

We do not even know, yet, how to take nonhuman animals morally seriously

VILLE V. KOKKO
vvk0@hotmail.com

1 Introduction

The issue of the moral rights of nonhuman animals has long been discussed but also pushed aside. Even when it is acknowledged in practice, it usually takes secondary place to the interest of humans to use other animals to satisfy our own needs. There is a very strong case to be made that this is entirely unjustifiable; considering the moral value of nonhuman animals starting impartially from the morally relevant considerations creates a very different picture. However, what is less clear than it might seem is *what* this picture actually is. This article discusses why this is the case.

There is a certain natural logic to the nature of morality that demands it to be generalised to all relevantly similar cases. However, at the same time, there is something significantly unnatural about the thought of conducting our relationship with the world based on respecting the moral value of all beings including nonhuman ones. This does not make it wrong to do so, but it makes it profoundly difficult. It is infeasible to simply start from a universal principle and apply it to everyone equally. Instead, we need to create something new and unprecedented.

As a concrete example of this issue, this article examines the Finnish Animal Rights Lawyers' proposal for a change to the Finnish constitution to take animal rights seriously. This proposal¹ was introduced publicly in 2020 and later turned into a citizens' initiative that gathered the requisite 50,000 signatures in August 2023 and was discussed in the Finnish Parliament February 2nd, 2024, before being passed on to the Constitutional Law Committee. This proposal starts off from the idea of the inherent moral value of every sentient being and seeks to apply it directly to practice by establishing constitutional rights for nonhuman animals in accordance with their value. However, by taking this approach, it runs into profound problems. I will examine these

1 Found at <https://www.elaintenvuoro.fi/english/>

below and use them as springboard for my own discussion of the nature of the needed ethical change.

Finnish Animal Rights Lawyers already formulated this proposal in 2020 before it became a citizens' initiative. In that year, they also asked feedback on it from philosophy students and researchers at the University of Turku, and I volunteered to take part in these discussions. The ideas in this paper largely date back to that time, so I extend my thanks to the other participants in the project for helping me develop them. They are Tilda Nerg, Teemu Luukkonen, Tiia Topinoja and Jari Kärkkäinen. I think that the ideas presented here as mine are all originally mine, but it is impossible for me to say for sure that something was not first proposed by someone else. Incidentally, the proposal was not changed based on our feedback in any way that I can recognise when looking at its current form.

2 The proposal

The central idea of the proposal by the Finnish Animal Rights Lawyers is to change the constitution to grant all “animals” rights as individuals instead of their being treated as objects or property.² “Animal” is never defined in the proposal, but it implicitly excludes humans and seems to include all other individuals in of any species the kingdom *Animalia*.³ Thus, unlike some related proposals such as the Great Ape Project, this one does not only focus on certain animals such as apes. Being granted rights would mean, among other things, that any individual nonhuman animal could have its rights defended in court by a human representative.

Cognitive capacities of an animal, or lack thereof, are stated not to affect this value, but this is followed by this statement: “However, the capacities of an animal affect the intensity and variety of animal’s experiences, which are of relevance when

2 On the topic of nonhuman animals being treated as property, see Francione (2005).

3 Even thinkers writing on animal rights often default to using just the word ‘animal’ to refer to all animals except human beings, if only for convenience. For my own part, I will attempt to keep my wording accurate to what I mean, mostly in terms of speaking of ‘nonhuman animals’ when that is what I mean. It is of course the case that ‘animal’ has two meanings, one excluding humans and one including them. I find it appropriate to employ the biologically accurate meaning, that is the one including humans, especially considering that the topic being discussed relates to opposing grave moral wrongs done by humans to animals of other species that are typically covered up by a false ‘human—animal’ duality. (Cf. Aaltola 2004, 19–20.) I will use ‘animal rights’ in the conventional sense of nonhuman animal rights, though. Speaking of ‘animal rights’, I am also going to use that term generically without considering the distinction between such things as animal rights and animal welfare perspectives, on which see e.g. Anderson (2005, 277–79).

assessing the best interests of the animal and which must be taken into account according to the best current understanding and scientific knowledge.” Apparently, however, this statement is not to be taken to imply that animals can be ranked in moral importance based on their cognitive capacities, since that is so clearly denied before this.

The reasoning behind giving rights to all nonhuman animals is that they are likely to be sentient, or at least some of them are, others may be, and we should be cautious not to infringe on the rights of any sentient animals. The basic idea of sentientism here is very sensible, and I will not here question it: the necessary and sufficient condition for an individual to have moral value is its ability to have subjective feelings, including such ones as pleasure and pain, which are inherently positive and negative (respectively).⁴ The point I will question is the way that the proposal proceeds from this starting point, even if the starting point itself is correct. It turns out that the proposal managed to be simultaneously too radical and not radical enough.

2.1 Sentientism’s slippery slopes

Unsurprisingly for something so contradicting the status quo, the proposal has evoked some contrived criticisms. Specifically important to mention here are predictable straw man claims that it would lead to a slippery slope to granting plants and bacteria rights. This is easily answered by noting that all nonhuman animals are being included because they are presumed to at least possibly have sentience, unlike plants and bacteria.

However, there is a slippery slope argument in the same lines that actually does apply to the proposal, not by analogical reasoning but by its actual wording. Since the law generalises over all nonhuman animals without distinction, the new legal rights would apply equally to for example mosquitoes as to for example cows. There seems to be nothing in the letter of the proposed law that keeps one human person from suing another on behalf of mosquito the second one killed.

Insects comprise something like 80% of known species of animals⁵, so there is a sense in which to declare rights for all nonhuman animals without distinctions is to talk primarily about insects. The fact that this is not accounted for in any way in the proposal seems to reflect an explicit opposition to bias – not excluding any species – but

4 Alasdair Cochrane argues and shows some evidence that the relevance of animal sentience to morality is also now a commonly accepted idea (Cochrane 2018, 1–2, 15, 29, 130–31). Chapter 2 of the same book also contains one example of the ethical argument for sentientism.

5 <https://www.si.edu/spotlight/buginfo/bugnos>

also an implicit bias – not thinking about bugs when imagining the consequences of the proposal. Of course, this bias is the typical one that the average person seems to have: the prototypical (nonhuman) animal is a vertebrate, preferably a mammal, no matter how much more numerous insects are.⁶

I called this a slippery slope. In what sense is it that? It *might* even be morally right to say that we have to have very good reasons if we kill mosquitoes – maybe if they spread diseases, but not because they can cause us to itch all over and keep us awake. However, it would be very difficult to get people to suddenly take the rights of mosquitoes seriously, even if we could have done that with cows. In a sense, then, cows would be only as protected as mosquitoes would be.

A simple way to amend this problem would be to discard the proposed moral and legal equality of every nonhuman animal and discriminate between them based on their capacities. A cow would perhaps justly be judged to have a richer mental life and more of an interest in her continued existence than a mosquito would have in her own. (It is the female mosquitoes that suck our blood and annoy us.) While discrimination allegedly based on capacities like this has historically been repeatedly used as an excuse to put humans above all other animals and negate the value of all the others (see e.g. Aaltola 2004, 24–36; 2004, 94–109, Rachels 2005), it can also arguably be derived from the same kind of reasoning as sentientism itself, and it has certainly been used in animal rights discourse (see e.g. Rogers and Kaplan 2005). Thus, while this slippery slope is built in in the Animal Rights Lawyers' proposal, that does not yet mean it would not be easy to avoid based on similar reasoning.

However, there is a deeper reason why just starting from sentientism as the basis of moral worth and working your way up from there cannot act as the basis of the whole new moral or legal system.

2.2 Too demanding, and not demanding enough

Whereas these logical consequences of the proposal are too strict to be practically applicable at least in the immediate future, some of the specifics mentioned in it are not strict enough by its own logic. One such example is that construction work may kill

6 Though they seem to have gone out of fashion, I remember from my childhood that there used to be series of illustrated books giving a sort of overview of all sorts of nonhuman animals across the different phyla and classes. A typical division in such a series might be to have three books about mammals, two about birds, one for reptiles, amphibians and fishes, and a final thinnest volume for invertebrates, that is every kind of animal except our own phylum of vertebrates.

animals, but still allowed if it is *necessary* for humans.

Just how necessary would construction work have to be to be worth it? If other animals' individual lives are valuable as human lives are, the bar is high indeed. Are we going to consider an alternative for almost all construction based on this? That would take stronger wording that construction work can kill nonhuman animals if it is "necessary". Instead, that wording goes back to the old ideas of human secondary needs overriding other animals' primary needs – housing versus lives.

If we were really considering this from each animal's individual value, this would be like planning operations where many innocent, uninvolved people are going to be killed. This sounds like a terrible decision that might be made in wartime, not routine during construction work.

Similar points as I had made about this in the discussions and feedback in 2020 were brought up in the congressional discussion of the citizens' initiative⁷, primarily by Anna Kontula of the Left Alliance. I quote part of her opening speech, where she supported the spirit of the proposition but deemed the details untenable:

I will take as an example of the right to life demanded in §3 and §4 of the proposal. In the case of human beings, the right to life means among other things that it is impermissible to purposefully take away anyone's life. What would this mean for other animals? At least the immediate end of meat production, hunting and pest extermination. In fact, it would imply a population-level move to vegetarianism, because if interpreted in this way, the initiative would also imply forbidding importing the meat of animals killed elsewhere. And that is not all, because the human right to life also imposes a positive duty of protection on stated in the case of, for example, environmental disasters. Extending it to other animals would imply great changes to for example extinguishing forest fires and to flood protection.

Well, personally, I would be ready to support such a change, but is this the intent of the authors of the initiative? Based on the text, no. The initiative would allow, for example, the mercy killings of other animals and deaths caused by human construction and farming activity. Other animals' right to life would be something else than the human right to life – something different and something less. This choice creates a situation that is untenable both legally and in principle.⁸

⁷ The transcript can be found at https://www.eduskunta.fi/FI/vaski/PoytakirjaAsiakoh-ta/Sivut/PTK_14+2024+3.aspx and all my remarks are based on this transcript. The below quote is also from it.

⁸ My translation. The original Finnish reads: "Esimerkkinä käytän aloitteen 3 ja 4 §:issä mainittua vaatimusta oikeudesta elämään. Ihmisistä puhuttaessa oikeus elämään tarkoittaa muun muassa kieltoa riistää tahallisesti kenenkään elämää. Mitä tämä sitten tarkoittaisi muiden eläinten kohdalla? Ainakin lihateollisuuden, metsästyksen ja tuholäistorjunnan välitöntä lopettamista. Itse asiassa se merkitsisi väestötasolla siirtymistä kasvissyöntiin, sillä näin tul-

The fact that even the authors of the proposition fail to follow through with its implications shows how hard it is to imagine such a huge change. Kontula may say she would support a proposition that would *actually* disallow most uses of nonhuman animals that our society is built on, but it is easy to see how difficult it would be to really make such a change. The difficulties are not merely the obvious cultural and institutional ones, however, but go deeper into the nature of morality and the nature of nature.

3 How to construct a new morality?

3.1 Unprecedented and unnatural

There are very good grounds for saying sentience by itself implies moral value. At the same time, to begin to treat every sentient being as individually valuable is unprecedented in human society. Not only that, but it is also to practically seek to overturn the whole order of the living world.

To briefly state the obvious, human society is currently very much built around exploiting huge amounts of nonhuman animals and ignoring most others. To change this is going to be a long and complicated process, and it would be so even if there were no resistance. Even so, this might be the smaller problem.

A note before the next thing I am about to say: I will be talking about how something is unnatural, which is potentially confusing because it is something that is usually done to commit an appeal to nature and condemn the thing being described as unnatural. This is not my intention; I am about to say that something morally good is also unnatural.

So: I can hardly think of anything more unnatural than every sentient being's value being given moral consideration.

An immediate caveat: extending moral consideration to all sentient beings is also natural in some sense. It is in the nature of morality that it should be applied impartially

kittuna aloite estäisi myös muualla tapettujen eläinten lihan maahantuonnin. Eikä siinä kaikki, ihmisten oikeus elämään asettaa valtioille myös positiivisen suojeluvuorituksen esimerkiksi ympäristökatastrofeissa. Sen ulottaminen muihin eläimiin tarkoittaisi suuria muutoksia vaikkapa metsäpalojen sammutukseen tai tulvasuojeluun.

No, henkilökohtaisesti olisin kyllä valmis kannattamaan tällaista uudistusta, mutta onko tämä aloitteen laatijoiden tarkoituksena? Aloitetekstin perusteella ei. Aloite nimittäin sallisi esimerkiksi muiden eläinten armomurhan sekä ihmisen rakentamis- ja viljelytoiminnasta aiheutuvat kuolemat. Muiden eläinten oikeus elämään olisi siis jotakin muuta kuin ihmisten oikeus elämään — jotakin toisin ja jotakin vähemmän. Valinta tuottaa oikeudellisesti ja periaatteellisesti kestävämmän asetelman.”

based on morally relevant factors.⁹ The expansion of the circle of morally considered beings is also a process that has been happening over relatively recent history as a broad, generalised, unsteady and uneven but nevertheless very real trend across the world and especially the more affluent parts of it. (Pinker 2011; Buchanan and Powell 2018.)

Nevertheless, the biosphere is an amoral system full of predation and random suffering. The lack of regard for every sentient thing's welfare is built in. Humans, too, are being natural when they exploit other beings, even if aspects of it like the scale in the modern world get pretty unnatural in other ways. We evolved to be hunter-gatherers, and thus to destroy other animals for our own sustenance. To act against this is to act against our species nature, as it were, although that is a small problem – one that is easy to enough imagine solving in principle given that vegetarianism and veganism already exist – compared to coming up with how to react to all of nature all around us abounding with suffering we should ethically care about.

The demand to take every sentient being seriously is still very well grounded, though. It would be an understandable compromise to draw the line between animals that we directly interact with and those that just live and suffer in the wild without our interference. But eventually, we are going to have to face the meaning of their suffering, too.

It is still true that we need to become unnatural enough that we do not exploit other animals directly like they were just things, and this is probably more urgent. It might even be good practice for how to eventually care about all the wild animals.

Nevertheless, we cannot do all this by simply declaring that we are going to take the rights of every sentient being equally seriously. That is how the Animal Rights Lawyers' proposal ends up being both too strict and too lax. The next subsection explores some of the specific problems faced in this endeavour.

⁹ As put, for example, by Gary L. Francione "The principle of equal consideration is a necessary component of every moral theory. Any theory that maintains that it is permissible to treat similar cases in a dissimilar way would fail to qualify as an acceptable moral theory for that reason alone." (Francione 2005, 134.)

3.2 Problems with universalising ethical regard

Some of the problems we face are:

1. *How to actually balance human vs. nonhuman interests*
2. *Different kinds of moral patients*
3. *Lack of community with the other party*
4. *Ecology vs. individual value*
5. *Intractability of natural evil*

3.2.1 *How to actually balance human vs. nonhuman interests*

The interests of humans and other animals inevitably come into conflict at times, and we have to rethink how we view this so that we actually take the interests of the other animals into account properly. Our current standard ways of viewing the question are so based on seeing human needs as overriding all interests of other animals that it will be hard to overcome this bias. Even the Animal Rights Lawyers' proposal cannot quite shake it off despite already being so radical it is hard to imagine implementing it.

Sometimes, human interests that conflict with the interests of other animals fit the usual model of conflicts of interest: both humans and other animals have an interest in using the same resource, say, an area of land. However, humans are also bound to seeing their interests as including the use and abuse of other animals for our own good. It would be strange to say that, for example, I have an interest in having you serve me, even though I have no particular justification to ask for that. Such interests as this may certainly exist – after all, we are also naturally predators – but the position where we see ourselves as entitled to such exploitation obviously needs to be re-examined.

Sometimes, also, other animals may have such exploitative interests on us, such as in the case of parasites, which will be discussed below.

3.2.2 *Different kinds of moral patients*

Thinking back to cows and mosquitoes again, we are almost certainly going to need to make judgements about the moral values of different sentient beings based on their more specific properties. Another way of looking at it is that all sentient beings have equal moral value, but some are entitled to more moral consideration based on having different interests based on their capacities or qualities (see e.g. Nussbaum 2005, 309). Either way, they are going to be treated differently.

This is a broader version of the question of the value of humans as opposed to

other animals, but it can be approached on a reasoned basis instead of putting humans an infinity above others.

There is a tendency to see “animals” as being all the same, especially in some ways that only humans are not – even though there are hardly good reasons to think that an ant and a chimpanzee are more alike than a human and a chimpanzee. This is a kind of anthropocentric bias that is usually employed so as to devalue other animals. However, it misrepresents reality even if nonhuman animals are seen as all being valuable while they are alike.

3.2.3 *Lack of community as a limiting factor*

Much of how we (at least can) treat other people morally is dependent on being able to communicate with them – express our interests and hear theirs, build relationships, make agreements, promises, trade. The possibilities to do these things with nonhumans seem very limited in comparison, apparently both because we are not as good at it and because they may be to various degrees cognitively incapable of processing such concepts even in an ideal case.

This may force us to continue to use a more paternalistic and unequal mode of relating to other animals than what we ideally have with each other. However, we need to be careful not to simply use this as an excuse to continue what we have been doing so far. After all, the status quo is based on treating nonhuman animals as more tools than subjects. Even without that, whatever the current status quo is like, it will always be hard to imagine how it could be changed radically, because it limits our thinking by its mere existence. As with other parts of the issue, we need to proceed with humility and openness and learn to find the best way to deal with the limits of our community and communication with other animals.

One question that remains open is how much it is actually possible to do things such as come to mutual agreement with animals of other species. While it seems genuinely hard to as it were negotiate agreement across species boundaries, if we really try, we may be able to do more than now seems possible. For example, an article by Barbara Smuts, recounting such things as how she came to an intuitive understanding with baboons in a herd she was observing (Smuts 2012), suggests that even just the natural capacities of humans and some other animals for empathy and intuitive understanding can go surprisingly far to create understanding across species lines.

Sometimes, it is the case that even if we were to stop our natural predation on other animals as something now unnecessary for our survival, other species of animals are similarly preying upon us, and they do not have the option of choosing otherwise.

This certainly makes it challenging to have anything but an adversarial relationship with these animals. Elizabeth Anderson raises this point and argues that “to bind oneself to respect the putative rights of creatures incapable of reciprocity threatens to subsume moral agents to intolerable conditions, slavery, or even self-immolation. As it cannot be reasonable to demand this of any autonomous agent, it cannot be reasonable to demand that they recognize such rights.” (Anderson 2005, 287–88). She takes “vermin” and parasites as examples of this, and reasons thus:

To make this point vivid, consider the case of vermin, such as certain species of rats and mice, who have found their ecological niche inside human homes. Such creatures are human symbionts — they do not live in the “wild” and would die if expelled from human spaces into fields or forests. Rats and mice are certainly subjects, in Regan’s sense. So by the standard reasoning accepted in the animal rights literature, they have a right to life. It follows that we violate their rights by exterminating them or expelling them from our homes.

Such reasoning fails to appreciate the implications of granting rights to creatures who implacably behave in ways hostile to human interests. Vermin, pests, and parasites cannot adjust their behavior so as to accommodate human interests. With them, there is no possibility of communication, much less compromise. We are in a permanent state of war with them, without possibility of negotiating for peace. To one-sidedly accommodate their interests, as animal rights theorists demand of moral agents with respect to rights bearers incapable of reciprocation, would amount to surrender.

Beings whose interests are so fundamentally and essentially antagonistic to humans cannot claim even negative rights against interference and aggression from us. [...] Vermin, pests, and parasites may be killed, deprived of subsistence, and driven out of their human niches, in ways that, if necessary, cause them great suffering, even if their innate intellectual and affective capacities are considerable. (Anderson 2005, 288.)

Anderson (2005, 298) goes on to point out that this is hardly a case of the human interest outweighing those of our “opponents”. This is just something that is justified by the alleged impossibility of being part of the same moral community with the creatures in question.

This reasoning goes too far. Even if the lack of possibility of negotiation or peace is as grave as Anderson suggests, which is an empirical and practical question that needs to be explored, the options are not either a surrender that cannot be asked of any agent or a jump to entirely ignoring the rights of animals ‘antagonistic’ to us. Their morally valuable qualities do not just stop mattering because of a lack of possible community. We need to see what we can do even in such a difficult situation. We may end up being

forced to ignore some of their interests in favour of our own – I do think it is going to be an issue of competing interests, though we should take seriously the difference in magnitude of the interests on different sides – but if that happens, it will only be because we can do no better, not because we get an immediate license to start excluding some animals from our moral considerations because of what their relationship to us is in principle.

3.2.4 *Ecology vs. individual value*

At the same time as we are doing all this to recognise the individual value of other animals, we should also be looking out for the biosphere and local ecosystems. The interests of individual nonhuman animals may conflict with these aims. We already see that the interests of humans often contradict ecological values, but, since humans have a tendency to destroy the environment for luxury and other animals are often struggling for their existence, the conflicts between environmental values and nonhuman animal interests are more likely to be a matter of life and death for the animals.

Further, there are cases where we have arguably acceptable reasons for outright killing individual animals for ecosystem health or the collective good of the population of animals. Even if it makes sense in a serious, unbiased ethical “calculus” to shoot some deer to keep their population down, can we even contemplate that if we regard them as being as close to humans in moral value as they presumably warrant? I cannot offer an answer here at all; we will have to find it.

Fortunately, ecological and animal welfare concerns do often coincide with each other. We still need to find ways to handle situations in which they do not. Though quite different from a human-centred view, the ecological view also tends towards ignoring individual value due to its more systemic perspective.¹⁰

3.2.5 *Intractability of natural evil*

Though the questions of how to get rid of unjustifiable human exploitation of other animals are huge, there is a still bigger question that we are led to by the logic of taking each sentient individual morally seriously. If (since) we should take the value of all sentient individuals seriously, how can we even begin to combine that with so much as awareness of all the suffering in nature? Let alone apply this in practice? As I argued before, the biosphere is an amoral system with suffering as one of its features. Pain has evolved to be used, after all. At the same time, it has evolved to be a bad thing – this

¹⁰ For more on the relationship between the ecological and animal rights perspectives, see Jamieson (2013).

being as much of a derivation of value from facts as we could ever have. The suffering of every creature capable of suffering is a bad thing, not to mention all the other ways in which their interests are constantly being thwarted in the harsh competition of (biological) life.

How much can we do to improve the lot of wild animals, and where do we have to draw a line where to stop? Again, we have not even been considering this seriously. This time, not even most people who take the value of animals otherwise seriously may do that, though the topic has certainly been studied.¹¹

Suppose that we could somehow remove suffering from the natural world, or even much of it. That would also imply bringing the natural world as we know it to an end, though presumably there would still be some kind of an ecosystem, just a completely different one. This is not something that sounds good to most people.

Of course, the idea of ending all suffering also does not sound remotely plausible to anyone who is not into far-flung speculative future scenarios. What we are actually faced with is not such an extreme scenario, for now, but the more mundane one that it seems that we can do little about the matter in the first place. Any ecosystem is a massive thing beyond our control – even insofar as we show the power to affect it, the power is so often just the power to accidentally harm the ecosystem.

We cannot simply say that we should do nothing because natural suffering is natural or because it does not involve us. At the same time, there is a strong case that we may not be able to do much to help – and also that we need to be very careful about trying to do that on a large scale. Once again, it is impossible to know what would be the right thing to do in advance, because this is the kind of thing we have not been trying to do before. We can start with basic principles – in this case perhaps that each sentient individual is valuable, but also “ought implies can” so that we have no duty to try to fix things we simply cannot fix – but we will need experience in practice to see what form the application of these principles in this new area is going to take, and what more local principles arise because of this.

We will likely end up in a position where we need to take up an attitude that some suffering is just part of the cycle of nature and we have to accept it. However, this does not mean that we should just ignore such suffering in the first place because it is natural, as if it thereby does not matter. Rather, it means that once we have truly determined that we are not able to do anything about the matter, we need a way to accept things as they are rather than be burdened by them when we cannot help. Psychological

11 A summary on the topic can found in Aarnio (2021).

perspectives that make us accept moral wrongs are at the root of our neglect of the moral value of nonhuman animals (and often human ones, for that matter) in the first place, and we should not continue to allow them to have that role, but even attitudes that make us accept moral wrongs can have a useful and justified role *after* we have considered what we morally can do. (Cf. Cochrane 2018, 25.) Of course, even after taking this attitude towards some unsolvable issue, we should also keep an open mind about options that we may discover later on that would help us to change it after all.

4 Conclusion: The next step in the moral project

Given how radical a project the recognition of all animal rights is, especially considering the question of wild animal suffering, the question could be raised of whether something like this even makes sense as a moral project. It seems beyond anything that has been done before, and it probably is. The only potential competitor I see is the project of generalising morality (to humans) outside your own local group in the first place, which may have happened as a concrete process earlier in history (Pinker 2011), and even that may have been much easier and much closer to natural than including non-human animals as well.

However, I think that even if this is the biggest moral project we have ever undertaken, it still makes sense precisely as a matter of morality.

Firstly, as I already mentioned above, it is in the nature of morality to apply equally based only on morally relevant factors. Fairness and impartiality are built into the idea of morality, at least on some ideal level that anyone could appeal to when faced with purportedly moral systems that are not fair and impartial. More or less the whole point of morality is to transcend individual selfishness.¹² In spite of this, a kind of doublethink and hypocrisy favouring your own over others has been a constant feature of human moral discourse. These two factors combined naturally lead to the dynamic of an expanding morality when the hypocrisy is exposed and, if only partially, replaced with ever more impartial and inclusive understandings of moral worth.

There is also a second aspect essential to the nature of morality that makes this kind of a project an essential and routine part of it. In general, not just here, there are severe limits to *a priori* moral theories. The world keeps facing us with new moral situations with new combinations of factors. Old, *a priori* moral theories cannot cover these entirely. To say otherwise would be to *define* morality *a priori*, instead of letting it

¹² I have discussed this more in Kokko (2018), which gives an argument for why this function is as it were structurally necessary for morality.

be a project to find the greatest welfare and the best way to respect each other's moral value. With morality defined in advance, you could then say that whatever follows from what you say must be moral by definition – even if it only led to disharmony and misery.¹³

A very general example of this concerns consequentialism or utilitarianism. The justification of utilitarian values based on the intrinsic value of pain and pleasure may be completely valid. (Though I will not argue for it here, this is the basis on which I accept sentientism.) However, this does not truly justify the seemingly most obvious norm of trying to maximise the utility of each of your acts. There is more than one reason, but perhaps the most important one is that trying to apply such a rule probably will not lead to maximising utility in the end.

We sometimes need rules to follow in order to achieve some goals. One example would be if you are trying to stop smoking. Quite plausibly, you can correctly conclude that you should not continue smoking due to the health effects. Also plausibly, however, no single occasion when you smoke does anything to speak of to your health. The chances of getting lung cancer because of just one more cigarette are probably essentially non-existent. Now, considering this, what happens if you are trying to decide whether to smoke one more cigarette? If you only consider the individual situation, there is no reason not to smoke – and then the next time, and the next time, and then you never stopped smoking. However, if you decide to make it a rule rather than considering each case individually, then you can stop smoking and avoid the risks.

Without going into too much detail, the same often applies in morality. For example, you may consider that breaking a particular promise would have no ill effect (particularly since the other person would never know), but unless people know there is a general rule not to break promises, there is no point in trusting promises, and we lose the benefits of the institution of promising.

While the previous examples were about very general moral principles, we are always having to come up with new more specific moral principles to truly advance the basic moral values. For example, we have learnt that to truly treat everyone equally, we sometimes need to pay special attention to minority rights instead of doing the obvious thing of giving everyone what looks at first sight like equal treatment. Medical ethics needs to be informed by the experience of medical professionals, the ethics of war needs to be based on an understanding of what goes on in war, and so on.

Similarly, the ethics of treating nonhuman animals as valuable individuals needs

13 This point is also discussed in Kokko (2018).

to be informed by experience from trying to do that. Presumably and hopefully, we will find the right limits of things such as managing competing interests, cooperation versus paternalism, ecology and individual value, and interference and noninterference. Right now, we are relatively clueless about those because we have not tried.

Some promising ways of finding our way there could be through participatory and deliberative democracy, although of course ideally, that would mean for the non-human animals to be participating as well, and it is hard to see how that could be practically implemented. The Animal Right Lawyers' proposition suggested that they have human representatives. A more promising suggestion in similar lines is offered by Alasdair Cochrane (Cochrane 2018), who proposes a cosmopolitan sentientist democracy where everyone's – not just humans' – interests are respected. An important difference to the Finnish proposal is that the other animals would have *political* rather than *legal* human representatives. One consequence of this is that these representatives would be taking part in formulating emerging decisions rather than enforcing a law drafted in advance in one go. This matches much better the idea that we do not yet know what the right answers are going to be.

We cannot jump straight into the morally correct way of treating nonhuman animals. Even if a proposal such as the Animal Rights Lawyers' one was to be implemented (which is too unrealistic anyway), we would still be lost at sea with respect to how to implement it as well as saddled with a set of poorly thought out *a priori* rules. We can, however, start moving towards it, especially when there are so many obvious things that need to be done. Factory farming, for example, is clearly a moral abomination, maximising suffering to maximise profits, and stopping it or at least changing it as much as possible is something we can already tell must be done. We have plenty of things we can do to improve the lot of nonhuman animals before we run into any radical and uncertain territory, and maybe the next step after that will be easier to see when we have actually taken the ones before it.

It is going to take work and there are no easy answers, not even in principle, but if we manage to carry through this greatest expansion of morality, we may cross the final line to being able to say we are, truly, moral creatures.

References

Aaltola, Elisa. 2004. *Eläinten moraalinen arvo*. Vastapaino.

Aarnio, Jenna. 2021. "Luonnonvaraisten eläinten kärsimys eettisenä kysymyksenä". *Tieteessä tapahtuu* 39 (5): 19–25.

- Anderson, Elizabeth. 2005. "Animal Rights and the Values of Nonhuman Life". In *Animal Rights: Current Debates and New Directions*, edited by Cass R. Sunstein and Martha C. Nussbaum, 277–98. Oxford University Press.
- Buchanan, Allen, and Russell Powell. 2018. *The Evolution of Moral Progress: A Biocultural Theory*. Oxford University Press.
- Cochrane, Alasdair. 2018. *Sentientist Politics: A Theory of Global Interspecies Justice*. Oxford University Press.
- Francione, Gary L. 2005. "Animals—Property or Persons?" In *Animal Rights: Current Debates and New Directions*, edited by Cass R. Sunstein and Martha C. Nussbaum, 108–42. Oxford University Press.
- Jamieson, Dale. 2013. "Eläinten vapautus on ympäristöetiikkaa". In *Johdatus Eläinfilosofiaan*, edited by Elisa Aaltola, 232–50. Gaudeamus.
- Kokko, Ville V. 2018. "Mitä "hyvä" tarkoittaa? Arvottavien väitteiden mielekkyydestä". *Paatos*, July. <http://www.paatos.fi/2018/07/16/mita-hyva-tarkoittaa-arvottavien-vaitteiden-mielekkyydesta/>.
- Nussbaum, Martha C. 2005. "Beyond "Compassion and Humanity": Justice for Non-human Animals". In *Animal Rights: Current Debates and New Directions*, edited by Cass R. Sunstein and Martha C. Nussbaum, 312–33. Oxford University Press.
- Pinker, Steven. 2011. *The Better Angels of Our Nature: The Decline of Violence in History and Its Causes*. Allen Lane.
- Rachels, James. 2005. "Drawing Lines". In *Animal Rights: Current Debates and New Directions*, edited by Cass R. Sunstein and Martha C. Nussbaum, 162–74. Oxford University Press.
- Rogers, Lesley J., and Gisela Kaplan. 2005. "All Animals Are Not Equal: The Interface between Scientific Knowledge and Legislation for Animal Rights". In *Animal Rights: Current Debates and New Directions*, edited by Cass R. Sunstein and Martha C. Nussbaum, 175–202. Oxford University Press.
- Smuts, Barbara. 2012. "Kohtaamisia eläinten mielen kanssa". In *Johdatus eläinfilosofiaan*, edited by Elisa Aaltola, 251–77. Gaudeamus.