in Chapter 3 by proposing in Chapter 2 that animals survive their own deaths. Either option, of course, remains available to my reader, to ‘mix and match’ with Feinberg’s account as they choose.

way of speaking about persons as the subjects of harm, through their interests, which Feinberg likes. If I punch you, breaking your nose, what I have really done is harmed your interest in the integrity of your nose, and so harmed you. That, you might think, is ‘one thought too many’: I have harmed *you*, and that is wrong, period. This example is, I think, on Feinberg’s part a bad rhetorical choice; felt (affective) harms make less intuitive sense when captured by the interests-first model than do non-affective harms. It seems better, to me at least, to imagine speaking of nonaffective harm using the interests-first model. Suppose Pat’s spouse is unfaithful to her, and that she has an ulterior interest in a monogamous relationship, but that she never finds out this infidelity. It seems less strange to say in this case Pat’s interest in a monogamous relationship has been harmed, and Pat has been harmed elliptically. Nonaffective harms do seem to happen in cases like Pat’s, and the interests-first model accounts for these harms in a way other models (which prioritize affective harm, for instance) may fail to. It’s also important, as we’ll see just below in this same section, that we be able to account for harms that just don’t seem to have a subject—*untethered* harms, we might call them, as I suggested in a note earlier—and the interests-first model provides us with an exceedingly easy way to do so.

I sympathize with the idea that this might still be one thought too many, but there are, nonetheless, good reasons to adopt Feinberg’s ‘interests first’ approach. I have already alluded to one such reason: since Feinberg thinks interests can survive without being tethered to a person, he doesn’t need to adopt any metaphysical premises in order to talk about posthumous harm. That is, since Feinberg thinks interests survive death and interests are the subjects of harm, he can sensically talk about posthumous harm without also showing that the subject of the harm still exists (as her corpse, or her soul, etc.) after her death. Whether you think interests are good candidates for being subjects of harm is a different matter, and one we addressed above. The point is that if you accept that interests are the subjects of harm, a virtue of Feinberg’s argument, despite the one-thought-too-many objection, is that it allows us to conceive of posthumous harm with a subject, while simultaneously rejecting the idea that beings continue to exist after their deaths.

You might wonder whether there is a symmetrical consideration about the interests of unborn generations. Later, I’ll talk a bit more about prenatal beings, like fetuses—beings who have started to take shape already—but right now let’s talk just about future people, who haven’t been conceived

yet. A natural thought, and one we saw in Chapter 3, is that we have an obligation to members of future generations to mitigate or slow the impacts of climate change, and if we do not fulfill this obligation, we will harm them. This sort of thought might be best supported by an interests-first approach; we can simply say that it is in the interest of future people that they inherit a planet suitable to inhabit, and thwarting this interest, or failing to promote it, is a harm to them.

In the last section, 4.2.1, I said that Feinberg's argument could preserve some of the force behind Korsgaard's person-affecting principle. I wrote that goods and harms come about, on Feinberg's account, because of interests, which are necessarily had by beings for whom things can be good or bad: both because interests do not arise out of nowhere (they always begin as 'tethered', i.e., *someone's* interest) and because you cannot have interests if nothing is good or bad for you—if you do not have a stake in anything.¹⁸ You might wonder if that point is incompatible with what I have just said about future people. But it is not, or at least cannot be said to be so without further argument. Rather, we might accept that future beings are beings too, and things can be good or bad for them just as things are good and bad for those of us in existence right now. The only difference is that we cannot say exactly who they are, or point them out, and so it may be easier to talk about harming their interests, or harming them by way of their interests, rather than harming *them*.

It also seems possible that interests only become the subjects of harm once there is no person to be the subject of harm. In other words, perhaps we need not always think of harm coming to interests first and persons second. One plausible thought is that during your life, since *you* are available to be harmed, you are the first subject of the harms that come to you, while your interests are the *reasons* harm comes to you. When you are alive, we could say: "I harmed you in punching your nose, and it was a harm to you because you had an interest in maintaining the structural integrity of your nose" (be it a welfare interest or an ulterior one). After your death, since your interests survive you, but since perhaps you do not survive your own death, your interests become the 'first' subjects of the harm that comes to you. This is a bit like another way of speaking we saw in the last chapter, when I proposed that perhaps when Daphne's corpse ceases to exist, 'Daphne's memory' becomes the subject of harms that come her way.¹⁹

¹⁸Recall the definition of interests we gave in Section 4.2, as well as the understandings of welfare and ulterior interests we reached there.

¹⁹We have been talking a lot about the presence of interests without the existence of their initial possessors, and in fact this is a central idea for Feinberg. The blanket term I suggested in Section 4.2, 'nonaffective harm', might now

4.3 Expanding Feinberg's Argument to Animals

It is not difficult to get from Feinberg's claim, which is that posthumous harm is possible, to a conclusion about moral obligations to the dead. In fact, all we need to add is this: if someone or something can be harmed, we ought not harm that being or thing, *ceteris paribus*. It seems clear that this is true. And so we ought not harm the surviving interests once belonging to the deceased. Later, I will give surviving interests a much more thorough treatment, but for now, I want to merely reiterate what I said earlier: put quite briefly, surviving interests are just those interests available for promotion or thwarting after the death of their original possessor.²⁰

Suppose we accept Feinberg's argument, granting all of his premises as well as the additional one above. In order to see what moral obligations follow with regard to the interests of the animal dead, we should take a look at the way moral obligations follow with regard to the interests of the human dead. These obligations will not be to the dead themselves. Rather, they will be obligations to the interests of the dead, or, perhaps, obligations with regard to the dead, elliptically, through their surviving interests.²¹

Any moral obligations with regard to the dead which follow from Feinberg's argument will be determined by the surviving interests of the being in question. Adult humans often create wills at some point prior to their deaths; it seems reasonable to think that what is expressed in someone's will is indicative of her surviving interests. But we mustn't be too quick to generalize from this point. After all, many humans do not leave wills; those who do may leave important surviving interests out of their wills. And yet we still try to treat our dead in accordance with something *like* their surviving interests: we try to treat them in accordance with our best approximations thereof. In short, we almost always face some degree of uncertainty when we are attempting to promote or refrain from thwarting the surviving interests of the dead, because we are almost always uncertain about their surviving interests, since we cannot communicate with them.

Take a case even more uncertain than that of an adult with a vague will. Very young infants seem

seem a bit misleading: nonaffective harm might imply the presence of a subject who could be affected, but is not, for whatever reason. It might be better to speak of '*untethered* harm' when we discuss harm without a subject in existence at the time the harm occurs—when we discuss posthumous harm, and harm to future persons, for instance.

²⁰Feinberg, 1977, p. 64.

²¹I say 'perhaps' in case my reader is still concerned about the problem of the subject, or thinks we cannot have obligations to those not in existence, despite my argument against this claim in Chapter 3.

to lack a concept of death, as well as future-regarding ulterior interests (which, remember, require wanting). These two things make infants quite similar to animals, who also at the very least seem to lack a concept of death,²² and more controversially may lack future-regarding ulterior interests.²³

And yet when an infant dies, we are not quick to suggest that since we are unsure about her interests, and since she might be tasty, we ought to eat her. Rather, when an infant dies, we take her surviving interests to be similar to ours, or at least not in contradiction with them. Is this action right, strictly speaking? It may be objected that treating the infant dead respectfully—refraining from eating them or throwing their bodies away—is merely a matter of norm, law, or tradition, rather than a matter of moral right and wrong. But if this were the case, we would be committed to saying that throwing away the bodies of the infant dead or eating them would only be wrong insofar as it were illegal or culturally impermissible. And I think we have the intuition that these things are morally wrong, not just illegal or unconventional, and would be wrong in societies different from ours. Intuition, then, suggests that to treat a dead infant as if she has no surviving interests is morally wrong.

I bring up the infant dead to emphasize this point: infants are relevantly similar to animals, and although *we are uncertain about the surviving interests of the infant dead, we do not treat them as if they have none*. We often do, on the other hand, treat animals as if they have no surviving interests. I am *not* saying we should treat the infant and animal dead the same way. The exact stance we take up with regard to the infant dead²⁴ cannot be straightforwardly transferred to the animal dead. Our best approximations of the surviving interests of infants seem to be informed by the humanity we share with them. This is to say that we need not treat the infant and the animal dead equally, because we are not equally uncertain in each case, or if we are, the uncertainty about animal interests may be of a different kind. However, we can take the principle from the case of infants and apply it to the case of animals. We do not merely treat infants (or humans of other ages) as lacking surviving interests because we are uncertain about what their interests might be. Since animals and infants are in much the same predicament after they have died, it is not clear why we

²²I ignore, for the the purpose of this thesis, fascinating phenomena like mourning among great apes—since they are not the creatures we eat.

²³The issue of animal interests about the future has been of much interest to many philosophers since *Animal Liberation*. See Coetzee 1999, pp. 85-91, where Peter Singer signals his views may have changed on this topic.

²⁴I want to remain vague about exactly what this stance is.

should treat the former group as lacking surviving interests all together, while we do not treat the latter as such.

There is an obvious point worth making, as is often the case in philosophy, which is that it seems implausible (almost impossible, perhaps) that animals have a surviving interest in their being eaten or otherwise used. The idea of responding to this point is that you might wonder, even if you agree that we should not treat animals as if they have *no* surviving interests at all, whether they might have a surviving interest in being eaten (or otherwise used). But aside from the cow we meet at the Restaurant at the End of the Universe, who implores diners to enjoy ‘parts of [his] body’,²⁵ it seems fairly obvious that animals do not have interests in being eaten: it is not clear that they understand what it is to be eaten, so it is not clear that they could want to be eaten.²⁶ And further, they seem to have a contrary welfare interest in *not* being eaten. I haven’t yet said more about surviving interests, but it seems clear that this interest can be thwarted or promoted after the death of the animal who once had them: we do eat and use animal corpses all the time, after all. So not only does it seem absurd to imagine that animals want to be eaten (or otherwise used); it also seems that they have surviving interests against being eaten (or otherwise used).²⁷

Now let us return after this brief interlude to the ideas of animals and infants with uncertain interests. It seems to me that what we do with the uncertainty we face in infant cases can be a helpful guide to what we ought to do with the uncertainty we face in animal cases. I want to say more about this in a moment, but first, I want to explain why I think we could probably stop here—why we might already have said enough to draw tentative support for the RVT and PUAT.

²⁵I thank Laura Ruetsche for bringing this passage, from Adams, 1980, Chapter 16, to my attention. One could write an entire philosophy paper on this passage, which I stop short of doing here, although I will note that our earthling protagonist thinks it “horrible” and “revolting” to imagine eating an animal who wants to be eaten, while his alien companion says: “Better than eating an animal that doesn’t want to be eaten”. For my part, I don’t find the thought of an animal so indifferent or amenable to her own destruction so much horrible as inconceivable, and perhaps that is part of the (ironic) point of the passage.

²⁶Even if they did have this interest, they certainly don’t communicate it to us: we’d have no basis for treating it like an interest laid out in someone’s will.

²⁷Bear with me: Christine Korsgaard quotes Peter Singer quoting Leslie Stephen as saying: “The pig has a stronger interest than anyone in the world in the demand for bacon. If all the world were Jewish, there would be no pigs at all.” (Korsgaard, 2018, p. 201.) What’s wrong with this line of reasoning? Korsgaard writes: “Who is ‘the pig’ who supposedly has a particular interest in the demand for bacon? No actual particular pig has a (positive) interest in the demand for bacon. The demand for bacon is going to get her killed. Even if the pig owes her life to the demand for bacon, and in that sense we think of her as having benefited from it, she would still be better off if everyone became a vegetarian during her lifetime.” (Korsgaard, 2018, p. 202.) Korsgaard, I think, has it exactly right; no particular pig (in the real world, rather than the restaurant at its end) has any such interest. We said similarly, in the last chapter, I should note, that animals cannot share in the end that is their being eaten.

Having seen the difficulties that arise when we do not know the content of someone's surviving interests, you might think the epistemic position we are in with regard to the infant and animal dead is bad enough that we should refrain from any action at all. Certainly, you might agree, it would be bad to conclude that the infant and animal dead have no surviving interests whatsoever. But since we don't know what their surviving interests are, you might reason, we should be especially cautious. You could take up a view like this: If we do not know someone's surviving interests, we should leave what remains of her—her corpse, her name, her reputation, and so on—alone. In other words, the obligations you have to someone who is dead, but whose surviving interests you do not know, are not determined by the content of her surviving interests, but rather the fact that you do not *know* the content of her surviving interests. We can call this the 'Know Nothing, Do Nothing' view. If this view were right, I think, we would in fact be obligated to refrain from eating or otherwise using the bodies of the animal dead: not taking any action with regard to a dead animal certainly entails not eating or otherwise using her corpse.

There are problems with the Know Nothing, Do Nothing view: how uncertain about someone's surviving interests would we need to be in order to be obligated to leave what remains of her alone? Could we still move, bury, or cremate corpses, even just in order to prevent unsanitary conditions in our communities? I don't doubt that these questions could be answered satisfactorily. But one reason to reject the Know Nothing, Do Nothing View is that it seems at odds with what we actually do when we are uncertain about someone's surviving interests. In infant cases, for instance, or more generally, when we encounter dead persons about whose interests we have a good deal of uncertainty, we seem to do something specific: we make inferences about their interests, using the tools available to us. We think about what they might want, or might have wanted, and try to act in accordance with that.

In fact, it might be worth noting that making inferences, based on relatively good but imperfect information, about someone's interests is not such an unusual thing. It is quite common, and in many cases morally obligatory, that we make inferences about both the welfare and ulterior interests of beings with whom we cannot communicate. We cannot refuse to feed an infant because she has not said: "I need some food now," and the same goes for animals. Instead, we infer from things like corporeal and nonverbal cues, our knowledge of the biology and functional goods of the creatures

involved, and so on, that they have certain interests. We also often infer that infants and animals want to play, have company, and so on.²⁸ So the ‘inferences about interests’ suggestion I make is not such a strange one; in fact, we quite often do make inferences about the interests of creatures who cannot (and even the interests of creatures who can) communicate those interests to us verbally (or in writing, as a will might).

Here, then, is the full positive point bringing together the claims we have made so far. When we are faced with uncertainty about someone’s surviving interests (as we almost always are, since the dead cannot communicate), we should not assume she does not have any. Instead, we should use the most reliable information we do have to make inferences about what her interests might be, and so to determine our obligations with regard to her. We do this with deceased humans of all ages, since we face some uncertainty in all of these cases, although the phenomenon of uncertainty and inference-making is most clearly present in infant cases. And we ought to treat animals the same way. The thing which differs from case to case is the information available to us—the information from which we can make inferences.²⁹

4.3.1 How Far Should We Expand Feinberg’s Argument?

I’ve just expanded Feinberg’s argument to animals. As I noted earlier, Feinberg writes elsewhere, in *The Rights of Animals and Unborn Generations*, that he thinks animals do have interests—not just welfare interests, but also ulterior interests.³⁰ In that same paper, he discusses a slew of other cases: those of plants, fetuses, and special artefacts. I want to address here what I take to be the two cases most pertinent to my argument: the case of plants, and the case of fetuses.

The worry about plants, I think, arises naturally given the uncertainty argument I just made about infants, but arises from a misunderstanding of that argument. I should be absolutely clear here

²⁸We also make inferences about the interests of average, adult humans, living and dead alike. Sometimes, these inferences are fairly straightforward: “She practiced Hinduism, so although she did not leave a will, I think she would want to be cremated.” And sometimes they are more complicated; occasionally they even rely on something like counterfactual reasoning. “Princess Diana Would Have Wanted Her Sons to Marry For Love”, a relatively recent ABC News headline states, implying that while the late princess never said anything of the sort, had something gone differently (perhaps, had she lived long enough to think about her sons marrying) she would have done so.

²⁹Since the interests of the infant dead are not the focus of this chapter (or this thesis), I refrain from saying more about what this information might be, save for the example I cited earlier, our shared humanity—as, I stress, a conjecture. The point is really that we do not have the same tools for making inferences about animal interests as we do infant interests.

³⁰Feinberg, 1974.

about one point I am *not* making with that argument. The point I am *not* making is that when you are uncertain about someone's interests, or something's interests, you should not eat her, or otherwise use her. Rather, I am making the point that when we are uncertain about someone's (surviving) interests, we should not assume that she does not have any at all, and rather, we should, and do in infant cases, make inferences about her interests. Of course, as I said earlier, the information on the basis of which we can make inferences will vary from case to case, and so similarly will the inferences we make vary.

Here is why this matters, and how it pertains to plants. I do not deny that plants have interests. For one thing, I could not consistently do so; I have just said that when we are uncertain about someone's interests, we cannot assume that she has none. I was speaking about surviving interests above, but I see no reason to deny that the point could be generalized to the interests of the living. Further, welfare interests seem to me, albeit not to Feinberg, about which I will say more in a moment, especially universal among creatures who were once or are living (and perhaps even those who will come to live). They work a bit like 'functional goods', which we saw in the last chapter. Recall that a functional good is something good for someone just in case it helps her function well; as soon as she takes it to be good for her, that same thing which is functionally good for her becomes finally good for her (and no sooner). Similarly, someone has welfare interests just in virtue of what is good for her, and certainly some things are good for plants: water, sunlight, and so on, even though plants cannot *take* these things to be good for them. So plants seem to have welfare interests, and we seem to sometimes be unsure about the content thereof.

In a moment, I am going to say why that last sentence might seem problematic for my argument, and I am also going to show that it is not problematic for my argument because it relies on a misunderstanding thereof. But let me say something more about plants, functional goods, and welfare interests before I do so. Suppose that interests are the basis for obligations, as I said at the very beginning of 4.3 that they could be. It would seem, then, that we could have obligations to any being with interests, even if she (or it) only had welfare interests. This seems to be the situation we have with plants: they do not seem to have beliefs or desires, and so it is not clear how they could have ulterior interests, but they certainly seem to have welfare interests. By contrast, on Korsgaard's picture, we saw that functional goods, analogous in some ways as they may be to

welfare interests, are not sufficient to give us obligations to a creature, since they are not sufficient to give her a final good. In order to have a final good, she must set ends, and pursue them; she must also, relatedly, have some sort of sentience and self-consciousness.

So if Feinberg's argument were that we could have obligations to all creatures with any interests of any sort, we could have obligations to plants, since they have ulterior interests. This, however, is not Feinberg's argument, given that he stands by the commitments he makes in his earlier work. Feinberg thinks of welfare interests as the 'indispensable means' to ulterior interests, implying that ulterior interests are a necessary prerequisite for the possession of welfare interests. In *The Rights of Animals and Unborn Generations*,³¹ he says more about this idea, suggesting that not only wants but also beliefs must be present in a creature in order for welfare interests to also become present in that creature. (Wants and beliefs may not be separable in the sense that a creature may need beliefs to have wants; Feinberg claims very clearly that they are not separable for this reason.) Without the presence of beliefs and wants, Feinberg writes there, there are no welfare interests; there are merely 'needs' attributed to the things in question (his examples are cars and plants) by us. So thus far in this section, I have not been quite faithful to Feinberg: I just said that plants have welfare interests, and I am describing now that he does not think this is right.

The reason I do not pursue this line of argument from Feinberg is that I do not think it promising to tie welfare interests so inextricably up with wants. It is just not quite clear why welfare interests need to be construed as the 'indispensable means' to ulterior interests, rather than construed as those things which help a creature function well. This might in fact be a place where Korsgaard and Feinberg come apart yet again: Korsgaard does not say that end-setting, or having a final good, is dependent on one's having wants or desires. We can imagine a sentient, self-conscious creature who can set ends, but does not want anything at all: on Feinberg's actual account, we could not have obligations to this creature, but on Korsgaard's, I think we could, insofar as this creature could set ends—perhaps she could set as ends things she knows are good for her, even though she cannot bring herself to want them, or some such thing. This is one reason I prefer my version of Feinberg's account, on which plants and other living things have welfare interests even if they do not also have ulterior interests, to Feinberg's version (or at least the one I've cobbled together for him, using two

³¹i.e., Feinberg, 1974

of his papers on interests). The other reason I prefer my plant-friendly version of Feinberg's account is that I cannot hold that when we are uncertain about someone's interests she does not have any while simultaneously maintaining that plants do not have interests.

Let us return, after this digression, to the problem plants might pose to my argument if my argument were misunderstood. I just said that plants do seem to have interests, and we do seem to be, to some degree, uncertain about the content thereof. Now we can see why the claim I am not making—the uncertainty-to-not-eating claim—might be problematic for my argument. If I *were* suggesting that when we are uncertain about an entity's interests, we should not eat it, I would likely have to accept that we cannot eat plants. We are, I do not deny, uncertain about the interests of plants. But that does not automatically mean we should not eat them; rather, we should try to make some inferences about their interests, based on the information available to us about them. A rudimentary understanding of plant biology will help us determine, for instance, that being eaten and expelled, perhaps by birds or similar creatures, is a good way for plants to spread their seeds and maximize their offspring. So we may be able to plausibly infer that plants even have a positive interest in being eaten, although we have no similar information from which to infer that animals or infants stand to gain from, or have an interest in, being eaten.³² This example illustrates a larger trend: many things which would be extremely detrimental to, or contrary to the interests of, animals are in fact well within the interests of plants. Significant 'bodily' fragmentation can be very good for plants, for instance, while the same sort of thing often seriously compromises the well-functioning of animals. (We'll consider this further later.) None of this means we should not care for plants: rather, we should care for plants, but not as we should care for animals, since what is in the interest of members of each group differs.³³

Earlier, we also talked about future persons, in the distant sense: persons who have not yet been conceived. I said, in Section 4.2.1, that it seems plausible that future persons have interests; this raises a question about whether conceived but not yet born entities, like zygotes or fetuses, have interests, too. This seems plausible to me, but a problem about the permissibility of abortion need

³²I thank Laura Ruetsche for bringing this point to my attention.

³³I should also note here that, as Daniel Herwitz pointed out to me helpfully, this is not what our usual moral reasoning looks like. We do not think to ourselves: It is actually in this plant's interest that someone eat it! But I am not trying to capture our actual moral reasoning: I am trying to explain how we might morally reason, if we were pressed to do so by an argument that plants have interests.

not arise here. For one thing, fetuses seem to lack the desire to be born (or the desire for anything else), ruling out the possibility that fetuses have an ulterior interest in being born. However, fetuses might still have a welfare interest in being born.

Suppose, for the sake of argument, that fetuses have all the interests that might matter: welfare interests in being born, continuing their existence, and so on. Still, in order to ward off unpalatable conclusions about the impermissibility of abortion, we can imagine cases in which thwarting someone else's interests in order to refrain from thwarting one's own will be permissible. This case, for instance, comes to us from Judith Jarvis Thomson:

You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist's circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, "Look, we're sorry the Society of Music Lovers did this to you—we would never have permitted it if we had known. But still, they did it, and the violinist is now plugged into you. To unplug you would be to kill him. But never mind, it's only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you."³⁴

The dominant intuition, it seems, is that it is permissible to request that you be unplugged from the violinist, even though doing so will thwart many of his interests (in Feinberg's language). It would be good, or kind, you might think, to remain plugged into the violinist, but doing so is not morally obligatory. I bring up this example in order to suggest that even if fetuses or zygotes did have interests which might be promoted by their being born, it still would seem permissible to thwart these interests. In fact, Feinberg's broader picture, and its interests first approach, allows us to see how different the cases of the violinist and the fetus really are: the violinist indubitably has so many *more* interests than the fetus, and so many more we might intuitively think are worth promoting. I am not going to put forth an entire account here of the ways in which we ought to weigh the interests of two different individuals against one another,³⁵ but it is clear that the intuition Thomson teases out would certainly need a place in any such account. It seems an uncontroversial point that one need not thwart a great majority of one's own important interests in order to promote the interests

³⁴Thomson, 1971.

³⁵I do discuss weighing an individual's welfare interests with her ulterior interests at the very end of section 4.4.2.

of others.

You may see already hints of the broader picture I'm trying to paint here. But before concerning yourself with the implications of this point about the permissibility of thwarting fetal interests for vegetarianism, remember that we are arguing for *robust*, not *absolute*, vegetarianism. There may be cases in which thwarting the surviving interests of a dead animal is permissible in order to promote something like one's own interest in living. But just as we would not take kindly to someone wishing to unplug herself from the violinist³⁶ just in order that she experience a few moments of gustatory pleasure, we need not take kindly to someone wishing to thwart the surviving interests of animals in pursuit of that same gustatory pleasure.

4.4 The Surviving Interests of the Animal Dead

The question to which I will soon turn is: How can we make reliable inferences about the surviving interests of the animal dead, and what information should we use to do so? In order to answer this question, I want to begin by taking a closer look at surviving interests more generally.

4.4.1 A Closer Look at Surviving Interests

Before I actually answer that question I just made my target, I want to say a bit more about what surviving interests are. First, let's look back at what Feinberg has to say about the matter. Feinberg writes: "The interests that die with a person are those that can no longer be helped or harmed by posthumous events."³⁷ So those which do not die with a person, it seems, must be available for promotion or thwarting after death, as I have been saying, and with which Feinberg seems to agree.³⁸

But Feinberg is hesitant to stray from uncontroversial examples of surviving interests. He is quick to cite as prime surviving interests things like having a good reputation, the triumph of a particular ideal or cause, and the flourishing of one's business or children. These are all obviously ulterior (wanting) interests; Feinberg thinks that only ulterior interests can survive the death of the beings

³⁶I refrain from saying 'abort the fetus' because as I have said, fetuses seem different from the violinist in at least one important way.

³⁷Feinberg, 1977, p. 64.

³⁸Feinberg, 1977, p. 65.

to whom they once belonged.³⁹ The interesting thing about this claim is that it is not immediately obvious why only ulterior interests can be surviving interests, since Feinberg thinks that all interests available for promotion or thwarting after death are surviving interests.

There is almost an accidental quality⁴⁰ to surviving interests. I suspect this might be what Feinberg wants to avoid when he cites only ulterior interests as examples of surviving interests.⁴¹ Eventually I am going to talk about there being surviving *welfare* interests, and the accidental quality I am thinking of here will seem much more pronounced when we reach that claim. But this almost accidental quality is inescapable, and we must either embrace it or embrace the unpalatable conclusions we'll end up with if we refuse to do so. This is true even if we think only ulterior interests can survive the death of their original possessor, so avoiding this accidental quality is not a good reason to think only ulterior interests survive the death of their original possessors. Let me explain why this is the case.

Here is a good example of the almost accidental quality I think surviving interests have. Suppose Anna is very invested in having a good reputation; it matters a great deal to her that her friends and colleagues think highly of her. But Anna dies unexpectedly at 22, without having made a will or thought about what will happen after her death. Anna, then, never thought to herself: 'I hope that after I die, I still have a good reputation'. And yet it seems, since her interest in having a good reputation can certainly be promoted or thwarted after her death, her interest survives her—not necessarily against her wishes, but without them nonetheless. And if someone were to spread vicious lies about Anna after her death, I think we would still consider her interests in having a good reputation harmed. So even ulterior (wanting) interests Feinberg agrees are certainly the kinds of interests that survive death end up having this accidental quality in at least some cases. The point is that we cannot avoid this accidental quality by avoiding considering welfare interests as surviving interests.

You might now interject that to avoid the accidental quality all together, we should only consider interests that are specifically about posthumous events 'surviving' interests. The problem with this

³⁹Feinberg, 1977, p. 68.

⁴⁰I thank my classmates in Philosophy 401, and especially Lucas Preuth, for originally bringing this point to my attention.

⁴¹The other reason for his doing so is that they are just more intuitive examples; importantly, Feinberg doesn't argue against the possibility of surviving welfare interests.

idea is that it means we can, presumably, permissibly slander Anna after her death. Limiting the scope of ‘surviving’ interests to only those which take the form: ‘I have an interest in X, and X is something which can only happen after I have died’ will lead us to a number of similarly unpalatable conclusions. Meg might not like the idea of being mutilated, for instance. And perhaps she even has an ulterior interest (in addition to the obvious welfare interest) in not being mutilated. But mutilation can happen before or after someone’s death, unlike, say, cremation.⁴² We can also imagine a world in which Meg never thinks about being mutilated after her death—she only thinks about how much she’d dislike being mutilated while alive. But this doesn’t help my objector’s case; it only hurts it.

So, if we adopted the idea that surviving interests must take the form ‘I have an interest in X, and X is something which can only happen after I have died’, we would have to say that mutilating Meg after she dies might be quite alright. And all of the uncontroversial examples Feinberg cites—having a good reputation, one’s children flourishing, and so on—are just like Meg’s interest in not being mutilated: their content includes things which can happen before or after death. So we cannot think, I do not think, restrict the definition of ‘surviving’ interests to either (a) only ulterior interests or (b) only interests which take the form ‘I have an interest in X, and X is something which can only happen after I have died’. We cannot restrict our attention to only ulterior interests since the reason to do so is, I think, to avoid a problem which occurs in most cases in which interests survive.⁴³ We can also not restrict our attention to interests which take the form ‘I have an interest in X, and X is something which can only happen after I have died’, unless we want to face unpalatable moral conclusions.

Having deemed this ‘accidental’ quality surviving interests seem to have benign, and in fact unavoidable unless we want to face morally problematic conclusions, we can turn to another question about the nature of surviving interests. I have been saying, in accordance with Feinberg despite his not recognizing the full implications of the point, that surviving interests are those which can be thwarted or promoted after the death of their original possessor. In other words, I have been suggesting that availability for thwarting or promotion after death is a sufficient condition for an

⁴²I suppose you could cremate or bury a living person, too. This obviously doesn’t defeat the point I’m making, but it also isn’t the sort of thing I have in mind when I talk about interests that are about things which can happen before or after your death.

⁴³I address another reason we might prefer ulterior interests over welfare interests as surviving interests later.

interest's survival. You might wonder why either Feinberg or I accept this idea.

A good question to ask is about the persistence conditions of interests, so to speak: the conditions under which interests will fail to survive. We seem to have ruled out the possibility that your interests exist when and only when you do. But as we said earlier, interests are really stakes: they are things that matter for you in the sense that you stand to gain or lose depending on their outcome. Recall also that we said that whether you stand to gain or lose depending on the outcome of X does not depend on how that gaining or losing will make you feel, but rather whether you will, objectively, have gained or lost: whether what you want (in the case of ulterior interests), or what is good for you (in the case of welfare interests), comes to pass or fails to come to pass.

During your life, you might cease to have an interest in X for any number of reasons. If your interest in X was an ulterior interest, it seems right to say that you will fail to have that interest when you fail to want X anymore. If your interest in X was a welfare interest, it seems right to say that you will fail to have that interest when X fails to be good for you, whether you want it or not. And in either case, if you lose your stake in X—if it fails to be true that you stand to gain or lose depending on the outcome of X—you will lose your interest in X.

These are all reasons you might cease to have an interest during your life. But could they be reasons that your interests fail to persist after your death? Take the idea of wanting, for instance. When you die, of course, you cease to want anything at all. So if we took your failing to want X to be a reason X fails to be an interest of yours after you have died, you would have no surviving ulterior interests at all. To some extent, suggesting of each of the reasons listed above that it is a good reason an interest might fail to survive the death of its original possessor will lead us to the same conclusion, and we will be left to wonder whether there are any surviving interests at all. If you think that any interests survive the deaths of their subjects, you will have to agree that the persistence conditions of interests after the deaths of their subjects are different than the persistence conditions of interests before the deaths of their subjects.⁴⁴ And you should, I think, believe that there are at least some surviving interests, at least if you don't accept the idea of permanent moral standing I put forth in Chapter 3. Otherwise, it is not clear how you could account for posthumous

⁴⁴This way of putting things—in terms of 'persistence conditions'—requires in order to be coherent either a very loose understanding of 'persistence conditions' (different, say, than the one we used in Chapter 2), or an understanding that interests during one's life are just different in an important way than interests after one's death. Perhaps there are phase sortals for interests, too: 'living' and 'surviving'. I'm not sure the point matters.

harm, and most of us accept that certain things we might do to the dead are harmful to them, at least in some sense. If you believe that any interests are surviving, then, as I think you should, you will need to think that the conditions under which an interest survives during the life of its possessor and the conditions under which it survives after the life of its possessor are different.⁴⁵

What, then, are these new persistence conditions? I won't present an entire picture of the metaphysics of interests here, in part because I wouldn't quite know where to begin. But we have seen many times now that being too stringent about the conditions an interest must meet in order to survive is not a good way to go about things: it will lead us to reject the idea of surviving interests all together, and so (Chapter 3's escape hatch notwithstanding) the idea of posthumous harm, or it will lead us to call certain intuitively impermissible things permissible (as we saw earlier in this section, considering interests regarding that which can only happen after the death of their possessor). You might think, then, that to stay on the safe side, we should think *all* antemortem interests survive their possessors. This belief will allow my argument to proceed, so I am happy to allow a reader who holds it to continue to hold it.

But it seems plausible that there are some interests which cannot reasonably be thought to be available for promotion or thwarting after the death of their original possessor, even if it is not logically impossible to promote or thwart them after the death of their possessors. And perhaps there are interests—like the welfare interest in health or locomotion—which literally cannot be thwarted or promoted after the death of their original possessor. So I take the condition Feinberg and I have been repeating—availability for thwarting or promotion—to be sufficient for survival. It is a nice middle ground between the suggestion that all interests survive the deaths of their original possessors, and the suggestion that none do, each of which we have shown to be undesirable in its own way.⁴⁶

⁴⁵There is an interesting line of argument I don't pursue here. For objectivists about well-being—objective list theorists, perhaps—things can be good or bad for you in the objective way welfare interests are, without the naturalistic connotation of 'welfare' interests Feinberg and I have been taking as given. Objective list theorists tend to think, e.g., that autonomy is good for you, objectively. I could have betrayed ulterior interests all together here and suggested that while you can no longer want anything after you are dead, things can still be good for you, in the sense of being objectively good for you that the objective list theorist has in mind. If this were true, welfare interests (not bound by the confines of some kind of naturalism) would be the only interests which could plausibly survive your death. This would not be a problem for me: I argue later that the interest we thwart by eating animal corpses is a surviving welfare interest. But I am hesitant to do away with the idea of surviving ulterior interests.

⁴⁶This is another point where symmetrical considerations about prenatal interests, and the interests of future persons, might be well worth considering. It seems plausible that interests which predate their subjects must meet similar conditions: that they must be available for promotion or thwarting, for instance, in order to be *bona fide* 'predating'

4.4.2 The Surviving Interests of the Animal Dead

Now I want to answer the questions I posed above: How can we make reliable inferences about the surviving interests of the animal dead, and what information should we use to do so? My answer may be surprising, and I want to note that it is not the only possible answer.

In fact, based on the accidental quality we saw arise around surviving interests in the last section, it seems like a great number of interests may survive the death of their original possessor. Think of all the interests which can be thwarted or promoted after your death—they include not only the usual, intuitive ones, like your interest in a good reputation, but also some stranger ones: your interest in leaving your job, for instance. So suffice it to say that it seems there are probably a lot of interests which survive the death of their initial possessors; I am going to pick out just one here and argue that it survives the deaths of many animals, but there are certainly others of which we could say the same, and which we could similarly use to support the RVT and PUAT.

I propose that the best tools we can use to make inferences about the surviving interests of the animal dead are their putative *surviving welfare interests*. This is in part because it seems easier to determine something that is in an animal's interest than it is to determine what she wants; even if you don't accept all of the metaphysical conclusions we reached in Chapter 2, you can still think an animal is the kind of creature for whom certain things are just good, and others are just bad. The former claim may seem perplexing at first. Feinberg's paradigmatic example of a welfare interest is health. Health is not a potential surviving interest, because it cannot be promoted or thwarted after the death of its subject; the dead cannot be made healthy or unhealthy. But some welfare interests *will* survive death, precisely because they can be thwarted or promoted after death, and this is what qualifies any interest as a 'surviving' one. We saw this in the last subsection, where we said that limiting our attention to another group of interests and calling only those 'surviving' will not be a very fruitful idea. It is not immediately clear what these surviving welfare interests of animals might be, but I think that when we consider some very modest proposals about what is good for an animal during her life, we may have a good chance of inferring something useful.

I submit that one welfare interest we might infer is a surviving interest of at least some animals is *bodily unity*, by which I mean the physical integrity of someone's body. The kind of bodily unity I

interests.

have in mind is unity at a level higher than cellular, so it is not compromised by, say, cell turnover or a haircut. It is the significant kind of bodily unity, perhaps defined as that which can be compromised by serious fragmentation—the loss of a limb, for example. You might think this distinction is hard to make, but it’s obvious that animals *don’t* have a welfare interest in not losing cells or fur here and there.⁴⁷ In fact, losing matter and replacing it is a central function of animals, and of most living things—we saw Aristotle and Locke agree with this point in Chapter 2—so it is hard to see why they would have a welfare interest in not losing any matter at all. However, it’s obvious that animals do have a welfare interest in the general wholeness of their bodies, and an interest against losing limbs and being significantly fragmented.

This kind of bodily unity is, as I’ve said, obviously a welfare interest of almost all living creatures.⁴⁸ It can be promoted or thwarted before death (e.g., by injury) or after death (e.g., by fragmenting a corpse as we do in order to eat it or make gelatin out of it), so it is a surviving interest. This interest is uncontroversial and easily inferred, so it is exactly the kind of thing we should cite as a putative surviving interest. And this is where we might find support for the RVT and PUAT: eating meat, making leather, and producing gelatin, for example, thwart this interest. We have an obligation to refrain from thwarting the surviving interests of the dead. As such, if we accept Feinberg’s argument and this welfare interest as a surviving one, we have an obligation to refrain from engaging in these practices.

That was very quick indeed. I want to say a bit more about bodily unity, besides that it is easily inferred, fairly uncontroversial, and in the interest of almost all animals. You might still think that ‘bodily unity’ as a surviving interest seems *ad hoc* or arbitrary. I want to motivate the intuition that bodily unity is an extremely important interest for antemortem animals. First, we can be a bit clearer about why exactly bodily unity seems so important, which will actually turn out to be instructive. I’ve already implied that one way we could think of welfare interests is Aristotelian: we could determine a creature’s welfare interests by making inferences from her natural functions, or

⁴⁷We also already make the *moral* distinction between significant and insignificant fragmentation all the time: think about the difference between having your fingernails trimmed and having an organ removed. Violating an animal’s bodily unity posthumously by fragmenting her corpse is generally comparable to the latter example.

⁴⁸Plants are an interesting case. They do not seem to have this particular welfare interest in not being significantly fragmented; it is in their interest, for example, that we remove their dead leaves in order that they may grow new ones. But they do seem to have other welfare interests. There are also some animal marginal cases—e.g., snakes who shed their skin. But all the animals we commonly eat have this particular welfare interest in bodily unity.

the functions of creatures like her (perhaps other members of her species). In other words, a way to determine welfare interests of an antemortem creature is by looking at what helps her function well. So many of an animal's natural functions are related to her body, and the wholeness of her body,⁴⁹ that it seems quite plausible that having an unfragmented, unified body is one of the most important interests an antemortem animal has. Animals also, of course, need bodily unity in order to pursue their ulterior interests. I should note here that although human interests are not the focus of this chapter, I do think it is plausible that humans, too, have this interest.

Let's pause here for a moment to address a worry I think will prove instructive, while highlighting another reason not to prefer only ulterior interests as surviving. I've just said that bodily unity is important to creatures in part because it helps them function well; the dead do not function. So how could bodily unity be an interest of the dead? Earlier, in a note to the previous section, I said that I'd respond to one more point that seems to favor ulterior interests over welfare interests as surviving interests, and this is that point. I take Feinberg to have this point in mind, too, when he disqualifies, without argument, welfare interests from being surviving interests. But the trouble with this point is that we will end up in the same position no matter what interests we call surviving.

Ask yourself why having a good reputation, or having your children flourish, is one of your interests. *It makes me happy*, you might think, or *it enriches my life*, or *I care deeply about it*. You can also ask yourself the same sorts of questions about interests that take the form: 'I have an interest in X, and X is something which can only happen after I have died', e.g., "Why is it important to me that I be buried instead of cremated?", and you will reach the same conclusions. Surviving interests are important to the *antemortem* beings; this is how they come about, and they do not impact the experiences, functioning, or phenomenal conditions of the dead, since the dead have neither experiences nor phenomenal conditions, and they do not function. But this does not 'disqualify' them, so to speak, from being the sorts of interests which can survive the death of their possessors.⁵⁰ The only thing which can make an interest fail to survive the death of its initial possessor is, as we've said, its inability to be thwarted or promoted after the death of that possessor. So we can see again that there is not a reason to believe that ulterior, but not welfare, interests can survive the death of their possessors.

⁴⁹Her ear alone, for example, or even her heart or brain, could not do what her whole body can.

⁵⁰Again, if it did, we would face some difficult moral problems like the ones we saw above.

The very important point, which I am trying to make here and also tried to make in Section 4.4.1, is that surviving interests necessarily come about because the contents of those interests are important to antemortem, or living, beings. That is why an interest comes into existence in the first place. Nothing is important to the dead; things are only important to the living. Some things which are important to the living continue to be important after the living become the dead, but they do not continue to be important because they are important to the dead. Rather, they come to be important by being important to the living, and continue to be important because they were important to the living, not because they are important to the dead. These statements are true of all interests we might consider surviving. Your interest in (say) being buried is important to you, a living person: it is not important to postmortem-you, because nothing is. If we say that interests cannot survive the deaths of their possessors just in virtue of their being important to those possessors while they were alive, then we will have to do away with the interests picture all together: there will be no surviving interests. Denying that bodily unity is a surviving interest because it is important to living beings will mean we must also deny that burial, for instance, is a surviving interest. Our choices, to put it briefly, are either to be very permissive about what counts as a surviving interest or to do away with the theory of thwarted surviving interests as the basis of posthumous harm all together.

I'd also note that I do not think that the only problem with violating an antemortem animal's bodily unity is that doing so impairs her ability to function. The concept of bodily unity as I've described it here has some affinities with the concept of 'animal integrity', which has been described by Rob de Vries as concerned with the importance of preserving the "wholeness and completeness" of animals, as well as their "species-specific balance[s]" and capacities to self-maintain.⁵¹ de Vries notes something from the literature on animal integrity which I think will be helpful in understanding the importance of bodily unity to antemortem animals. Common examples of violations of animal integrity include things like docking the tails of dogs, trimming the beaks of chickens, and dehorning cattle.⁵² Note that each example seems like a violation of an animal's interest in bodily unity, as we have described that above (a violation of bodily unity seems to be marked by 'significant' fragmentation). In these examples, de Vries notes, what is at stake is not just the ability of the

⁵¹de Vries, 2006.

⁵²de Vries, 2006.

animal in question to function well, but also her chicken-ness, dog-ness, or cattle-ness—when we tamper with an animal’s wholeness and completeness, we interfere with features central to, if not constitutive of, the kind of being she is. (This conclusion is made all the weightier by the metaphysical work we did in Chapter 2, but I don’t want to rely on that in this argument.)

Now we can turn to the second case for the importance of bodily unity; this time, the case for the importance of bodily unity to the dead. We’ve reiterated many times now that all interests which can be thwarted or promoted after the deaths of their original possessors are surviving interests. This means that an animal’s interest in bodily unity just *will* survive her death—no questions asked, so to speak.⁵³ But although it is not crucial to my expansion of Feinberg’s framework, it may be helpful to note that the interest in bodily unity does seem, in at least some cases, to be important after death. This is true even though the reasons the interest in bodily unity first comes about—its helping a creature function well, for instance—cease to be relevant after her death. It seems almost as if bodily unity, at least in some cases, comes to matter for new reasons after death, although I don’t claim to know what those reasons are. We have strong intuitions that dismembering, mutilating, and disturbing human corpses is wrong. We are, I think, even disturbed by the idea of dismembering, mutilating, or disturbing animal corpses: very few of us butcher the animals we eat ourselves. If it is to be objected that this is attributable merely to a physical reaction of disgust, rather than some moral reaction, I would suggest that these things are not necessarily so separable: disgust may be a powerful moral emotion. Finally, respecting bodily unity seems in some way compatible with the intuition we saw when we considered the ‘Know Nothing, Do Nothing’ approach that when we are not sure what to do with a creature’s corpse, for example, we should leave it alone: respecting the interest in bodily unity prevents us from engaging in many behaviors broadly classified under the heading ‘disturbing a corpse’.

Again, I should reiterate that these ideas I’ve just presented, which might be described as intuition pumps meant to draw out the idea that bodily unity is important after death, are actually independent from the conclusions I have been trying to draw from Feinberg’s argument. They are meant to mitigate the strangeness of ‘bodily unity’ as a surviving interest by showing my reader

⁵³If she dies peacefully, that is. If she leaves no corpse behind, the interest can no longer be thwarted or promoted after her death. But as we saw when we considered similar problems in Chapter 3, these are not the cases with which we are concerned.

that she might already think bodily unity matters after death. But this is more or less irrelevant, if the arguments I have given so far are right: the interest in bodily unity should survive an animal's death, no questions asked, so to speak.

There is one more worry to address before we move on. That worry is that, without the metaphysical premises from Chapter 2, on which I have been hesitant to rely here, dead bodies are bodies in name alone. The reason this might be problematic is that even if you think bodily unity is a plausible surviving interest to infer on the part of a dead animal, say, Daphne, you might worry that Daphne's corpse is not Daphne's animal, or her body, or anything related to her in such a way that her interest in bodily unity could also be, or could become, an interest in her corpse's unity. In other words, you might find it plausible that Daphne does have an interest in bodily unity, but that that interest only applies to her body, and not her corpse, since her corpse (her 'dead body') is a body in name alone.

If you think this way, however, you will have to accept that there is not a good reason to refrain from, say, dismembering corpses, since on your view, corpses are not bodies, and even if someone's interest in bodily unity survives her death, it does not apply to anything but her body. We do not, I think, want to accept the conclusion that dismembering corpses is quite alright.⁵⁴ This suggests to me, at least, that we accept a certain relationship between the body and the corpse even in human cases;⁵⁵ if we thought corpses were just 'masses of matter', like artefacts, dismembering a corpse would be no more morally wrong, *prima facie*, than tearing apart a notebook or some such thing. You might now respond that dismembering animal corpses is just fine because of this worry about bodily unity not applying to corpses, but dismembering human corpses is different. Of course, I will ask in return what it is that makes dismembering human corpses wrong, and why that, whatever it is, does not also apply to animals. If you were poised to suggest some sort of ulterior interest makes the difference—"I want to be buried, not dismembered!"—I would refer back to the case of infants, who seem to lack such interests.⁵⁶

⁵⁴Even dismembering animal corpses, I think, is frowned upon, especially outside of the butcher's shop (i.e., for 'fun' rather than food, or some such thing). If you think about it for a moment, you might find that even the dismembering of corpses that *does* happen inside a butcher's shop or inside a meatpacking plant disturbs you. The mere idea that what is really happening is the dismemberment of corpses, not just the preparation of meat, is a powerful one.

⁵⁵Interestingly, this sort of reasoning might be of help if we were trying to argue that humans survive their deaths as their corpses, as we argued that animals do in Chapter 2.

⁵⁶A further consideration in favor of the same point can be found in the case of organ donation. When you consent to

You might respond here with another idea about the wrongness of posthumous dismemberment: perhaps that it can be explained by something like our reverence or respect for the dead, and the wholeness of their bodies, or some such thing, rather than their interests in bodily unity. This point is well-taken, and will be addressed in the next chapter. The Argument from Interests may not be of interest to all my readers, and I try to account for that in both Chapter 3 and Chapter 5, where I provide alternative ways of reaching the same conclusions.

I'll say again that this chapter isn't about the interests of the human dead. But since I've tentatively suggested that humans might have an interest in their own bodily unity, too, and since I've used a few human examples, I imagine that some worries about human surviving interests have arisen. I try to address one such worry in the following subsection.

Human Interests and a Principle for Inference

When we are considering animal cases, our best assessments of the surviving welfare interests of the animal in question may be the best information available to us for inferring her surviving interests. (As I have said, treating her as if she has none will be a difficult position to defend in the face of infant cases.) A question about humans arises here, and although this thesis is about animals, I think the question is worth responding to. When we are considering human cases, we will sometimes have the opposite problem, especially when someone has left an up-to-date and highly specific will. That is, she may have a number of easily-inferred surviving welfare interests, a number of easily-inferred ulterior interests, and a number of specified surviving interests, too. Often, there will be conflicts between some of these interests—just as in life, when we may have an interest in, e.g., both quitting a job and keeping it.

I think we ought to adopt a broad principle about inference and welfare and ulterior interests in order to manage this problem. That broad principle is that when we justifiably believe that X's interest in Y is a surviving *ulterior* interest, we ought to prioritize Y over Z, where Z is some presumably surviving *welfare* interest. This is because generally, it seems that we should promote

become an organ donor after your death, you consent to the removal of organs from something which is presumably yours: your body, you might think. (If that object, body or not, were not yours, it is not clear how you could consent to the removal of its parts.) The thing is certainly yours, then. If it is not *your* body, what 'your' thing is it? It cannot be related to you in the ways your shoes, books, or bedside tables are; otherwise, it would not be so grievous a harm for someone to remove its parts without your consent.

a person's ulterior interests over her welfare interests when the two conflict.⁵⁷ Suppose a Jehovah's Witness refuses a lifesaving blood transfusion on religious grounds. Although in doing so we would violate one of the most easily inferred welfare interests, the interest in living, I think we could not give her the transfusion against her wishes.⁵⁸

This principle will work best on the condition that we have very good information about someone's ulterior interests, and also consider her the being best poised to determine what is good for her. Speaking very roughly, in order for an ulterior interest to supersede an inferred welfare interest, we ought to be at least equally justifiably confident in both interests. If a person has expressed some ulterior interest to us, and we are merely inferring the conflicting welfare interest, as in the blood transfusion example, the condition is obviously met. But the condition might also be met if we infer the ulterior interest on reliable information, such as the religious or personal beliefs of the deceased in question. This principle, explained as such, can help us respond to worries about cremation, organ donation, and so on, that may arise from the proposal of bodily unity as a surviving welfare interest.

Let me address one other problem about human interests and conflicting interests before wrapping up this chapter. In this section, I've provided a principle for weighing the welfare interests of a single individual with the ulterior interests of that same individual. As I said in Section 4.3.1, I don't aim here to provide a full account of the proper way we might weigh the interests of one being against the interests of another. Still, I did discuss there, albeit very briefly, the idea of weighing the interests of a pregnant person with the interests of a fetus. And here it seems worth my while to say a bit more about weighing the interests of certain individuals—living individuals—with the interests of the dead. This will also give me a chance to address an offshoot of the Jehovah's Witness problem I addressed above: that of the Jehovah's Witness who refuses a blood transfusion on behalf of her

⁵⁷Should we worry that in promoting the surviving interest in bodily unity, which is a welfare interest, we are neglecting the surviving ulterior interests of animals? I am not sure we should, since our uncertainty about what animals want is especially pronounced. Many of an animal's ulterior most easily inferred interests—say, in play, inferred when a dog brings us a ball—die with her, so to speak, or in other words fail to survive her death. Whether animals have ulterior interests in things like burial, being mourned, the prosperity of their children, and so on, seems less clear, at least to me. But of course, the very connection between animals and infants upon which I drew earlier in the uncertainty argument was *uncertainty*, and I am certainly not in a position to say I know exactly which interests survive an animal's death. Could we be behaving abysmally toward animals in choosing to respect their inferred welfare interests over their ulterior interests? Perhaps, but how could we be blamed for doing so, when we are even less sure about their ulterior interests than their welfare interests?

⁵⁸Physician-assisted suicide might be another similar case, albeit a more controversial one.

child.

First, let me note that there are number of ways to interpret what I said in Section 4.3.1, which was essentially that even if fetuses do have interests, it might still be permissible to thwart those interests. I cited Thomson's famous violinist thought experiment, from which we can draw this conclusion, but I didn't say exactly the conclusion might be right, other than on the basis of intuition. I also alluded to the idea that living persons might just have *more* interests to thwart than fetuses do. It might also be the case that certain interests matter more than others. It doesn't seem right to say that ulterior interests always matter more than welfare interests when the two exist in different beings; in fact, the opposite may seem true.

I don't know which of these ideas, if any, is right. But we can try some thoughtful abduction on for size here. I said in Chapter 1 that I didn't want to make a case for absolutist vegetarianism, and cited in defense of this the idea that you might, in some extreme circumstances, need to, e.g., eat meat to save your own life. This seems intuitively right, like the sort of thing you should be able to do. Similarly, if a Jehovah's Witness tells us she would rather that her child die than have a blood transfusion, we might want to give her child the blood transfusion anyhow. By contrast with this second Jehovah's Witness case, we might again consider abortion. These three cases might tell us that the stage of existence in which a being is presently located can help us determine how much weight to give her interests. This sort of principle might help us understand why, should someone leave a will with maximally specific but especially cruel instructions which will harm, say, her living relatives, we might be inclined to disregard her will. And it might help us explain the permissibility of abortion; although in a different parent-child case, e.g., the second Jehovah's Witness case, our intuitions differ, perhaps this is because of the stage of life (or phase) in which the child or fetus is located.

None of this is to say that we permissibly disregard the interests of the dead (or the unborn), but rather that when they come into conflict with the sufficiently-important interests of the living, we might be inclined to prioritize the latter. In saying this, I do not compromise my position on the impermissibility of eating meat in all *normal circumstances*. This may already be obvious to my reader, but it is worth saying here that the mere desire to eat meat cannot give rise to an ulterior interest: wants are not sufficient to create any sort of interest, including an ulterior interest, as

we said in Section 4.2 (one must both have a *stake* in the outcome of Y, and want Y, in order that Y become one of her ulterior interests). Let me further add that even if gustatory pleasure and similar things—pleasure of any sort, it seems—were sufficient to create ulterior interests, these would not seem to be the sorts of *sufficiently-important* ulterior interests that we could prioritize over the interests of the dead. Eating the dead for pleasure, and necrophilia, for instance, show that we should not prioritize the pleasure of the living over the interests of the dead.

Again, this issue seems a bit tangential to our defense of the RVT and PUAT, since we have been thinking, for the last few paragraphs, outside the realm of both animals and normal circumstances. I do not, as I've said, attempt to give a full, detailed picture of weighing the interests of the living against the interests of the dead.

Having responded to these concern about conflicting interests, I think we are in a good position to say that the RVT and PUAT can be supported by Feinberg's Argument from Interests. This is because in practice, the argument will often require that we make inferences about the interests of the dead. In animal cases, some of our best inferences will be based upon our best approximations of the surviving welfare interests of the dead. One such surviving welfare interest may be, as I have suggested, bodily unity. Eating or otherwise using the bodies of animals thwarts this interest, and so we are obligated to refrain from doing so.

Chapter 5

Mourning and Respecting the Animal Dead

5.1 Introduction

In Chapters 3 and 4 of this thesis, we saw two different arguments for robust vegetarianism, as well as arguments against the use of the corpses of animals for purposes such as leather making, gelatin production, and so on. Here, I turn to a new question. We have seen what we ought *not* do to the animal dead: I have shown, in other words, that we have ‘negative’ or prohibitive duties to them. But now I want to turn to the question of what, if anything, we ought to do—or even might have some reason to do—for the animal dead, wherever we encounter them. Of course, there are myriad ways of treating the dead we might consider morally permissible, morally obligatory, morally praiseworthy, supererogatory, and so on. But here, I want to focus mainly on *respect* and *mourning*, although I also talk about *reverence*. In many cases, I don’t provide a positive argument, or at least not a strong one, in favor of the proposal that we *must* respect or mourn the animal dead. Rather, I try to explore the possibilities for such an argument, and more frequently, I try to imagine what respecting, feeling reverence for, or mourning the animal dead might look like. My argument in this chapter is not intended to make my reader believe what I believe, but rather to help my reader see

what I see, and perhaps even feel as I feel.¹

5.2 Respect for the Animal Dead

It's not easy to say exactly what respect is. Among the Oxford English Dictionary's many definitions of the word 'respect' are two of particular interest:

1. To treat or regard with deference, esteem, or honour; to feel or show respect for.
2. To treat with consideration; to refrain from injuring or interfering with; to spare.

Interestingly enough, the OED counts (2) as something like a subsidiary of (1), i.e., as if (2) were a variation on (1), or its consequence. I suppose this is fair enough, since (1) includes the phrase 'to feel or show respect for', which will almost necessarily encompass all uses of the verb 'respect' of interest to us here.

In one sense of the verb 'respect', captured best, I think, in (2), it seems that respecting someone (or something) can be about refraining from doing something to her (or it). You might display respect for someone's life by not killing her, or respect for her position, as, say, your professor or peer, by not interrupting her when she is speaking. In this sense of the word 'respect', we have been talking about respecting the animal dead all along. And perhaps this was not even unclear. We spoke of treating a creature in accordance with her moral standing in Chapter 3, and of promoting or refraining from thwarting her interests in Chapter 4. Each point could be rephrased as one about respect: respect for a creature's moral standing, or respect for her surviving interests.

But what of the sense of 'respect' brought out by some of the phrases in (1): *regard with deference, esteem, or honor*? We have not talked obviously about deference, esteem, or honor so far, although perhaps these ideas have been lurking in the background of some of our discussions. It might, for instance, be the case that when you respect a creature's moral standing or her interests, you are,

¹In this chapter as our second, I cite work by Aristotle. I also cite other classical literature—Homer's *Iliad* and Sophocles' *Oedipus at Colonus*. I adopt in this chapter the same footnote citation convention I adopted for classical works in Chapter 2. That is, rather than citing an ancient text by its translator's last name and the year it was translated, which I doubt would be helpful to an interested reader, I cite the work in which it appears (e.g., *De Anima*) and a particular subsection, book, or line number. I've accessed Aristotle's work using the MIT Classics Archive, which is digital, so I do not cite line numbers when I cite Aristotle. However, I use hard copies of Sophocles and Homer's work, and thus in those cases cite line numbers. In the bibliography, volumes of Aristotle's work are listed under his name, followed by his translators' names. I follow the same convention, *mutatis mutandis*, for the work of Sophocles and Homer.

perhaps tacitly, honoring her in some way, or showing that you hold her in high enough esteem that her interests or moral standing matter to you. And there are certainly other ways the ideas of deference, esteem, and honor could be read into the arguments we have already seen.

But I think it better that we see the two arguments I have already given as arguments primarily for robust vegetarianism, rather than for posthumous respect, although readings on which they are for the latter are, I think, not unwelcome. Here, by contrast, I do want to begin a discussion of posthumous respect for the animal dead, and not just in the sense of (2) above, but rather in the sense of (1).

5.2.1 Instrumentalizing the Dead

I want to begin by discussing a particular way some think we might respect the animal dead: instrumentalizing, or not-wasting, their corpses. I want to show that this is not a very good way of regarding the animal dead respectfully.

Chloë Taylor is one of the few philosophers who has written about the animal dead in great detail. Her goal, in *Respect for the (animal) dead*, is to examine the ways in which we treat the animal dead and the human dead differently. She makes a number of observations about this treatment. The first is that we do in fact already have an ethics of respect for the animal dead, one which is focused on not-wasting, or otherwise put, *instrumentalizing*. This certainly sounds strange; even non-Kantian ethical traditions are rarely, if ever, grounded in the idea of instrumentalization as morally good, even if they do not decry it outright. Taylor further observes that our ethics of respect for the human dead is vastly different, in that in most cultures and almost all Western cultures, it prioritizes *non*-instrumentalizing. She takes these points in conjunction to confirm that we tend to prefer consequentialist approaches to problems in animal ethics, while preferring deontological approaches to ethical problems involving humans—living or dead.

In service of her first observation, Taylor employs a number of stories. She retells a story from Milan Kundera about Salvador Dalí's cherished companion rabbit, whom his partner, Gala, apparently killed, and subsequently ate, the former in order to avoid leaving the rabbit alone while the pair took a long trip. For Gala, "there existed no more perfect fulfillment of love than eating

the beloved”.² One wonders whether Gala would have liked to treat Dalí as she did the rabbit, or whether her ideas about eating the beloved only extend to the animal dead. Taylor also tells us of her colleague, a hunter who eats and make household items out of the animals he kills, thinking it respectful to use every part of the corpse—and more respectful to hunt animals than to buy meat. Finally, there is the story of a pilot who collects the corpses of animals left behind by tourist hunters, and takes the corpses to indigenous peoples, who in turn use them for food and clothing. These are somewhat unusual cases, but it is not particularly strange to imagine that many hunters feel as Taylor’s colleague does.³

Taylor does not give stories in support of her second observation, but she does not need to. It is quite obvious that nobody would complain that burial is a waste of a corpse perfectly well-suited for use as food or to make household products. And nobody would think it disrespectful to, say, her father, to bury or cremate his corpse rather than use every part of it for some other purpose. We think of the instrumentalization of human corpses as *dis*respectful, and I think even consequentialists on deserted islands would have a difficult time instrumentalizing a human corpse for the greater good. By contrast, we instrumentalize animal corpses frequently, and typically not for any greater good, without a second thought.⁴

The big question, I think, which arises from Taylor’s observations, is about whether instrumentalizing animals, or indeed instrumentalizing anyone at all, is a good way to respect them, or show them respect. I take it that those who think instrumentalizing animals is a good way to respect them are using ‘respect’ in the positive sense of (1) above, i.e., they take it that they are honoring or showing deference to the instrumentalized animals in question in some way.

In Chapter 3, I argued that instrumentalizing (dead) animals is not a good way to treat them in accordance with their permanent moral standing as ends in themselves. As I noted earlier, I think this point could be rephrased as one about respect: you fail to respect an animal’s moral standing as an end in herself when you instrumentalize her. Although I think this Kantian line of reasoning is still quite promising, I want to try to examine instrumentalizing differently here. Rather than giving

²Kundera, 1990, p. 96, cited in Taylor, 2013.

³Later, I address a question provoked by the nature of these cases: Is Taylor right that we have an ethics of respect for the animal dead at all?

⁴Taylor’s third point—the observation that we prefer consequentialist solutions to moral problems involving animals, and deontological solutions to moral problems involving humans—is a bit outside the scope of this chapter, although I think she is probably right.

an argument equal in strength and conviction to that Kantian one I gave in Chapter 3, I want to point out a few things I think are strange or wrong about the idea of instrumentalizing-as-respect.

The first point to make, I think, is that *prima facie*, instrumentalizing someone does not seem like a typical way to show her respect, whether she is dead or alive. Taylor tugs at this thread when she makes her second observation, which is that instrumentalizing the human dead is not usually taken to be a good way to treat them with respect. To make the obvious point, why instrumentalizing someone would ever be a way to respect her, especially when she has not requested it, still stands unexplained. The burden of proof, in other words, seems to sit with those who do imagine that instrumentalizing someone is a good way to respect her; they will have to say why we should think that instrumentalizing animals is a good way to show them respect.⁵ A defense of this point, I think, would require one to say why animals are different from humans in such a way that instrumentalizing the one is respectful and instrumentalizing the other is disrespectful, and even impermissible. It almost seems more natural to imagine that we should not respect the animal dead at all than to imagine that we should respect them by instrumentalizing them. Put simply, it's just not clear that we have any reason to imagine that instrumentalizing someone would be a good way to treat her with respect, whether she is an animal or a human, dead or alive.

The second point to make, I think, is that we can imagine a culture in which instrumentalizing the dead is taken to be respectful of the dead, whomever they are—and that that culture is not our own. Taylor gives the example of the Wari', an Amazonian people who find burial undignifying, and take it that everything they eat wants to be eaten. The Wari', perhaps now unsurprisingly, eat their own dead, i.e., practice cannibalism. The Wari' do not enjoy eating their own dead; they do so out of respect for the deceased. If this were our situation (in the West, or in the US), I think, the idea of instrumentalizing animals as respectful might be more plausible. Respect does seem in some sense culturally relative; it is easy to think of visiting another country and 'showing respect' differently than we might in our own country. But relative to our own culture, our own society, instrumentalizing the dead does not seem to be respectful. As Taylor shows, we do not take up the same stance with regard to respectful treatment of both the animal and human dead; we are thus

⁵To be abundantly clear, I am not talking about instrumentalizing someone out of necessity here: rather, I am talking about instrumentalizing her for pleasure and similar sorts of things. It's not clear that either would be respectful, but the latter seems justifiable while the former is less so.

unlike the Wari'. The point is this one: if we were like the Wari', and thought that eating the dead (human and nonhuman) were the only way to treat them with respect, it might seem more plausible that instrumentalizing the dead would be an acceptable form of respecting them, given that respect seems in some way culturally relative. But we are not like the Wari'; our ethics of respect for the human dead is different from our ethics of respect for the animal dead, and we take instrumentalizing to be respectful to the latter and disrespectful to the former, without, it should be said, any good (as far as I can tell) reason to take it to be respectful to the latter. Again, it seems almost more natural to imagine that we should avoid having an ethics of respect for the animal dead rather than adopt one which prescribes that we treat them in exactly the opposite way we treat humans.

In a moment I want to talk a bit more about the Wari', but we should also address here a question about whether respect might also be individually relative, given that, as we've just noted, respect seems, at least in some sense, culturally relative. There is, I think, a difference between showing respect and feeling respect. As we'll discuss later when we talk about mourning and grieving, it seems implausible to imagine a moral obligation to feel some certain way. If asked to provide support for this line of reasoning, I think I would be inclined to say that ought implies can, and often we cannot control our feelings, i.e., force ourselves to feel this or that. I take people like Taylor's hunter colleague, who states that he eats the animals he kills out of respect, to be serious, rather than disingenuous. In other words, I imagine that people who think this way really do *feel* respect for the creatures they eat. And I'm sure that Taylor's colleague feels that he is showing respect to the animals he eats. But whether he is really showing them respect is a different matter, and I do not think that matter can depend only on his feelings or thoughts. What it is to *show* respect seems to be constituted by the norms of a community, at least in part, and not by the feelings of a single individual. What it is to *feel* respect seems entirely relative to the feeler in question.⁶

⁶We might also wonder about the reasoning behind the hunter's position about killing animals as more respectful than buying their corpses, although killing animals is not the subject of this thesis. I do not deny that there is a powerful intuition behind the idea that the wrongness of an action can be mitigated by doing it oneself. Imagine, for instance, a friend who insisted on telling her partner that she wanted a divorce by having him served with divorce papers. You might be inclined to advise her that she should tell him herself, rather than through an intermediary. (Even in this case, it is not clear that your friend is morally wrong to seek a divorce; it is a bit late in this thesis to say so, but killing animals does not seem as morally innocuous.) Perhaps the issue is taking responsibility for one's injuring someone else (whether the injury is wrongful or not). But one can take responsibility in some way besides committing the injury oneself, and one can also, at least in the case of the hunter, simply avoid just avoid committing the injury to begin with. Our hunter presumably does not require meat to survive, so he should have no trouble refraining from both hunting *and* buying meat at the store.

Some hunters may object that they are not merely feeling respect when they hunt, but rather showing it in some particular way that is indeed societally-sanctioned. One way to show respect, these hunters might say, is to come to know someone, exactly as they must do in order to track and kill their prey. I do not question the idea that successful hunters do typically have great stores of knowledge about the particular species of animal they hunt: they must, in order to successfully ensnare their prey. And I do not question the idea that ‘knowing one’s enemy’, to put it proverbially, may be one acceptable way of showing respect. But for whom, and to whom, is this respect shown? It is not clear that hunters have a great body of knowledge about the individual animals they track and kill;⁷ rather, they tend to have a wealth of knowledge about ‘deer behavior’, for instance, and similar such things. Whether one can show respect for an individual being by coming to understand behavior characteristic of that being’s species is not obvious to me.⁸

Let’s return to the Wari’. I said a moment ago that Taylor notes that the Wari’ do not enjoy eating their own dead. She writes:

The reason for eating one’s in-laws was not to incorporate or retain them, and was not aimed at satisfying any nutritional needs or desire for flesh. The Wari’ ate the rotting and roasted meat of their in-laws with reluctance, amidst wailings of grief, overcoming disgust out of respect for the dead and their families.⁹

This picture of eating the dead can be directly contrasted with the way in which we eat the animal dead in our own society. Most of us enjoy eating the animal dead; we consume them for pleasure, and nutrition. It is especially, even suspiciously, convenient to imagine that we are respecting the animal dead when we eat them because instrumentalizing the animal dead is the proper way to show them respect. What a happy coincidence it would be, were it the case that the proper way to respect the animal dead happened to yield material and gustatory benefits to us.¹⁰

⁷One counterexample comes to us from Season 4 of the television series *The Crown*. *The Crown* is in fact based at least in part on real events, but the event in question here does not seem to have occurred. In Episode 2, entitled ‘The Balmoral Test’, Prince Philip and other members of the British royal family hunt not deer in general, but one particular stag, whom one could argue they come to know over the course of the hunt.

⁸This point is a bit crude, but usually we do not consider knowing behavior typical of someone’s group to be knowing her as an individual. Consider saying to a friend something like: “I just knew you’d say that—you’re a Christian!”

⁹Taylor, 2013.

¹⁰There is an interesting, similar point to be made about corporations which instrumentalize animals for profit, and although I am perhaps not going to do it justice, the point might be something like this: despite the fact that capitalist systems are notoriously wasteful, the idea that no part of an animal should go un-profited from does not seem unwelcome in these same systems. I refer the interested reader to Wrenn, 2017, in which the theme of consuming (eating and buying) animals and parts of animals under capitalism is examined closely.

So far we have made a few points about instrumentalizing: first, that the respectfulness thereof is in need of an argument; second, that the respectfulness thereof might find such an argument in a culture drastically different from ours in the relevant way; and third, that it would seem suspiciously convenient if instrumentalizing the animal dead were respectful of them. Now I want to examine a fourth idea about instrumentalizing, one which I fear is a bit elusive but also find promising. This idea is the idea of eating meat, or otherwise using the corpses of animals, as a conceptual mistake.¹¹ Cora Diamond, in her paper *Eating Meat and Eating People*, brings something like this to our attention, and Taylor does so too, in discussing the work of Val Plumwood. Let's get acquainted with this slightly elusive idea by examining it in the work of each philosopher.

Conceptual Mistakes

Diamond's paper is largely a criticism of existing arguments for vegetarianism of the sort given by Singer and Regan. She makes the same sort of claim I do in this thesis, broadly construed: to fail to address the fact that eating meat is really eating dead animals, while arguing for vegetarianism, is to miss something very important about eating meat, and so to fail to argue against it as compellingly as possible. Diamond's approach is to ask what makes us hesitant to eat our own dead, and she suggests that the answer to this question is: "*a person is not something to eat*".¹² There is a very interesting metaphysical question about whether there are dead people, i.e., whether there is such a thing as a dead person, and it is addressed by David Mackie in the same paper with which we engaged in Chapter 2.¹³ But let us put aside this question for just a moment in order to get Diamond's broader picture in view. (As I'll say later, I think Diamond's picture makes sense, and an important point, even if there aren't dead people or dead animals.)

A helpful case in understanding Diamond's argument is that of Gradgrind, the rather soulless superintendent from Charles Dickens' *Hard Times*. Gradgrind refuses to call the schoolchildren by

¹¹Daniel Kaufman prefers 'category error', but 'conceptual mistake' conveys the same idea without the philosophical baggage. What I mean by 'conceptual mistake' will become clearer as we talk more about Diamond's argument, but the idea, in broad strokes, is that one can misunderstand what is involved with some X's being an F, where F is a concept designation like 'human', or one can misunderstand, and perhaps mistreat, X by failing to understand that X is in fact an F. A good example (outside of eating meat) of the kind of conceptual mistake we'll be talking about here comes to me from Laura Ruetsche. This example is book-burning: when someone burns a book, although she may not realize it, she is misunderstanding what is involved with being a book, or more broadly what books are for, when she uses them for fuel instead of reading.

¹²Diamond, 1978; emphasis in original.

¹³That is, Mackie, 1999.

their names, and rather calls them by numbers, e.g., ‘Girl number twenty’. Diamond writes:

Doing [Girl number twenty] out of a name is not like doing her out of an inheritance to which she has a right and in which she has an interest. Rather, Gradgrind lives in a world, or would like to, in which it makes no difference whether she has a name, a number being more efficient, and in which a human being is not *something to be named, not numbered*. Again, it is not ‘morally wrong’ to eat our pets; people who ate their pets would not have pets in the same sense of that term... Treating pets in these ways is not at all a matter of recognizing some interest which pets have in being so treated. There is not a class of beings, pets, whose nature, whose capacities, are such that we owe it to them to treat them in these ways. Similarly, it is not out of respect for the interests of beings of the class to which we belong that we give names to each other.¹⁴

What Diamond suggests here, I think, is that eating one’s pets is the same sort of mistake as is calling a child by a number, rather than her name.¹⁵ Diamond insists that these mistakes are not moral ones, or at least are not essentially so; rather, they arise from a misunderstanding of what a child is, or what a human is, or what a pet is. The matter is not as simple as imagining that ‘being named’ is contained within the concept ‘child’; rather, the fact that we call children by their names is in a sense constitutive of what it is to be a child. As Diamond writes later, our not eating each other “is not a consequence of what human beings are, it is not justified by what human beings are: it is itself one of the things which go to build our notion of human beings”.¹⁶

For Diamond, then, the way we treat animals and the concepts under which they fall are engaged in a sort of mutually-formative relationship. She thinks that we already have a concept of animals on which eating their corpses is not quite right, not quite the right way to treat them: we view them, at least sometimes, as fellow creatures. For Diamond, ‘fellow creature’ is a non-biological concept including those creatures in whom we can find companionship, whom we can see as individuals with lives of their own, whom we can pity, and perhaps most importantly, with whom we share life and death, i.e., mortality. She argues that focusing on responding to animals as fellow creatures will work as responding to humans as fellow humans does: we will see that eating them is, in many cases, not a way to treat them.

There are problems with Diamond’s argument, but they are not problems for Diamond; rather, they are problems for those of us who would like to take her argument and make it an airtight one

¹⁴Diamond, 1978.

¹⁵For a similar analysis, see Kaufman, 2015.

¹⁶Diamond, 1978.

against eating meat. For Diamond's part, she admits freely that something like 'not for eating' is not necessarily included in the concept 'fellow creature', and is hesitant to condemn 'respectful' hunting. I am not going to insist that Diamond's argument is totally right.¹⁷ Rather, at various points throughout this chapter, I'll draw on pieces of her reasoning. Here, as I said earlier, I want to think more about conceptual mistakes.

Let me make one criticism pertinent to conceptual mistakes as Diamond thinks of them before moving on to Taylor. Diamond insists that the conceptual mistake we make when we eat meat is not a moral one. For instance, as we saw above, she is certain that eating one's pet would not be morally wrong: it would merely indicate that whatever one ate was not one's pet at all. It is not clear to me that Diamond is right to effectively stipulate that conceptual mistakes cannot also be moral ones, or at the very least, ones with morally important consequences. There is, I think, nothing about Diamond's picture, besides her saying so, that necessitates that conceptual mistakes cannot be moral ones. So although it's not terribly important to my argument here that conceptual mistakes can also be moral mistakes, I'll assume that this is possible.

Now we can turn to Taylor, who also engages with the idea of eating meat as a conceptual mistake. She discusses the story of fellow philosopher Val Plumwood's trip to the Australian wetlands, on which Plumwood was attacked by a crocodile. Plumwood writes, of the encounter:

I glimpsed a shockingly indifferent world in which I had no more significance than any other edible being. The thought, 'This can't be happening to me, I'm a human being. I am more than just food!' was one component of my terminal incredulity. It was a shocking reduction, from a complex human being to a mere piece of meat. Reflection has persuaded me that not just humans but any creature can make the same claim to be more than just food.¹⁸

Of course, crocodiles do not seem to have concepts; the point I aim to make is not that crocodiles make a conceptual mistake when they tacitly consider us 'food' rather than 'human beings'. Rather, Plumwood's realization suggests an interesting distinction between that which is edible and that

¹⁷In particular, it strikes me that Diamond does not take what I see as the obvious route to the argument for vegetarianism which she clearly has an interest in making: arguing that if we have a concept of pets on which pets are not-for-eating, it is not clear why we could not extend that concept to include many of the other animals. It also strikes me that she finds it strange for vegetarians (with 'fellow creature' concepts no doubt in mind) to eat roadkill, but can imagine hunting as quite alright. And for all her talk about the animal dead, as I note later, she doesn't have anything positive to say about mourning them, and thinks funerals for dogs are strange. I am not saying that Diamond could not respond to these points; I could imagine her doing so even using only the 'conceptual mistake' tool. But that would require further argument, or at the very least explanation, which she does not give.

¹⁸Plumwood, 2000, p. 7, cited in Taylor, 2013.

which we consider ‘for-eating’; whether we humans think of it often or not, we too are edible, that is, reducible to food. More importantly, Plumwood notes that ‘any creature can make the same claim to be more than just food’. This, I think, gets to the heart of the conceptual mistake I suspect we make when we eat meat.

The point I want to make here regards why we should not think of corpses as food. I have a bit to say in favor of this point, but I do not think I will be able to convince anyone who does not already have the intuition—at least to some degree—that corpses are just not for-eating. You might wonder whom I aim to convince, then, since most of the world eats meat. But as I suggested in one note to Chapter 4, most meat-eaters do not think of eating meat as eating corpses. Most philosophers who write about vegetarianism do not think of eating meat as eating corpses, or even parts of corpses, in fact. And this very simple shift in our thinking can be immensely helpful in making the case for vegetarianism. Daniel Herwitz put it poignantly, when he said to me in conversation that the pleasure we take in eating meat depends on a willful sort of misrecognition. I suspect that once we recognize ‘meat’ (an odd term indeed; not to mention ‘pork’, ‘beef’, and the like), and especially eating meat, for what it really is, we will find our opinions about it changing. That is, then, what this chapter (and to some extent this thesis) is really about: seeing eating meat for what it really is, and providing some alternatives.

Now I’ll present my argument (or rather, my thoughts in argument-like form). First, I think we have to say something about what corpses are, and what food is. Of course, in Chapter 2, I already gave a very detailed account of what corpses are: they fall in the extension of the substance sortal ‘[some sort of] C-animal’ and the phase sortal ‘dead’. On this view, corpses are animals, and parts of corpses are parts of animals. The view I put forth in Chapter 2—‘animal corpse survivalism’—might make the argument I am about to give stronger, but I do not need to draw on it here. So let us begin instead with the much less controversial point, not at all involved with the perhaps shocking idea that animals survive their deaths, that corpses are dead bodies. This is a fairly typical thought, and a further typical thought is that there are both human and animal corpses. (Animal corpses are sometimes called ‘carcasses’, but I doubt anyone would disagree that they exist.) A final typical thought is that although corpses are dead things by definition, not just anything which dies comes to have a corpse. My computer, or rather its battery, might die, but I will not be left with a

computer corpse. We would also not call a dead tree a ‘tree corpse’, and we have no word analogous to ‘carcass’ for the corpses of trees; ‘wood’ suggests something entirely different than ‘carcass’. So corpses, on this understanding, are just dead bodies, and probably only the dead bodies of humans and animals.

When you eat something, you do not necessarily take it to be food. But at least in most cases, you do take it to be *for-eating*. To be *for-eating* is different than being edible, of course, since so many things are in theory edible. But we do not eat human corpses, and I think, as Diamond does, that this is because we do not take them to be *for-eating*. What makes human corpses not *for-eating*? Presumably, foreswearing metaphysical conclusions about humans surviving their deaths as their corpses, the answer has something to do with the idea that humans are related to their corpses in a certain way (although perhaps not by an identity relationship). In Chapter 4, we saw this idea: even if dead human bodies are just bodies in name alone, and even if they are not the humans whose bodies (or animals) they once were, we still conceive of a connection between dead bodies and their original inhabitants (or however you’d like to put it, depending on your metaphysical beliefs). This is evidenced by our beliefs about the wrongness of, say, mutilating or dismembering the dead. In broader strokes, though, I think the point about our taking human corpses as not *for-eating* is that we take human corpses to be more than food, more than tools, more than instruments or means to ends. In some sense, we recognize them as having value.

When you do take something to be *for-eating*, you are taking it to be a particular kind of object. All of the things which are uncontroversially *for-eating*—bread, potatoes, carrots, and so on—are not things in our world about which we concern ourselves, morally or otherwise. They are not intimately historically related to creatures with whom we did share or might have shared companionship; they are not intimately historically related to beings for whom we had or could have had respect. (Before you object to ‘might have shared companionship [or respect]’, remember that you might have shared companionship with any number of human strangers, and this is probably part of the reason you would not eat their corpses if you found them or parts thereof.)

To group animal corpses in with all of these other things—potatoes, bread, carrots—is, I think, to make a conceptual mistake. Animal corpses share far more with human corpses than they do

with potatoes, bread, carrots, breakfast cereal, or anything of the sort.¹⁹ The family resemblance between animal corpses, or parts of animal corpses, and all of these other food items, is limited to only that family resemblance we impose by similarly treating them as ‘for-eating’. Animal corpses, like human corpses, once housed beings whom we respected or could have respected (had we known them, and taken it upon ourselves to do so). They once housed beings which had desires of their own. They once housed beings who, like us, avoided death. And they once housed beings who, as we all will, eventually met death anyway. All of this ought to be compelling no matter what you think of the metaphysical status of corpses. In fact, you could think corpses are basically like artefacts and still be moved by this kind of thinking. There are artefacts we would not group with carrots or potatoes: the Mona Lisa, for instance, while technically edible, is not *for-eating*.

Eating is just one form of instrumentalizing, of course, but I do not see why this case could not be generalized as a case against other sorts of instrumentalization. You would not make a human corpse (or just its skin, I suppose) into a new jacket, because human corpses (or just their skin) are not for-jacket-making, for reasons similar to those listed above. You could easily make a swatch of cotton into a new jacket; swatches of fabric are for-jacket-making. To which sort of thing—human corpses, or their skin, or swatches of cotton—are animal corpses, or ‘hides’, more similar?²⁰

There is another point about instrumentalizing here. There are some kinds of instrumentalizing, where instrumentalizing is understood as ‘using as a means to some end’, that are not simultaneously conceptual mistakes. For instance, you might instrumentalize someone (some human person) by using her as a reference on your curriculum vitae in order to get a better job, or you might instrumentalize someone by using her as a waitress in order to get your food at a restaurant. But when you instrumentalize human persons in this way, you are not simultaneously denying their humanity, or denying that they fall under the concept ‘human’. In other words, when you treat someone as

¹⁹Notice that this sort of argument doesn’t need to be stretched or prodded in order to account for the differences between animals and plants. I already suggested that plants don’t have corpses, but even if they did, there would still be these noticeable differences between ‘plant corpses’ and animal and human corpses, and our responses to each kind of corpse differ. But the difference between dead animals and dead plants is actually crucial to the argument in a different way than the same difference has been throughout the rest of this thesis: it is almost built into the argument rather than added on.

²⁰As Laura Ruetsche helpfully pointed out to me, if we do have reasons against fashioning a swatch of cotton into a new jacket, they are not like our reasons against fashioning human skin into a new jacket. One good reason to refrain from using cotton to make a jacket, for instance, might be that using this particular kind of cotton, or some such thing, is bad for the environment. But we would not suggest that a reason to refrain from using cotton to make a jacket is that cotton is just not-for-jacket-making. Our reasons against fashioning human skin into a new jacket are different, and so too I think are our reasons against fashioning animal skin into a new jacket.

a waitress or a reference on your curriculum vitae, you are not necessarily treating her as ‘just a waitress’, or ‘just a reference’. You can simultaneously treat her as a waitress or a reference and as a human being, with a certain kind of worth.

But treating someone, or something, as ‘for-eating’, I think, is different than treating someone as a reference or a waitress. (A similar point, I suspect, could be made about treating someone as ‘for using’.) It is difficult to diagnose the asymmetry here, but I find it apparent. One possible diagnosis, I think, is something like what Plumwood has in mind. You cannot treat someone, or something, as ‘for-eating’, while simultaneously not treating her as ‘just food’. Certainly there are ways to ritualize eating, make it ceremonial, and so on; perhaps one could thank the animal whose corpse one is about to eat, or some such thing. But as long as one eventually eats the corpse, or a part of the corpse, I think, one has treated it as ‘just food’, in grouping it with the other uncontroversially for-eating things we consider food. When we treat something as for-eating, or for-using, I think, we objectify it, in a not-so-demanding sense of the word, by which I mean something like ‘treat as an object like any other common object’. Not all instrumentalization is simultaneously objectification; we can again think of the reference and waitress cases. But treating someone or something as *food* seems to be both instrumentalizing and objectifying.

The fine details of the story I have just told are not beyond question or alteration. And again, I am not so concerned with the tightness of the arguments I present in this chapter as I am with the picture they suggest of the world in which we live, its faults, and the way we make it what it is when we eat meat. The point I want to make in this section is that instrumentalizing animals seems to be a conceptual mistake of some sort, and perhaps one with moral consequences. Again, I fear that this point may be a bit elusive, but I find it quite plausible that dead animals, like dead humans, are not for-eating, or more broadly, for-using. The similarities, or resemblances, between human corpses and animal corpses, upon which I have drawn to make this argument, are worth considering for a few reasons. What I have argued here is that, given these similarities, treating animal corpses as for-eating (or for-using), i.e., grouped with such substantively different things as carrots and potatoes (or swatches of cotton), might be problematic. This is because we presumably want to maintain that human corpses are not for-eating (or for-using), and animal corpses are more similar to human corpses than they are to the other things we eat and use.

Why might this sort of conceptual mistake be relevant to the conversation about respect we have been having? First, this discussion about conceptual mistakes should support the point I have been trying to make, about the unsustainability or tenuousness of taking up such different ideas about what is respectful to two sorts of corpses which seem to share striking similarities. In other words, the point about conceptual mistakes should help us see why instrumentalizing the animal dead might be wrong (in some, perhaps not moral, sense of the word ‘wrong’, as referring to children by numbers instead of names is wrong, or in the general moral sense of the word ‘wrong’). But moreover, there is a point about what it is to respect someone. Part of respecting someone, I think, is treating her like the sort of thing she is; respecting her place in the world. This is the sense of respect on which we might draw to explain to someone why she should address the Vice President, upon making her acquaintance, as ‘Madam Vice President’ rather than ‘Kamala’.

Let me address one worry about the view I have presented here before moving on. This worry relates to what we saw in Taylor’s passage about Val Plumwood, who had an encounter with a crocodile. You might think that since other animals, like crocodiles, seem to view us and others as ‘for-eating’, we have no reason to view them as not-for-eating, or even just ‘more-than-for-eating’. There are a few troubles with this line of reasoning; one such trouble is that it is not clear that crocodiles really do view us as for-eating in any meaningful way. They may just eat whatever looks good to them, not thinking twice about it, as our dogs may sometimes seem to do. A deeper trouble lies in the underlying principle, which I think works like this: If some creature behaves in way *W* toward another creature *A*, we humans, too, can behave in *W* toward *A*. This seems patently false, and even more obviously so when we consider treating other humans, and not just other animals, the way (say) crocodiles treat humans. A crocodile might eat an infant human, but we would not. We have the capacity to reason morally, so why not exercise it, even if others cannot?

5.2.2 Properly Respecting the Animal Dead

I have now given a few reasons we might think that instrumentalizing the animal dead is not the right way to show them respect. We can now return to a question we saw much earlier, when we considered Taylor’s observation that our ethics of respect for the animal dead prescribes instrumentalizing them. Recall that the cases Taylor used to support this observation were somewhat unusual ones. You

might worry that the kind of thinking she points out in the case of, say, her hunter colleague, is not particularly common. And you might subsequently wonder whether Taylor is right—whether our ethics of respect for the animal dead is really as she describes it.

The point here, I think, is that even if Taylor is wrong, though I have been taking her to be right, for the sake of argument, there does not seem to be a viable alternative observation. By this I mean that if Taylor is wrong that our ethics of respect for the animal dead is about instrumentalizing, what she is wrong about is our having an ethics of respect for the animal dead at all, not its nature. In other words, if we do have an ethics of respect for the animal dead, I am not sure what it could be besides one which prescribes instrumentalizing. So the viable alternative view is that we do not have an ethics of respect for the animal dead at all. This might be confusing, so let me restate my view once more: Taylor has suggested (a) that we do have an ethics of respect for the animal dead, and (b) that it involves instrumentalizing. If you do agree with (a), then you must agree with (b), for as far as I can see, if (a) is right, there is no alternative to (b): besides instrumentalizing, there is no other way we treat the animal dead that might be construed as an ethics of respect. You can, however, easily disagree with (a) all together; perhaps we just do not have an ethics of respect for the animal dead, even if we ought to.

I find these two choices about equally plausible, and they may both be right; certain people or groups, even in our culture, may have an ethics of respect for the animal dead which prescribes instrumentalizing, and others may not have an ethics of respect for the animal dead at all. The question with which we are left is: *Should* we have an ethics of respect for the animal dead? If the answer to that question is ‘yes’, I think I have shown such an ethics should not prescribe instrumentalizing. But it is difficult to argue that we should, morally speaking, have an ethics of respect for any groups at all. This is related to two concerns I raised earlier: one about respect as both shown and felt, and one about respect as culturally, and perhaps individually in some cases, relative.

Earlier, I considered the example of addressing the Vice President as ‘Madam Vice President’. It is not clear that I can argue, from anything like morality, that you must address the Vice President this way. But if I were to do so, I might draw on an idea like this. If you were willing to address a male vice president as ‘Mr. Vice President’, but unwilling to address a female vice president as ‘Madam

Vice President', I might charge you with behaving inequitably—a charge with moral weight. Respect of the sort addressed here is not the same as respect for someone's moral standing, or someone's interests, in that it is not inherently morally-laden. It may be either amoral or supererogatory; it might also be required of us morally, but I am not sure how one would argue that it is. However, once respect is shown to one group, it seems plausible that there is a moral case to be made for treating groups similar in the relevant ways equally. And perhaps this point about equality, along with the similarities between the animal and human dead, is a good place to begin if we want to argue for a moral obligation to respect the animal dead.

So I will not argue that you have a moral obligation to respect the animal dead in some positive sense. I have, as I noted earlier, already argued that you have a moral obligation to respect the interests or (inclusively) moral standing of the animal dead. This is, in a sense, respect for the animal dead, but perhaps more clearly 'respect' as outlined in (2): respect as refraining from injuring. If one did want to show the animal dead respect, independent of any argument on my part, I would advise her to begin with the sort of deontological principles we use to guide our treatment of the human dead, including the principle of anti-instrumentalization.

There is one more question about respecting the animal dead in some positive sense which requires our attention. What I have said so far in this section problematizes the ideas of hunting and eating the animal dead as forms of respect for the animal dead, and as I have said, I am not arguing for a duty to respect the animal dead in some other way. But there is a set of cases we have not yet spoken about yet: cases involving companion animals who, while not eaten as in case we saw from Kundera above, are memorialized by their companion humans in some way that would be considered strange or disrespectful were those memorialized humans instead of animals. Cases like this include taxidermy of one's pets, for instance.

Taxidermy seems less obviously problematic than eating or otherwise using the animal dead for, say, gelatin, since it is done in a different way and for different reasons. By the former I mean that someone who has her companion animal taxidermied does not usually choose to do so lightly, without any serious thought, at the dinner table. And by the latter I mean that she does not do so for gustatory or aesthetic pleasure, but rather for the purpose of remembering her companion. There may still be some sort of conceptual mistake here, but it does not seem like the same sort

of conceptual mistake we saw with eating meat; if taxidermy is instrumentalizing, it might be of a different kind than eating meat is, insofar as the taxidermied animal is not treated as merely décor.

Taxidermy may be on a par with hunting in the sense that it is perhaps most likely considered a form of respect because of the feeling of respect it may evoke in its perpetrator. But in another way, taxidermy of a pet is not at all like hunting. Earlier, I objected to hunting as a form of respect on the grounds that it does not usually involve knowledge of an individual animal, but rather knowledge of a species, or some such thing. If the implication there was right—that knowing someone as an individual is one way to show her respect—then having one’s *pet* taxidermied will not fall to the same objection as hunting did.

In the end, I am not sure whether taxidermy is a good way to show respect to one’s pets. I am not even sure whether it is instrumentalizing, although it seems at odds with the deontological principles we might use to determine whether some action is respectful with regard to the human dead. But let me leave my reader with this thought. We cannot do whatever we please with the dead, even if they are our family members, as our pets might be. But if someone came to us, genuine and pleading to have her father taxidermied, explaining that she believed it was the most respectful thing to do, we might be inclined to grant her wishes, even though having humans taxidermied is, as far as I know, illegal. We tend to believe that the people who knew the dead best, and have good intentions, are also best poised to determine the proper treatment of the deceased being in question. While the rabbits in the bushes outside my apartment do not stand in this close relation to me, so I am not best poised to talk about what is respectful treatment of them, the dog with whom I share my home does seem to stand in this close relation to me.

Notes on Naming: A Digression

Let us return to Diamond for just a moment. I want to make room for an aside which may interest my reader, although it was not closely related enough to the argument I gave above (beneath the heading ‘Conceptual Mistakes’) to be included there.

When I first read *Eating Meat and Eating People*, what struck me most was Diamond’s very brief discussion of naming. Again, I fear this point will be a bit elusive, but I will still try to make it. Diamond suggests that naming and not-eating are analogous, citing the reason that each is a way we

show we understand, and help to construct, the concepts of ‘child’ and ‘pet’, respectively. Perhaps there is also a sense in which naming and not-eating are analogous in that each shows respect for a creature, whether she is living or dead, respect which is required of us in that it is required by the sort of thing she is—the concept under which she falls. I suggested this when I discussed Diamond’s work earlier, and it does not seem too far from what she has in mind.

So far, we have been mostly concerned with the ‘not-eating’ part of the ‘not-eating/naming’ parallel. But suppose we take naming on its own, and consider briefly what having a name means. In Chapter 2, I introduced our deer, Daphne, whom we have subsequently encountered often. Daphne has a name, and a human name at that. Although I gave it to her for ease of reference, you might also think that there is something meaningful about my choice. I have also been using, following Carol J. Adams’ scathing criticism of the use of ‘it’ as a pronoun for animals,²¹ the pronouns ‘he’, ‘they’, and most often ‘she’, for animals.

Adams writes that language is one way in which we distance ourselves from the cruel realities of eating ‘meat’. She develops the concept of an ‘absent referent’, arguing that eating meat necessitates that we make animals absent referents: we must kill living animals, make them absent *as animals*, in order to eat them. We further make them absent as *dead* animals when we dismember their bodies. But those of us who do not work in slaughterhouses also participate in making animals absent referents, with our language (among other things, including our purse strings). We call an animal ‘it’, for instance, or call some part of her corpse ‘pork’, ‘a steak’, or simply ‘meat’. None of these terms so much as allude to the fact that we are really talking about an animal, someone with a place in the world and a life of her own, or some part of her corpse. They distance us from her, objectify her, and make her an absent referent. Unlike Daphne, the animals we eat do not have names known to us: they are made all the more absent by this fact, all the more unknown, and all the easier to (posthumously) harm.

It’s difficult to say exactly what it is that makes turning someone into an absent referent bad or wrong. Certainly, objectification and instrumentalization seem bad, and they often play an important role in making someone into an absent referent. Of course, the purpose of this chapter is not to convince you that this or that way of treating dead animals is totally wrong; that was the

²¹Adams, 1990, p. 46

purpose of the other chapters of this thesis. Rather, I'm trying to bring your attention to ways of treating the animal dead which may unsettle you (e.g., making animals absent referents by eating them), and different ways of treating the animal dead that you might find attractive (e.g., mourning animals). But let me make two small points about naming animals and making animals absent referents.

First, we might reflect upon our own treatment of unnamed and named victims. Numerous studies, chronicled by Karen Jenni and George Lowenstein,²² show that we tend to be more concerned with saving or helping 'identifiable victims' than unidentified or 'statistical' victims. Jenni and Lowenstein contrast the case of 'baby Jessica', an infant whose falling into a well was met with exorbitant donations after being covered by news outlets, with cases in which we might be asked to donate money to save a much greater number of nameless, unidentified children. We can also recall the events of Summer 2020, during which the Black Lives Matter movement grew drastically in response to George Floyd's murder, despite the fact that by May 25th, the date of Floyd's murder, more than 100 other Black men had been killed by the police in 2020.²³ Of course, these other victims have names too, but we may find them hard to recall, if we ever learnt them in the first place. And this is perhaps why we often hear calls to "say their names". The point is that the Black Lives Matter movement did not grow so drastically in response to 'the shooting deaths of 100 [unnamed] Black men by police officers in 2020', but rather 'the murder of *George Floyd*'. For whatever reason, we learned Floyd's name, and he became an identifiable victim, rather than a statistical one, and so one about which we began to care vastly more.

So when a victim has a name, at a bare minimum, we seem likelier to care about him or her. And this seems to suggest that our not naming animals may ultimately be to their detriment. Importantly, as Floyd's case shows, the identifiable victim effect need not only apply to the living. To name someone, or call her by the name she already has, is in some elusive way to recognize that she is an individual, someone cared about enough to be named, someone with a life and identity of her own.

Second, Adams often talks about what we might call a 'remembering / dismembering' distinc-

²²Jenni and Lowenstein, 1997.

²³These statistics come from the Washington Post (Tate et. al, 2021). Their database only includes shooting deaths, so I say 'more than 100' since there were 100 Black men shot by the police before May 25th, 2020, and one (not Floyd, but Dion Johnson) shot on the 25th.

tion, though often in the context of discussing the vegetarian literary tradition rather than animals themselves. But we might think about the fact that making animals nameless, absent referents makes them more difficult to remember, memorialize, and mourn. Our names do, after all, survive us, and occasionally they are made to do so in a particular way, as when our loved ones dedicate books to us, or name children or buildings after us. Depriving animals of names is depriving them of the chance to be remembered in these ways and others.²⁴

I could not demand of my reader that she give every animal on the planet a name, though there is a sense in which doing so might be for the best, as we saw when we considered the identifiable victim effect. The important thing to draw from this section is that not-naming, along with eating, animals is one way in which we distance ourselves from them, and from the things we might do to them during their lives and after their deaths. In failing to name animals, we often seem to fail to recognize them as individuals with lives of their own. That this is morally wrong I am not sure; but it seems to play a role in our objectification and consumption of the animal dead.

5.3 Reverence for the Animal Dead

In Chapter 4, we considered cases of posthumous dismemberment. I suggested one way of accounting for the wrongness of posthumous dismemberment in particular: I said that we could infer an interest in bodily unity on the parts of both humans and animals, and that that interest would survive the deaths of the humans and animals in question. If that were the case, the interest in bodily unity could be thwarted after death by things like dismemberment, and we could thus call dismemberment morally impermissible. I also said, however, that there was another plausible way of accounting for the wrongness of posthumous dismemberment, among other intuitively wrong things we might do to the dead. The idea I had in mind was that of *reverence*, although respect might also do the trick.

You might now wonder: Reverence for whom, or what? This is a good question. The obvious answer is that we might revere the dead person or animal in question, but it also seems plausible that we might revere death itself, or rather that death might inspire a certain kind of reverence in us. I want to get back to these points in a minute, but first, let's talk about the distinction between

²⁴I dedicated this thesis not to 'Companion Animal Numbers One Through Five', but rather to *Snickers*, *Sam*, *Benjamin*, *Hugo*, and *George*.

reverence and respect.

You might doubt that there is a significant difference between reverence and respect. Among the OED's definitions of reverence we find:

3. Deep respect and veneration for some thing, place, or person regarded as having a sacred or exalted character.

This definition even uses the word 'respect'. But there is, I think, a phenomenal difference between the two—between feeling respect for someone and feeling reverential toward her. To feel reverence for someone or something seems, to me at least, a bit more like being struck with awe. The two also seem separable: you can, I think, feel respect for someone without revering her, although I am not so sure that you can revere someone without respecting her.

It does not matter very much, for the purpose of this section, whether reverence and respect are actually different things. You can read 'respect' where I write reverence, if you so choose. The reason I choose to write about 'reverence' in this section is simply that I am going to approach reverence a bit differently than I approached respect: rather than talking about ways in which we might, or should, treat the dead reverentially, i.e., imagining what treating the animal dead with respect might look like, I want to focus almost entirely on why we might have reverence for death or the dead. But this section can act as a continuation of the last, rather than a departure from it, if you believe that reverence and respect are not different.

5.3.1 Reverence for the Dead

When we feel reverence for some particular dead person, we often so do in virtue of something she did during her life. She might have, for instance, written a great book, or made a significant discovery. We can take this sort of reverence as a paradigm case: reverence, as inspired by extraordinary antemortem actions.

We saw in Chapter 3 that there is a certain view on which life itself is something extraordinary, something worth marveling at and revering. As I suggested there and will suggest again soon, there is a certain sense in which death, too, is worth marveling at and revering. But let us pause for a moment to consider this idea of life itself as extraordinary. The proponents of this view we

met in Chapter 3, Regan and Schweitzer, seem to think there is not just something special about life but also that there is something special about the manifestation of life: namely, that there is something special about living things. In other words, they do not simply find the idea of life alone awe-inspiring; rather, they find living creatures awe-inspiring in virtue of their being alive.²⁵

Are Regan and Schweitzer alone in thinking that life is an extraordinary activity, one which inspires reverence in us when we are faced with the things which enjoy it? It does not seem so. Both Korsgaard and Aristotle, for instance, seem at times amazed and reverential when investigating life and those who enjoy it. Aristotle writes:

We therefore must not recoil with childish aversion from the examination of the humbler animals. Every realm of nature is marvellous: and as Heraclitus, when the strangers who came to visit him found him warming himself at the furnace in the kitchen and hesitated to go in, reported to have bidden them not to be afraid to enter, as even in that kitchen divinities were present, so we should venture on the study of every kind of animal without distaste; for each and all will reveal to us something natural and something beautiful. Absence of haphazard and conduciveness of everything to an end are to be found in Nature's works in the highest degree, and the resultant end of her generations and combinations is a form of the beautiful.²⁶

And Korsgaard writes:

A well-functioning animal likes to eat when she is hungry, is eager to mate, feeds and cares for her offspring, works assiduously to keep herself clean and healthy, fears her enemies, and avoids the sources of injury. Don't say, "Well, of course she does!" Allow yourself to be struck by the fact that there are entities, substances, *things*, that stand in this relation to themselves and their own condition.²⁷

Both Korsgaard and Aristotle, then, seem somewhat awed by the activity of life and living creatures. Two points are worth noting here.

First, Korsgaard and Aristotle each focus on living creatures, i.e., animals; Aristotle seems more broadly concerned with, and awestruck by, everything natural, but still is primarily making a point about animals. Korsgaard is exclusively concerned with animals. This focus on living *creatures*

²⁵In what follows, since I am sympathetic toward this point from Regan and Schweitzer, you might wonder whether I am contradicting myself, since in Chapter 3 I urged against accepting the Regan-Schweitzer view of life as the single ground for moral standing. But recall that there I did not say life was not awe-inspiring, or that it was not important; on the contrary, I said that life was both morally important (to the content of someone's goods and our obligations to her) and certainly awe-inspiring. I simply disagreed with Schweitzer in particular that life itself can be both necessary and sufficient at any time T_1 in order that some creature have moral standing at T_1 .

²⁶*Parts of Animals*, 1.5.

²⁷Korsgaard, 2018, p. 21.

seems apt to me; we rarely feel reverence toward cells, for instance. And while we may be inspired to reverence by certain things plants do, or by their resiliency or beauty, we are rarely, although perhaps occasionally, as awestruck when observing them as we might be while observing animals. Consider, for instance, the reactions of most children when asked if they would rather go to the zoo or to the botanical gardens. There is something about the way animals go about living that strikes us.²⁸

What is it about animals in particular that strikes us in this way? You may say that I am anthropomorphizing if I tell you that animals seem to want things as we do and seek them out as we do, feel things as we do, and perhaps most remarkably have lives of their own as we do: lives which matter to them, lives of which they are the subjects, lives in which they are aware of their surroundings. But if this is just my own anthropomorphizing, that does not render it weightless. Rather, there is something about the way animals live that lends itself to anthropomorphizing: animals do seem to have their own. And for all of this similarity we can appreciate, we are also often struck by things animals do which highlight our dissimilarities instead: who has not marveled at a bird in flight or a butterfly emerging from her chrysalis? In any case, I need not press this point; if you feel reverence toward everything natural, not just animals, you are welcome to continue to do so.

And second—I did say there were two points to note, after all—neither Korsgaard nor Aristotle merely notes his or her own reverence for living things. Each of them also urges us to feel the same reverence: to really allow ourselves to be struck by it.

The broader point I want to make is the same one Korsgaard and Aristotle make. We should, and, I think, do, feel reverence for the other living creatures just in virtue of their performance of the activity of life. Living is difficult work, and it should not go unrecognized. Together with the idea that extraordinary antemortem activities might make us feel reverence toward the dead, I think, this point about the awe-inspiring nature of life itself might suggest that we should feel reverence toward *all* the dead, or at least all the dead creatures (for reasons we've already considered), just in virtue of their having been alive. Put another way, just as her antemortem discovery of radium might be reason for us to revere the late Marie Curie, perhaps the mere antemortem *aliveness* of

²⁸I owe this point to Laura Ruetsche.

creatures may be a reason to revere them, too, even after they have died. After all, if you really allow yourself to ponder life, as Korsgaard and Aristotle do above, you might find that you, too, are awestruck by it.

You might, of course, feel reverence for a dead being without also feeling that reverence toward her corpse. I don't think it's necessary that I show my readers that they *must* feel reverence when they are faced with a corpse, but since so much of our work so far has really been about corpses, I do want to say a bit about feeling reverential toward an animal, and directing that reverence toward her corpse, here. Further, I don't find it at all odd to imagine that an interaction with a corpse might be the impetus for one's feeling reverence for the animal whose corpse it is. Our interactions with corpses, I think, are often the best place to begin making sense of our relations with the dead.²⁹

Whatever else you might think about the metaphysical status of corpses, you probably agree that corpses are dead bodies. We made this same point in the last section, where I motivated it using some fairly ordinary ideas. Even if animalism about animal identity is false, and we eschew all talk of the 'X's animal' form, an animal's body is still extremely important to the animal whom it makes embodied. An animal's body helps her feel pleasure and pain, which plays an instrumental role in her survival. It allows her to achieve her ends by sustaining her life. It goes everywhere she goes, and through it, she experiences her world. All of this is really to say that if we feel reverence for dead animals in virtue of their antemortem aliveness, there is no reason that reverence cannot extend to their corpses, their 'dead bodies': an animal's dead body was, I think, once alive just as she was, or at the very least played a vital role in her being alive. Reverence for dead animals, then, directed toward their corpses, i.e., 'dead bodies', may provide another way to account for the wrongness of, or at least the strangeness of, posthumous dismemberment of animals. *Mutatis mutandis*, a similar case could be made about reverence as a reason not to posthumously dismember the human dead.

²⁹I fear this point will verge on tangential, and it is not necessary for my argument. But I am thinking of something like this: our interactions with corpses may reveal much more about us, and what we think is morally right and metaphysically true, than we assume they do. I draw the spirit of this point from a paper of David Enoch's on moral realism and moral disagreement (Enoch, 2009). Enoch suggests that we might be able to attribute moral disagreement about the right way to treat the dead, or their corpses, to metaphysical disagreement about what happens to people after they die.

5.3.2 Reverence for Death Itself

In Chapter 3, while we were considering views about reverence for life, we also saw a view which proposed that we may also have a certain kind of reverence for death itself. That view was Iskra Fileva's, outlined in the article *What Do We Owe the Dead?*. Fileva is considering the cultural norm which prescribes that we ought not speak ill of the dead. Her argument is abductive: she notes that we have the intuition that we ought not speak ill of the dead even when the dead person in question was of questionable character. She considers and rejects the possibility that we refrain from speaking ill of the dead in order to prevent causing further suffering to the family of the deceased, noting that in at least some cases, the family of the deceased recognize that their loved one was of questionable character. She also considers and rejects the idea that the dead person in question is not around to defend herself, noting that we do not have norms against gossip, for instance.

Finally, Fileva proposes that the best explanation is that there is something special about death itself which makes us feel as though we ought to refrain from speaking ill of those it takes from us. The point of addressing these other considerations is that there are cases in which that which motivates the intuition that we ought not speak ill of the dead cannot be respect or reverence for the deceased person herself. But the idea that death itself inspires a sort of reverence in us can account for the presence of the not-speaking-ill intuition even in cases in which we do not have respect or reverence for the dead person herself.

Fileva does explain the idea of death itself as inspiring reverence, although it is difficult to do so in great detail. She writes that there is a 'perceived otherworldliness' to death, one which inspires reverence in us. She writes:

It's as though death has put a stamp of nobility on the forehead of the one whose heart is no longer beating, and it is that stamp, that halo that pushes us to act as we do. The deceased belong to death now, not to us. And it may be that we feel that it is not simply other people watching us; we are being watched by death itself. Death has come to visit, and we are all in its presence when we share a room with one of its recent claimees.

This idea, I think, may be a good way to account for many of our norms surrounding the dead. But if Fileva is right, and what we respond to when we feel we must revere or respect the dead is really death itself, there is no reason we should feel reverence and respect only when a human dies. After all, death comes for animals just as it comes for us. There seems no good reason to deny that

they too should receive the ‘stamp of nobility’ death affords its claimees. This line of thought is corroborated by the old adage that we are all equal in death, which I pursue further later, in the next section of this chapter.

5.4 Mourning the Animal Dead

Here, I want to begin a discussion of mourning the animal dead. My aim here is not to argue that we have a moral obligation to mourn the animal dead; rather, it is to consider why we might want to mourn the animal dead. Judith Butler, in *Precarious Life* and elsewhere, has argued for something like the moral value of mourning, although I think it would be reductive to put her point as one about duties. Here, I want to begin with Butler’s idea of precarious life, and her conception of mourning as a political or moral act.³⁰

5.4.1 Precarious Lives

Butler’s idea of precarious life begins with the idea of shared vulnerability.³¹ Our shared vulnerability is inescapable, and grounded in the realities of our lives as embodied creatures: our embodiment means that we are physically vulnerable to death, injury, and perhaps most importantly, to one another, which binds us together.³² This last part is very important; on James Stanescu’s reading of Butler, it is in fact our embodiment and physical vulnerability which accounts for the fact that “we have sociality, that we have a capacity for being together”.³³ On Butler’s view, those of us who are physically vulnerable to one another are bound up together because of our vulnerability: the dual notions of vulnerability and the community—the being bound up with one another, with everyone who shares the same conditions—which that creates are the essential bases of the concept of precarious life.

Stanescu has written that Butler’s idea of precarious life can be treated as an ontology, and in

³⁰I should say at the outset that Butler doesn’t tell us what her concept of ‘the political’ includes, at least in the collection of essays (Butler, 2004) I’m drawing on here. You might worry later that her construction of mourning as ‘political’ might be wrong because you understand ‘political’ or ‘the political’ in a different way than Butler does. But this shouldn’t defeat any of the points I attempt to make. In many cases, we can even replace ‘political’ with ‘public’.

³¹Butler, 2004, p. 20.

³²Butler, 2004, p. 20, p. 26.

³³Stanescu, 2012.

particular a social ontology.³⁴ This seems right to me; Butler thinks this precarious life is what constitutes us as a community, where ‘us’ is that group of beings who share in our vulnerability to one another and the forces we cannot control. Another not-at-all distinct way of conceptualizing precarious life is as something like what the phrase ‘the human condition’ evokes or ought to evoke.³⁵ The idea of ‘the human condition’ is supposed to bring out those shared features of our lives which bring us together into a sort of community. The idea that ‘precarious life’ is a bit like ‘the human condition’ is an interesting one to push a bit. Stanescu notes that Butler’s work is sometimes anthropocentric, and is right to do so: Butler leads us into the discussion of precarious life professing that we will be taking up the “question of the human”,³⁶ but goes on to describe precarious life in such a way that her reader almost wonders if she had animals in mind after all. But when people say ‘the human condition’, they often have something similar in mind—mortality, for instance.

As I’ve just said, of course, the idea of precarious life is quite well-suited to a discussion of animals, who are surely as physically vulnerable as we are—not just to us, but also to one another, and perhaps most importantly to this thesis, to death. You might also notice some similarities between Butler’s idea of ‘precarious life’ and Diamond’s conception of a ‘fellow creature’: namely, the idea of shared finitude, or shared mortality. Before I say more about precarious life as it relates to mourning, though, I want to examine Butler’s conception of mourning, and Stanescu’s ideas about its applications to animals.

Butler’s work on mourning, it seems, began with a concern about grief in post-9/11 America: a concern about which lives were considered grievable and which were not.³⁷ But Stanescu begins his paper with another scene in which we encounter the ungrivable: the supermarket. Stanescu and Taylor both note that those who mourn animals, especially those who mourn animals who were not their own companion animals, are often seen as childish, strange, or at worst, mentally ill.³⁸ Butler writes of the pain that comes along with being told, while bereft, that the object of one’s grief is not grievable. Stanescu recognizes that pain at the meat counter.

³⁴Stanescu, 2012.

³⁵Butler, I think, alludes to this same idea in *Violence, Mourning, Politics*.

³⁶Butler, 2004, p. 20.

³⁷For now, I use the terms ‘grieve’ and ‘mourn’, and their variants, interchangeably; I think there is a distinction here to be made, but I will refrain from making it right now, since Butler uses them interchangeably.

³⁸Stanescu, 2012, Taylor, 2013. (Diamond thinks there *is* something wrong with having a funeral for a dog, although she doesn’t have anything to say about mourning.)

What does it mean to be ‘ungrievable’? For Butler, a life that is deemed ungrievable is denied the status of a life at all: it is made ‘unreal’, or ‘derealized’.³⁹ Butler writes:

There are no obituaries for the war casualties that the United States inflicts, and there cannot be. If there were to be an obituary, there would have had to be a life, a life worth noting, a life worth valuing and preserving, a life that qualifies for recognition... [the obituary] is the means by which a life becomes, or fails to become, a publicly grievable life, an icon for national self-recognition, the means by which a life becomes noteworthy. The matter is not a simple one, for, *if a life is not grievable, it is not quite a life*; it does not qualify as a life and is not worth a note.⁴⁰

(Without crudely comparing tragedies, we might note that animals do not receive obituaries, funerals, or anything of the sort.) Butler’s point is that there is a sense in which mourning a life makes that life *real*, and that lives which are not mourned in virtue of their being ‘unmournable’ are derealized. We constitute the lives of others and their significance in part by mourning them, so to call a life ungrievable is to call it insignificant—to call it ‘hardly a life at all’. We can see where Butler is coming from: real lives have ends; they are finite. And to fail to recognize the end of a life, by way of mourning, is to fail to recognize that it was a life at all.

Now we can see why, then, for Butler, mourning is a political act, or an act with political worth. When we publicly mourn, we show others that we take the object of our grief to have had a real life, one worth mourning. And for Butler, publicly mourning the ‘unmournable’ is one of the most important, striking political acts we can perform.⁴¹ Mourning, construed thus as a political act, plays a central role in Butler’s idea “a way out of the circle of violence”.⁴²

We can also see now why mourning, for Butler, is the right way to treat other precarious lives. Mourning is a recognition of the finitude we all share, and the precarity of our existences; our own vulnerability. And it is also a recognition of the sense in which each of us is constituted by our relationships with others. Just as the precarity of your life is partially constituted by your vulnerability to others, the importance of your life is partially constituted by the mourning, or grief, of others.

³⁹Butler, 2004, p. 33.

⁴⁰Butler, 2004, p. 34. Emphasis is my own.

⁴¹Butler, pp. 36-38.

⁴²Butler, 2004, p. 42.

5.4.2 Precarious Life as that Which We Share

Before turning to the topic of animals most specifically, I want to say a bit more about the idea of precariousness as that which unites us, binds us together. Butler makes a compelling case for this idea, as we saw above: to say that we are all vulnerable to others and the forces of nature we cannot control is not only to say that we are all bound together in virtue of our being vulnerable to one another, but also to say that this constitutes us as a community, a community of vulnerable beings. In other words, we are bound together not just in virtue of the fact that we are vulnerable to one another, but also in virtue of the fact that we are all, in the end, vulnerable to roughly the same things. We are not each fighting a separate battle against everyone else; everyone whose life is precarious is fighting the same sorts of enemies, not just fellow soldiers but also forces beyond one's own control. While the former might seem to divide us, it is when we consider the latter that we realize we are actually united.

The idea that our susceptibility to death is really that which unites us is not an unfamiliar one, and I think that this idea is that from which our capacity for empathizing with the dead comes. We saw a similar idea in Section 5.3.2 of this chapter, when I brought up the idea of our all being equal in death. That adage, I think, is perhaps not quite right; rather, I think, as Butler does, that we are all equal in mortality, in vulnerability. But this is perhaps never clearer than when we are faced with the dead or dying themselves. Consider two passages from Ancient Greek literature, for instance. (It is difficult to write anything about death without bringing the Greeks into it.)

In Sophocles' *Oedipus at Colonus*, we meet Oedipus as a blind, aging man in exile, nearing death. He knows he must die in a land sacred to the Furies—divine will demands it—and suspects Colonus, a city near Athens, is that place. But the people of Colonus try to prevent him from entering, fearful that he will 'pollute' Colonus as he did Thebes. Then Theseus, the King of Athens, enters. Theseus, by contrast with the people of Colonus, says to Oedipus:

I am sorry for you, I should like to know what favor here you hope for from the city and from me.... no wanderer shall come, as you do, and be denied my audience or aid. I know I am only a man; I have no more to hope for in the end than you have.⁴³

In Homer's *Iliad*, we find a similar scene: two very different men, in this case actually on opposing

⁴³*Oedipus at Colonus*, 556-568.

sides of an ongoing war, recognize their own precarity and that of those around them. Priam, King of the Trojans, has made the dangerous journey to the territory of the Greeks in order to collect the body of his son, Hektor, killed by Achilleus. Achilleus still has Hektor's body; he earlier attempted to mutilate it, but was prevented from doing so by the gods. Priam must beg for the return of his son's body, begins his plea to Achilleus: "Achilleus like the gods, remember your father, one who is of years like mine, and on the door-sill of sorrowful old age".⁴⁴ Priam goes on to describe the deep sorrow and grief he feels at the loss of his son, repeatedly evoking the twin ideas of Achilleus grieving his own father, and Achilleus' father grieving him. After hearing Priam's speech, Achilleus is moved. Homer writes:

So he spoke, and stirred in [Achilleus] a passion of grieving for his own father. He took the old man's hand and pushed him gently away, and the two remembered, as Priam sat huddled at the feet of Achilleus and wept close for manslaughtering Hektor, and Achilleus wept now for his own father, now again for Patroklos.⁴⁵

I cite these passages more for their help in bringing about in their readers a certain feeling than for the precedent they set. But we can still see that Butler's ideas are easily corroborated by these scenes. As is my contention that recognition of our shared precarity, and its role in uniting us, is that from which empathy for the dead may spring. In the scene from *Oedipus at Colonus*, we see Theseus recognize Oedipus' own precarity as something in which he, too, shares. This, and not any involvement from the gods, I might add, is what compels Theseus to defy the wishes of his people and agree to let Oedipus die in Colonus. Theseus treats Oedipus as he himself wishes to be treated, after recognizing that he, too, is a mere mortal, and has 'no more to hope for in the end' than does Oedipus.

Similarly, in the scene from the *Iliad*, we notice that Priam begins his plea to Achilleus by speaking about Achilleus' father's precarity. We can also see that it is the shared experience of grief which brings Achilleus and Priam together: these men recognize their vulnerability not only to death itself, but also to one another, and to the sadness that the loss of a loved one brings. And Achilleus brings himself to forget his hatred for Hektor (on account of Hektor's having killed Patroklos) in order to perform one final act of respect for him: the allowance of his body's safe

⁴⁴ *The Iliad*, 24.486-487

⁴⁵ *The Iliad*, 24.507-512. (Patroklos is Achilleus' dear cousin and friend, who was, more or less accidentally, murdered by Hektor earlier in the *Iliad*.)

return to his father, and later to Troy. It is death, vulnerability, mortality, *grief*, which eventually brings Achilles to empathy. It is an understanding of his own precariousness, and that of his father and his dear cousin, which I think provokes him to finally empathize with Priam and Hektor.

Reflection upon our own precarity, then, and the precarity of our loved ones and indeed every other creature, can bring us, like Achilles and Theseus, to empathize with the dead, whomever they are. And reflecting on these similarities between ourselves and the other creatures may be enough to empathize with them such that we would rather mourn than eat them once they have died.

5.4.3 The Precarious, Mournable Lives of Animals

Butler's picture presents us with reasons to grieve animals, but perhaps more importantly, it allows us to see why grieving animals might be possible to begin with, and not at all childish or unreasonable. In this subsection, I want to tie together the ideas we've seen about grief, mourning, and precarious life, and tie them to animals.

Before I go any further, I should probably say that although Butler does not make one explicitly, I think there is actually a distinction between grieving and mourning.⁴⁶ Mourning is, I think, first a task and second a feeling. Grieving is, on the other hand, first a feeling and second a task. To mourn someone is to do the work of mourning, as Butler suggests, and while one can say one is 'in mourning', there is not an associated emotion word, analogous to 'grief'. To see why this distinction matters, notice that it would be very difficult for me to urge you to grieve someone, or say anything about the value of your feeling grief—usually, you are not morally required to feel anything, nor is it good or bad for you to feel this or that. On the other hand, actions tend to have more easily defensible moral weight. So perhaps it is best that we speak of 'mourning' as a political act, rather than grieving.

You might wonder whether mourning a creature is incompatible with eating or using a part of her corpse. I am not sure that it is, at least in all cultures. But in the vein of mourning as a political act, I think eating meat (or gelatin, and so on) and mourning animals send opposite signals. To eat meat is to show that you ultimately do think of humans and animals as different in some way

⁴⁶Or at the very least, there should be some distinction like this; I don't proclaim to be the expert on the difference between the two words, but there are two distinct things I want to talk about which need names, and 'mourning' and 'grieving' seem as good choices as any.

that matters; it is to show that you do not think the precarity of life, or something else which joins us with our fellow creatures, is what really matters, but rather that you think whatever it is that divides us is what really matters. You are not choosing, as Achilles and Theseus do above, to see the similarities between you and the dead being in front of you. Remember that Butler is not just arguing that we have precarious lives; she is arguing that we first and foremost, or even essentially, have precarious lives. She is arguing that we make each other what we are, both in life and after its end. And if you choose to make animals the objects on your dinner plate, rather than the objects of your grief or mourning, you are contributing to the construction of a reality in which animals are dinner, and probably just dinner, rather than fellow creatures, *your* fellow creatures in precarity, finitude, mortality.

Let me dwell on that last point for just a moment. The idea of that point is that when we eat meat, or otherwise use the corpses of the animal dead, we are contributing to a certain kind of world. Of course, every act is like this; but of course there are worse and better ones nonetheless. I am going to talk more about creating a certain kind of world later in this section, but, I think, in a different way. Mourning animals, or feeling grief for them, and eating them, are acts that contribute to different sorts of worlds. Think, for instance, about burning books. While the act in itself is not at all good, it is also not (intuitively) as bad as some other acts we might think up. But the sort of world in which we burn books is not a good one; our burning books says certain things about us as a community, and what we deem acceptable. It signals that we simply do not care about certain things, and that others may become acceptable soon.⁴⁷ Eating animals, and really eating animals as casually as we do, says something about us and what we accept as a good way of treating others with precarious lives, and contributes to a certain sort of world very different from a world in which we mourn them instead. We might ask ourselves, then, whether mourning and eating can really coexist, when they seem to drive our world in such different directions, and signal such different things about the right way to treat those with whom we share precarity.

On the whole, Butler's argument, I think, is quite compelling. There is something both disruptive and powerful about the idea of mourning animals publicly, just as Butler imagines there would be something both disruptive and powerful about publicly mourning other 'unmournable' lives. But

⁴⁷The sentiment here is expressed in Heinrich Heine's line about societies which burn books, and their inevitable turn toward burning people instead. The idea of this connection, and for this paragraph, is owed to Daniel Herwitz.

even privately, it seems that there is some moral weight to the idea of mourning or grieving the animal dead. Realizing lives need not be a political affair in order to be meaningful. As we saw in the case of Achilles and Priam above, private grief can be just as significant, and a display of one's moral character just as grand. To paraphrase something I quoted from Korsgaard in Chapter 3, what you do with the animal dead is not just about consequences, or numbers, or making the lives of other, future animals better. Rather, what you do with, or about, a particular dead animal, or parts of her body, is about you and that animal. I want to propose, in fact, something I just alluded to in the last paragraph: that what you do with the animal dead is not just about you as you are right now and that animal, but rather about you as the sort of person you would like to be, and about the sort of world in which you would like to live.

I draw this thought from J.M. Coetzee's novel *Disgrace*. *Disgrace* sees its protagonist, David Lurie, in many compromising positions and some redeeming ones. David has begun to volunteer at an animal clinic, where unwanted dogs are euthanized. Toward the end of the novel, he begins to take the corpses of these dogs to the incinerator where they are to be burned. He schedules this task meticulously, despite never having been a man who took care for animals seriously. He will not leave the corpses at the incinerator site over the weekend: "this would mean leaving them on the dump with the rest of the weekend's scourings: with waste from the hospital wards, carrion scooped up at the roadside, malodorous refuse from the tannery—a mixture both casual and terrible. He is not prepared to inflict such dishonor upon them".⁴⁸ He also will not let the corpses be incinerated by the workmen, who beat the corpses with shovels until they fit nicely into the incinerator. David asks himself:

Why has he taken on this job... For the sake of the dogs? But the dogs are dead; and what do dogs know of honour and dishonour anyway? For himself, then. For his idea of the world, a world in which men do not use shovels to beat corpses into a more convenient shape for processing... He may not be their savior, the one for whom they are not too many, but he is prepared to take care of them when they are unable, utterly unable, to take care of themselves.⁴⁹

Let us begin by noting here that David's actions bear some striking similarities to a piece of literature we have not yet discussed: *Antigone*, a line from which was this thesis' epigraph. Antigone

⁴⁸Coetzee, 1999, p. 141.

⁴⁹Coetzee, 1999, pp. 142-143.

goes to great lengths to preserve the honor of the corpse of Polynices, her brother. Although Antigone's uncle, Creon, has prohibited burying or (publicly) mourning Polynices, Antigone wants to bury him, mourn him, and perform the proper funerary rights.⁵⁰ She knows she will be sentenced to death if she does so, but does so anyway. And of her burial of her brother, she says to Creon: "And if you think my acts are foolishness, the foolishness may be in the fool's eye".⁵¹ Here Antigone seems almost in conversation with David.

Antigone and David both honor, and moreover mourn, the dead against the expectations of their respective societies, even though they realize that in some sense their acts are insensible. Ido Geiger, noticing the same parallel, calls David a "dog-Antigone".⁵² What are we to make of this parallel? A more in-depth analysis than I can give here might reveal that mourning those deemed unmournable is not foolish at all, but rather one of the most honorable things one can do. But I shall stop to note that this parallel highlights the sheer age of the question we are considering in this passage, about mourning the unmournable, and the broader question we have considered in this thesis, about the proper way to treat the animal dead. *Disgrace* was published in 1999. *Antigone*, Homer's *Iliad*, and *Oedipus at Colonus* are some two thousand years older.

Of course, these are not the only works of literature that contend with the themes of respecting and mistreating the dead, broadly construed. But it's worth noting the fact that more than two thousand years after Sophocles and Homer, we collectively continue to be struck by issues of treating the dead rightly and wrongly. Questions about the right way to treat our dead, I think, are some of the most fundamental human questions. *Disgrace* urges us to view these questions as not only fundamental but also pressing; and it encourages us to broaden the scope of the 'our' in the phrase 'our dead'.

Now let us return to *Disgrace* itself. We can see that David's act, however private, however inconsequential, is about his idea of the world. In the world in which David would like to live, we do not do horrible things to animal corpses; we dignify them, however we can. David's act is also about him; we see his development as a character in this scene, his gradual shift from a man who finds care

⁵⁰A part of dialogue from *Antigone* which Butler would like comes to us in lines 84-87. Antigone's sister Ismene, upon hearing Antigone's plan to bury her brother, urges Antigone to at least keep her act "hidden". Antigone retorts: "I shall hate you more if silent, not proclaiming this to all."

⁵¹*Antigone*, 469-470.

⁵²Geiger in Singer and Leist, 2010.

for animals unserious to a man who gives up his own time in order to prevent too much dishonor from coming to them, even after they have died. I would argue that David's actions here are about both mourning and grief, and also recognition of his own vulnerability, in which he realizes he is not alone. As he contemplates and comes to terms with his own aging in *Disgrace*, while simultaneously participating in the euthanasia of all of these dogs, he comes to recognize the precarity of his own life and the other lives around him.

This is not a point about literature, or an analysis of *Disgrace*, or at least it need not only be that. Rather, it is a point about us, and the way we behave—or can behave—toward the dead. What does our treatment of the animal dead say about us, this passage from *Disgrace* asks? What sort of world are we living in, and what are we doing to make it a world of that sort? When we are faced with a choice about how to treat precarious others, I think we should choose as David does, even in private. That is a choice not just about mourning, or eating, or using, or grieving: it is a choice about the sorts of people we want to be, and the sort of world in which we want to live.

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