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Minding What Already Matters: A Critique of Moral Individualism

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ABSTRACT: This article offers a critique of *moral individualism*. I introduce the topic of moral individualism by discussing how its characteristic assumptions play an organizing role in contemporary conversations about how animals should be treated. I counter that moral individualism fails to do justice not only to our ethical relationships with animals but also to our ethical relationships with human beings. My main argument draws on elements of Wittgenstein's later philosophy of psychology, and in presenting the argument I address the case of human beings before returning to the case of animals. Given that moral individualists frequently defend what I call *the ethical view of animals*, i.e., the view that animals are in themselves proper objects of ethical concern, it is worth stressing that it is no part of my project to undermine this view. On the contrary, the critique of moral individualism I develop makes available a better understanding of what is right about the idea that animals as such merit certain forms of respect and attention.

I

A good way to begin a conversation about animals and ethics is to explore the idea that animals matter in the following sense. Animals merit forms of attention and

consideration that are not merely functions of forms of attention and consideration owed to human beings, and, by the same token, animals are vulnerable to harms that aren't merely indirect upshots of harms to human beings. (Thus, for instance, tying a hedgehog up in a ball and playing croquet with it on my lawn is an abuse and not exclusively on account of respects in which doing this may hurt human beings.) The idea that animals matter in this sense is an appropriate starting point for discussions about animals and ethics because, in investigating this idea, we address a question that is fundamental for such discussions, namely, the question of whether animals are in themselves proper objects of ethical concern or whether they are instead in themselves ethically insignificant entities whose treatment is constrained only by the ethical demands of our relationships with human beings. For the sake of convenience, in what follows I refer to views that encode the idea that animals themselves have ethical standing as versions of *the ethical view of animals.*[1]

The overwhelming majority of philosophers who write as animals advocates accept versions of this view. The contemporary animal protectionist movement, which got its start in the early 1970s in significant part through the efforts of Peter Singer and a small group of collaborators, has closely related political and philosophical tendencies, and an organizing theme of those who contribute on the philosophical side is the idea, distinctive of the ethical view of animals, that animals call for forms of treatment that aren't simply reflections of forms of treatment owed to human beings. What leads animal advocates to defend the ethical view of animals is the plausible thought that it is useful for criticizing the callousness with which animals are treated in a range of settings, including, above all, "factory" farms and some laboratories that do animal testing. Animal advocates who introduce versions of the view generally call for radical revisions to these and other practices with animals.[2] But, to the extent that these thinkers undertake to defend versions of the ethical view of animals, they are simply attempting to establish that animals are appropriate objects of ethical concern. Instead of addressing the specific ethical questions they think are raised by our interactions with animals, they are, in pertinent parts of their work, trying to demonstrate that our interactions with animals do in themselves raise ethical questions.[3]

The ethical view of animals does not go unchallenged. It comes under attack in the writings of a small but outspoken group of contemporary critics.[4] The work of these critics derives its original impulse from opposition to the political ambitions of animal advocates and, more specifically, from the conviction that, in contrast to what such advocates maintain, no radical revisions to our existing practices with animals are warranted.[5] While hostility to the politics of animal advocates thus gives them the negative theoretical aim of discrediting the ethical view of animals, the critics in question also typically have a positive theoretical agenda. Critics of the ethical view of animals are generally eager to avoid any suggestion that their rejection of this view is a sign that they think that anything goes in our treatment of ani-

mals or that there is nothing wrong with, for instance, torturing or wantonly killing animals. Although they deny that we have direct "duties *toward* animals," they also claim that we have indirect "duties in *respect* of animals."[6] In discussing what these indirect duties involve, they stress that their point is not merely that we shouldn't harm animals when doing so would hurt their owners or human beings who care about them. If this were all that was at issue, there would be no constraints on what we do to animals that no one owns or cares about or that have owners indifferent to their fates.[7] Their main point is that we shouldn't harm animals because doing so damages our characters, and in this connection they focus on the idea, which receives its classic treatment in Kant, that we develop virtues required for interacting with humans when we treat animals in roughly corresponding ways.[8]

Yet is not clear that the idea of these kinds of indirect duties equips critics of the ethical view of animals to exclude even the sorts of cruel and callous ways of treating animals that they claim to abhor. Advocates of the idea that our only duties toward animals are indirect tend to opt for one of two broadly different interpretations of this idea. Sometimes the point is that we should act toward animals in certain not directly virtuous ways because doing so cultivates affective endowments that contribute internally to our ability to pick out reasons for acting toward humans in directly virtuous ways.[9] Thus interpreted the idea of exclusively indirect duties borders on unintelligibility. For how can behaving as though we have reasons to act, when we don't, cultivate a sensitivity to the relevant reasons? Sometimes, however, the point is that we should act toward animals in not directly virtuous ways because doing so cultivates affective endowments that, while lacking any essentially perceptual aspect, nevertheless serve to motivate us, in a strictly causal manner, to act toward humans in directly virtuous ways.[10] Although, thus interpreted, the idea of exclusively indirect duties toward animals makes sense, the interpretation is not adequate for the purposes of the critics of the animal protectionist movement I am discussing. For what is at issue is an empirical claim about how acting toward animals in certain merely indirectly virtuous ways strengthens feelings that lead us to act well toward human beings, and it is possible to challenge this sort of empirical claim by adducing counterexamples such as, to take a case from the writings of Mary Midgley, that of a shepherd who "claims, and can prove, that he actually treats people better when he is allowed to work off his ill-temper on his dogs, and to shoot them the moment they cease to earn their keep."[11] More generally, the problem is that, in the words of Allen Wood, "if it happened to be a quirk of human psychology that torturing animals would make us that much kinder toward humans," then this position "would apparently make it a duty to inflict gratuitous cruelty on puppies and kittens so as to make us that much kinder to people."[12]

Confronted with concerns about the adequacy of the idea of exclusively indirect duties toward animals, we may wonder why we shouldn't simply say that animals directly invite various forms of treatment. Critics of the ethical view of animals frequently try to account for their unwillingness to say this by charging

that existing attempts to defend the view are unsatisfactory, and there is some merit to this charge. To date these attempts have been dominated by a set of approaches in ethics that get referred to collectively as forms of *moral individualism*, and a good case can be made for thinking that these approaches present us with distorted images of our moral relationships with animals and, moreover, that they do so because they start from wrongheaded assumptions about the nature of our moral relationships to other human beings. Taking my cue from this observation, below I proceed as follows. I start by considering the shared tenets of different moral individualisms and mentioning certain initial, relatively familiar grounds for dissatisfaction with them (section II). I go on to develop a distinctive critique of these doctrines. The centerpiece of my critique is an account of mind that is foreign to the work of moral individualists, and I describe and defend this account (sections III and IV) before going on to argue that it speaks for rejecting the image of our relationships to other human beings that moral individualists presuppose (section V). I then claim that the account applies to animals as well as humans and that, when thus applied, it allows us to see what is right about the ethical view of animals (section VI). Throughout I critically engage with metaphysical assumptions, widespread in ethics, that seem to speak against the defense of the ethical view of animals I favor. I close the paper by commenting directly on the metaphysical reorientation that my preferred outlook presupposes (section VII).

II

What distinguishes approaches in ethics that count as forms of *moral individualism* is the claim that a human or nonhuman creature calls for specific forms of treatment only insofar as it has individual capacities such as, for instance, the capacity for suffering or the capacity to direct its own life. It is not difficult to see how approaches advancing this claim appear to underwrite the idea, distinctive of the ethical view of animals, that animals are proper objects of moral concern. The claim seems to imply that, as one self-avowed moral individualist James Rachels puts it, "if we think it is wrong to treat a human in a certain way, because the human has certain characteristics, *and a particular non-human animal also has those characteristics*," then—other things being equal—"consistency requires that we also object to treating the non-human in that way."[13] Bearing this in mind, we might say that moral individualisms ask us to "level up" the consideration we accord to animals that have certain typically human traits, regarding these traits as endowing the animals with the same "moral status" enjoyed by human beings with the same traits.[14] It is to the extent that moral individualisms thus represent animals as themselves meriting specific (and sometimes quite demanding) forms of attention and care that they seem to support the ethical view of animals.

There is significant variety among the different ethical theories that count as moral individualisms. Among the most influential of these are Singer's utilitarian theory, according to which creatures' individual capacities for pain ground claims to specific forms of treatment, and Tom Regan's rights-based theory, according to which creatures' individual capacities for subjecthood ground such claims.[15] In developing their preferred moral individualisms Singer, Regan, and various others focus on individual characteristics that, while different, nevertheless resemble each other in being *intrinsic*. In contrast, other moral individualists maintain that a creature may be entitled to specific forms of treatment from a particular other, or from particular others, as a result of standing in a specific relationship (such as, e.g., the relationship of an artist to her benefactor or of an animal to the human who owns the land on which the animal lives) and that we therefore need to allow for ethically significant *relational* characteristics.[16] The introduction of such relational characteristics does not, however, represent a sea change in the thought of moral individualists. The thinkers who insist on talking about them resemble other moral individualists in holding that only intrinsic characteristics endow a creature with 'moral status' in virtue of which it is a source of agent-neutral reasons.[17]

Setting aside divergences among moral individualisms, consider what the doctrines have in common. What they share is the claim that creatures' individual characteristics supply the grounds for any forms of moral consideration they merit, and this claim is supposed to provide support for the ethical view of animals, specifically by implying the need to 'level up' our treatment of animals with certain typically human characteristics. Yet it seems clear that the claim is untenable. It encodes, among other things, a distorted picture of relationships among human beings. A good way to see this is to turn to cases of human beings who lack the sorts of characteristics that different moral individualists take to be morally relevant. Consider, for instance, those human beings whose disabilities deprive them to a significant extent of such characteristics. Let me refer to members of the group of human beings fitting this description (which includes, among others, the congenitally severely impaired or retarded, the comatose and the extremely senile) as *cognitively radically impaired* human beings. The core claim of moral individualism asks us to regard the impairments of the cognitively radically impaired as drastically weakening their claims to moral consideration. The claim thus flies in the face of the thought that, precisely in view of their special susceptibility, cognitively impaired human beings merit special solicitude. Moral individualists are, to be sure, generally aware that their views have this consequence. It is not uncommon for them to explicitly tell us that we should 'level down' our treatment of impaired human beings so that it is equivalent to our treatment of similarly endowed animals.[18] Admittedly, the thinkers who say things to this effect also typically stress that their goal is to improve the treatment of animals and not to worsen that of human beings.[19] But this doesn't essentially qualify what is disturbing about their outlooks. Moral individualists are still committed to holding, for instance, that, other things being equal, people with advanced Alzheimer's disease merit less consideration in

virtue of their incapacitating conditions. This means that moral individualists are not in a position to acknowledge that the person who takes advantage of a severely demented Alzheimer's patient does something particularly vile. By the same token—to mention a case discussed by Cora Diamond—it means that moral individualists are not in a position to acknowledge the justice of the response of parents who, upon finding their child ridiculing a retarded person and being cruel in ways the retarded person does not grasp, are especially outraged and feel it important to convey their outrage to their child.[20]

Moral individualists themselves draw attention to cases of human beings who, like the cognitively radically impaired, lack the characteristics that different moral individualisms represent as morally salient, sometimes referring to these cases as cases of "marginal" human beings.[21] This terminology is inappropriate, for the people in question are full-fledged human beings. But my critical target here is not moral individualists' nomenclature but the motives that lead them to discuss the cases they use it to characterize. Moral individualists emphasize cases of so-called marginal human beings because they believe reflection on these cases supports the thought that there is no morally relevant capacity that every individual human being has and every animal lacks. They underline this thought in turn because they want to show that, when combined with it, their own theoretical commitments imply that any tendency to treat the plain fact that an individual is a human being as morally significant needs to be rejected as unwarranted and unjust. Finally, in a now famous gesture, they describe the vice they take themselves thereby to have isolated as that of *speciesism*.[22] This brief argument against speciesism has come to be known as the *argument from marginal cases*,[23] and moral individualists attach importance to the argument because they think it clarifies the grounds of what they see as our entitlement to grant moral consideration to animals with certain typically human characteristics.

This, then, is moral individualists' general strategy for arriving at their distinctive defenses of the ethical view of animals. The point of my comments thus far is that it is a failure. In appealing to so-called marginal cases to defend the ethical view of animals, moral individualists fail to acknowledge the extent to which their treatment of these cases is morally repugnant. They leave us in a position in which it seems reasonable to turn their strategy on its head, moving from reflection on so-called marginal cases to the conclusion that the tenets of moral individualism must be false. In adopting this new strategy, we lose the kinds of defenses of the ethical view of animals that different moral individualists mount. But if, as I am arguing, these defenses are grounded in a confused picture of moral relationships among human beings, this is really no loss at all.[24]

Consider one moral individualist's rejoinder to the kind of criticism I just presented. The criticism depends for its soundness on various ordinary moral judgments (e.g., judgments about the special solicitude owed to impaired and vulnerable human beings and about the special evil of intentionally harming them), and one moral individualist—Singer—attempts to rebut criticisms along these lines by claiming that here any appeal to ordinary moral judgments is illegitimate. Singer's larger point is that, if we rely on ordinary moral judgments in arriv-

ing at our preferred theoretical position in ethics, we condemn ourselves to an otiose ethical conservatism that simply treats whatever moral judgments we happen to make as sacrosanct. But why should we agree with him on this point? Singer himself is moved by the belief that by themselves moral judgments are not governed by the ideal of objectivity and hence cannot themselves embody authoritative criticisms of inherited moral views. He holds that, in order to qualify as objectively authoritative, moral judgments need to be regulated by a "self-evident moral axiom" that is at least nominally independent of them.[25] The particular 'self-evident moral axiom' Singer favors is a utilitarian one, and, although his conclusion about the role of ordinary moral judgments in ethical theorizing may resonate with some moral philosophers who aren't utilitarians, there are many others to whom it will not appeal. This includes members of the—rather large and heterogeneous—group of moral philosophers who, far from agreeing that moral judgments depend for their claims to objective authority on being regulated by maximally independent principles, believe that moral judgments have claims to objective authority because they are essentially exercises of (practical or theoretical) cognition.[26] In section IV, I say something in defense of a view of moral judgment on which it is objective in this sense. Right now I simply want to observe that, if we take seriously the possibility that ordinary moral judgments may in this way have claims to objective authority, it should be unclear why the fact that moral individualism is in conflict with such judgments should not, when no further reason for not trusting the judgments is given, be taken to count decisively against its core assumptions.

Abstracting for the moment from disputes about the authority of ordinary moral judgments, it is fair to say that we do not need to look hard to find reasons to set aside moral individualism and search for an alternative strategy for defending the ethical view of animals. The rest of this paper is devoted to exploring such an alternative. When moral individualists claim that any moral consideration a creature merits must be grounded in its individual capacities, they are presupposing that recognizing a creature as a human or an animal does not by itself have implications for how we ought to treat it. In the following sections I consider an approach to mind that directly challenges this presupposition, implying that, on the contrary, there is a straightforward sense in which the recognition that a creature is a human being or an animal is by itself morally significant.

III

The approach to mind I am going to discuss receives its most influential articulation in Wittgenstein's later writings. I hasten to acknowledge that it may seem as though my willingness to develop themes from the philosophy of Wittgenstein in this context calls for explanation. Within the work of animal advocates, Wittgenstein is sometimes depicted as a thinker who denies conscious mental experience to animals. Singer, for instance, describes Wittgenstein as maintaining that

"we cannot meaningfully attribute states of consciousness to beings without language."[27] This picture of Wittgenstein may seem to find additional support in the work of critics of animal protectionism who take Wittgenstein to be denying our entitlement to attribute any significant mental capacities to animals,[28] as well as in the work of various philosophers who, while not directly interested in questions about ethics and animals, likewise believe that central lines of thought from Wittgenstein's later philosophy are inseparable from this gesture of denial. But it is not an implication of the Wittgensteinian view of mind that I present here that there is in general something illegitimate about ascriptions to animals of mental capacities. Indeed, the view in question gives such ascriptions a more secure footing than do views favored by some prominent moral individualists. Singer advocates a view with recognizably dualist aspects on which mental experiences such as pain are logically private and on which, since there can be no question of detecting them with certainty in others, we are obliged to be satisfied with probabilistic inferences from behavioral and physiological evidence.[29] Singer's thought is that the evidence for attributing pain to humans and animals is never such as to exclude doubt, and his ambitions are restricted to persuading us that the evidence in the case of some animals is as good as it is in that of human beings. The position I describe in what follows differs from Singer's in that it allows that we do sometimes directly take in, for instance, that another human being or animal is in pain, and in that it thus puts mental attributions with respect to both humans and animals on firmer ground. While in this respect my preferred outlook supports the aims of Singer and other moral individualists, there are also fundamental respects in which it runs counter to moral individualists' aims. In this section, I discuss this outlook in reference to human mindedness in particular, and I bring out how it turns the logic of moral individualism on its head, suggesting that our ability to identify a human being's qualities of mind depends on our already having a certain ethical orientation toward her. Later, in section VI, after specifically addressing worries about whether the Wittgensteinian view in question allows us to make significant mental attributions to animals, I argue that it supports a similar conclusion in the case of animals.

One further comment is in order before I get started. Although I take the basic image of mind I am about to describe to be Wittgenstein's and although elsewhere I discuss its development in his writings,[30] I do not here enter into exegetical disputes, limiting myself instead to mentioning occasional passages and describing general trends of thought. My aim is to outline a view of mind that challenges fundamental tenets of moral individualism, and for these purposes the merits of the view, not its origins, are key.

Central to the Wittgensteinian approach to human mindedness that interests me is the idea that there is a necessary connection between qualities of mind and modes of behavior. This idea is philosophically controversial, and it is even more controversial in reference to those qualities of mind that belong more or less exclusively to what philosophers call *sentience* than it is in reference to those that partic-

ipate at least to some extent in what philosophers call *sapience*. To do justice to this topic it would be necessary, among other things, to directly attack accounts of mindedness—such as, e.g., the dualist account that Singer favors—that leave no room for a necessary link between mind and bodily expression. For the purposes of this paper, I limit myself to laying the groundwork for my preferred account of mindedness by making a few observations about what speaks for such a link in connection with sensations and, more specifically, in connection with pain.

Although it seems reasonable to many to regard the experience of pain as intelligible apart from some form of bodily life, it is not clear that this view can survive critical scrutiny. In trying to develop it, we are trying to envision a sensation that, while awful, doesn't as such prompt us to move in any way. There can here be no question of any urge to turn toward or protect an afflicted body part or of any urge to grimace, cringe, or cry out. So it should make sense to imagine that the person sitting quietly in the office next to mine, breathing regularly and reading a book, is in excruciating pain and, moreover, that she is making no particular effort to conceal it.[31] The 'sensation' we are trying to describe is, after all, one to which the person's relationship is 'purely inner' or 'purely contemplative'. Yet it is not clear why we should resist the conclusion that, in severing this 'sensation' from any direct link to human bodily expression—in as it were sedating the bearer of it so that she is no longer impelled to respond—we purify the 'sensation' of anything awful and render it unrecognizable as pain.[32] One source of confusion here is a tendency to be over-impressed by the undeniable fact that people sometimes hide or disguise their pain. Yet we can consistently reject a notion of 'pain apart from bodily life' while also allowing that some who are embodied are capable of concealment and insincerity. Pain fails to represent an obstacle to the idea of a direct link between inner mental life and expression. To the extent that philosophical resistance to this idea is grounded in reflection on sensations like pain, there is good reason to think that such resistance is unjustified.

Wittgenstein emphasizes the idea of a necessary connection between aspects of mind and modes of behavior, and this emphasis has been taken by some readers to be suggestive of *logical behaviorism*.[33] So it is worth stressing that the approach to mind I am sketching, which I believe is rightly credited to Wittgenstein, is not such a behavioristic one. Logical behaviorism is a reductive doctrine that treats mental qualities as functions of behavior that can be fully and adequately described in physicalistic terms, and the sorts of observations that I take to speak for regarding inner mental experience as essentially caught up with bodily expressiveness encourage us to regard the relevant modes of expression as characterized not only by irreducibility but by irreducibility of a specifically normative sort. At issue are observations about how we learn about aspects of mind such as—to continue with my earlier example—pain. We generally learn what pain is partly by having others respond to our primitive expressions of it and also partly by having our primitive reactions to others' expressions of pain shaped so that we ourselves come to respond in specific ways.[34] This learning process is not one of mere drill, as if we

were simply being trained to respond to patterns of behavior that could adequately be described apart from any reference to their significance as expressions of pain. Nor is the point here simply that it is not possible adequately to capture the expressive behavior to which we are brought to respond in the sorts of physicalistic terms that would suit the ambitions of a logical behaviorist.[35] The point is that the learning process in question is one that, where successful, imparts an appreciation of the (sometimes helpful and often horrible) role of pain in our lives and at the same time positions us to see the relevant patterns of behavior, in a manner that presupposes an appreciation of this role, as having kinds of importance in virtue of which they essentially invite certain responses. It is a learning process that equips us to think and talk about the lives we lead with pain using categories—such as, e.g., "groaning," "moaning," "grimacing," and "straining"—that are not only physically irreducible but also normatively nonneutral in the sense that the idea of the appropriateness of particular modes of response is internal to them. This is what I meant when I said that the forms of expression necessarily tied to pain are characterized by a distinctively normative irreducibility.[36] Although I cannot discuss further cases in this paper, I submit that, with regard to emotions such as fear as well as types of sapience such as different forms of understanding, we are likewise justified not only in speaking of a necessary tie to expressiveness but also in representing the relevant behavioral patterns as characterized by a distinctively normative irreducibility.

I just claimed that various responses are internal to the categories we use in characterizing the types of human bodily expressiveness essential to our lives as minded beings. In advancing this claim, I was suggesting that, in recognizing these types of expressiveness, we are guided by some sense of the importance they have in virtue of which they merit the responses in question. More generally, I was suggesting that, in making sense of the relevant types of expressiveness, we are necessarily guided by a conception of the kinds of things that matter in lives like ours.[37] If we speak of "the ethical" quite broadly, in a manner that allows us to describe the kind of sense of what matters in life that is at issue here as ethical,[38] we could reformulate this as a claim about how, in our efforts to understand the relevant types of expressiveness, we are necessarily guided by a certain ethical sense of our lives. That is what I meant when I said that our ability to bring into focus a human being's qualities of mind depends on our already having a kind of ethical orientation toward her. Wittgenstein is making a point to this effect in the well-known passage of the *Investigations* in which he describes what it is to relate to another as minded as a matter of having, not some opinion or belief, but rather a certain attitude, "an attitude towards a soul."[39]

Later, in section V, I argue for understanding the kind of ethical orientation presupposed by our ascriptions of mental qualities to human beings as encoding a conception of what matters in specifically *human* life. Before taking up this topic, I need to consider two very general objections to a view, of the sort I am defending, on which thinking and talking about aspects of mind essentially presupposes such an orientation. First, it might seem as though such a view commits us to the absurd

idea that we can't think and talk about others' aspects of mind and also treat them badly. This, however, is simply wrong. That we have an orientation of the relevant sort toward others is no insurance against misunderstanding them and being thereby led to treat them inappropriately in one way or another. Moreover, even if we have a fairly accurate grasp of another person's state of mind and situation and see that all things considered she merits certain responses, we may well not act accordingly. This brings me to a second objection. In responding to the first objection, I took for granted a distinction between correct and incorrect attributions of mental qualities, yet it might seem as though the view of mind I am describing transforms the attribution of mental qualities into a merely subjective business, leaving no room for an authoritative distinction along these lines. What may seem to suggest this is a deeply engrained philosophical assumption about how to conceive the notion of objectivity. According to the view of mind I am presenting, attributions of mental qualities depend on the recognition of forms of expressiveness that are intrinsically practical in that they have a direct bearing on how we should respond, and an influential philosophical conception of objectivity rules out the possibility that an objective quality might thus be intrinsically practical. Thus it may appear as though the view of mind at issue here renders mental ascriptions merely subjective. Because this appearance makes it seem to many philosophers that a view of this sort cannot be correct, it is worth saying something about limitations of the conception of objectivity that produces it.

IV

Within philosophical conversations about the nature of objectivity—and, in particular, within those in which objectivity understood ontologically so that it is equivalent to what is real as opposed to merely apparent—it is frequently suggested that the objective is rightly taken to exclude everything that is subjective in the following sense. Here qualities are subjective if they are such that a good understanding of what it is for something to possess them needs to refer to subjective responses that it elicits. It is not difficult to see that a conception of objectivity characterized by the wholesale exclusion of qualities fitting this description leaves no room for intrinsically practical qualities to count as objective. Intrinsically practical qualities are by definition such that they can only properly be understood in terms of their tendency to merit certain subjective responses. Given the logic of the conception of objectivity under consideration, this clearly means that they cannot enjoy objective standing. Moreover, if no intrinsically practical qualities can enjoy objective standing, then what in the last section I described as the intrinsically practical qualities of our expressive behavior cannot enjoy such standing either, and this means that these qualities cannot underwrite the possibility of genuinely, objectively correct ascriptions of aspects of mind.

One reasonable response to these reflections would be to ask whether the familiar conception of objectivity at play in them is one we should accept. A classic strategy for defending it pivots on the thought that our subjective endowments are incapable of contributing internally to an undistorted view of the world and that it is accordingly only insofar as we abstract from these endowments that we can justify our confidence that we have arrived at an accurate image of things. This supposed requirement for maximal abstraction—or, as I will put it, this *abstraction requirement*—appears to speak for the conception of objectivity I am considering insofar as it suggests the need to expel everything subjective from our view of the way things stand.[40] To the extent that the idea of an abstraction requirement thus seems capable of underwriting this conception of objectivity, it appears that we could discredit the conception if we could show that the requirement is not one we are obliged to meet.

A fair number of philosophers have tried to show this. The most interesting of their projects are designed to establish that, our assumptions to the contrary notwithstanding, we ourselves lack a clear idea of what it would be to satisfy an abstraction requirement and are therefore obliged to reject the putative requirement as unintelligible. Given that philosophers sympathetic to the idea of an abstraction requirement have different views about what area of thought represents the best case for meeting it, it follows that effective critical efforts along these lines need to aim at more than one target. Various rationalistically inclined philosophers regard the whole of arithmetic as the best case for meeting an abstraction requirement, and, in response to this rationalist tradition, some critics undertake to show that it is fundamentally unclear what an ideally abstract arithmetic would be like.[41] Various philosophers whose sympathies incline them toward classic empiricism regard perceptual experience as the best case for meeting an abstraction requirement. With an eye to providing an illustration of considerations against the idea of such a requirement, I want here to briefly rehearse the main steps of a familiar and, in my view, good argument against an ideally abstract image of our perceptual lives.

The relevant image is one on which what is merely causally presented or, to use a bit of philosophical jargon, merely *given* to our senses puts us in cognitive contact with the world independently of any—subjective—contribution from our cognitive faculties, and the argument against this image of givenness that I take to be effective proceeds roughly as follows. It starts from the thought that when we count our mere sensory relatedness to the world as a cognitive achievement we are assuming that what we take in perceptually is capable of standing in rational relations to beliefs about the world. This thought is then combined with the observation that, in order to play the relevant rationalizing role, perceptual intake must be conceptual. Taken together, the thought and the observation are supposed to be uncomfortable for philosophers whose views of perception presuppose the relevant notion of givenness because to say that perceptual intake is conceptual is to say that it encodes awareness of ties to other possible or actual perceptions and is hence anything but merely 'given'. This, very generally, is how arguments that represent given-

ness as a myth are supposed to lead us to the recognition that we ourselves lack a clear idea of what it would be for perceptual experience to satisfy an abstraction requirement.[42]

These reflections conclude, for the purposes of this paper, my critical treatment of the idea of an abstraction requirement. A thorough critical treatment would have to follow up in detail on relevant philosophical conversations about arithmetic and perception, but the comments in the last two paragraphs suffice given that my main aim here is a response to moral individualism and given that, within the writings of moral individualists, it is hard to find any explicit discussion of metaphysical assumptions that inform their work. My remarks give an overview of the kind of case that can be made for regarding an abstraction requirement as bankrupt, thereby positioning us to take seriously questions about how to characterize the alternative conception of objectivity that comes into view if we jettison the familiar conception that the requirement seems to support.

This alternative conception of objectivity is one that allows that it is in principle possible for qualities that count as subjective in the sense specified earlier to gain a foothold in the objective realm.[43] Within the framework of this conception, there is no question of antecedently rejecting the idea of objective and intrinsically practical aspects of things simply because intrinsically practical aspects of things count as subjective in this sense. Yet it seems to many philosophers that it would be premature to conclude that we are obliged to leave open the possibility that claims about intrinsically practical qualities may survive critical scrutiny and establish themselves as modes of concern with genuine features of the world. It is not uncommon for philosophers to suggest that there are additional, independent grounds for antecedently rejecting the idea of objective and intrinsically practical qualities. The philosophers who make this suggestion typically emphasize that we are here dealing with qualities an object possesses, not insofar as the object merely causally elicits certain subjective responses (as subjective qualities such as colors arguably do), but insofar as it *merits* certain such responses. Further, these philosophers typically emphasize that questions about whether something merits a given response are practical questions, and they typically add that this means that judgments about intrinsically practical qualities are in some sense governed by our practical beliefs—by the very body of beliefs, that is, to which the judgments themselves belong. Their point is to persuade us that intrinsically practical properties cannot possibly achieve objective status by showing us that judgments about them are invariably characterized by this form of circularity.[44]

There is a perspective from which this circularity worry seems exaggerated. Suppose someone challenges a practical judgment we've made by saying: "you only think *this* is tragic and worthy of attention because you think *that* is important." In such a case, we are likely to take the person talking to us to be suggesting that the view that informs our judgment is biased. We may succeed in satisfying her, and in bringing our conversation with her to a close for a time, by talking about how we arrived at the view in question and showing that it is not a mere prejudice. The

possibility of this sort of quite ordinary self-critical exercise suggests a perspective from which the fact that thought about intrinsically practical matters encodes a circle appears entirely innocent. But it is more typical for philosophers who take an interest in these topics to reject this perspective, insisting instead on regarding the mere fact of circularity as a sign of irremediable epistemic limitation.

This tone of insistence depends for its authority on the idea of a contrasting noncircular mode of thought. To justify adopting it, we would need an at least minimally coherent description of what it might be for a mode of thought to bear on the world, in an ideally noncircular manner, without the intervention of standards that reflect substantive beliefs about how things are. One place it is possible to find suggestions of this type of noncircularity is in philosophical discussions of the natural sciences. The natural sciences are sometimes depicted as developing, not only so that their characteristic concepts are as far as possible intelligible apart from any local, cultural perspectives, but, moreover, so that these concepts bear on the world independently of the mediation of any standards shaped by scientific opinion at a given historical juncture.[45] Although I believe this striking and influential image of natural-scientific discourse is at bottom mere fantasy, I am not going to further discuss it. Given my aims in this paper, it is sufficient to observe that any mode of thought that was genuinely noncircular in the sense in which natural-scientific thought is here taken to be would—because it would exclude subjectivity from in any way informing how the mind makes contact with the world—satisfy an abstraction requirement. This means that if we reject an abstraction requirement as unintelligible, as the arguments I touched on earlier in this section indicate we should, we at the same time reject as unintelligible the idea that a mode of thought might qualify as ideally noncircular. Or, in other words, it means that the sorts of observations about circularity I just introduced fail to amount to an independent ground for impugning the cognitive credentials of modes of thought that are concerned with intrinsically practical properties. Once we have abandoned an abstraction requirement and equipped ourselves with a conception of objectivity that accommodates the possibility that certain subjective qualities may turn out to have objective credentials, we are obliged to allow that, while we may in some cases find that the appearance that something merits a certain response is at bottom mere appearance, in others we will discover that an appearance to this effect is accurate and that things that are intrinsically practical are woven into the real fabric of our lives.

This conclusion interests me primarily insofar as it positions us to allow that, when understood in the irredeemably practical manner described in the previous section, forms of expressiveness may qualify as genuine, objective features of the world. But it also provides support for something I said at the end of section II. There I was discussing doubts about the success of Singer's efforts to rebut a criticism of moral individualism simply by noting that the criticism is driven by ordinary moral judgments (such as, e.g., judgments about the special solicitude owed to particularly vulnerable, impaired human beings). I pointed out that this mistrust

of ordinary moral judgments seems unwarranted if we take these judgments to be governed by the ideal of objectivity. So it merits emphasis that the line of thought I just developed is plausibly interpreted as laying the groundwork for a suitably objectivist view of moral judgments. This section's main line of thought is intended to show that we are justified in leaving room for the possibility that intrinsically practical qualities may have objective credentials, and, if we think of moral judgments—as many moral philosophers do—as judgments concerned with some proper subset of these qualities, then the line of thought can be seen as ushering in a view that is cognitivist in that it allows moral judgments to be essentially matters of concern with how things objectively are.[46] The section's main line of thought thus reinforces section II's criticism of moral individualism. At the same time, its main purpose was to challenge the idea that there are philosophical obstacles to allowing that ascriptions of mental qualities, as these are understood within the context of the approach to mindedness laid out in section III, may qualify as genuinely, objectively correct.[47] This brings me back to my main argument.[48]

V

To allow that ascriptions of mental qualities, as I am describing them, may be correct is not to say that they are somehow self-validating. There are all sorts of ways to get things wrong.[49] But to say that the ascriptions may be correct is to suggest that there is a sense in which we are right to have the kind of ethical orientation toward others that, I am arguing, our ability to make such ascriptions presupposes. Not that we have grounds for such an orientation if by "grounds" we mean a type of evidentiary support accessible independently of having the orientation itself, as if we could point to some neutral, nonmental fact or set of facts about human beings that justified us in responding to others in the ways we do. If a skeptic insisted that we required such a fact or set of facts, then there would be nothing we could do to satisfy her. Yet the position I am describing is not a skeptical one in the standard sense. There is, by its lights, no obstacle to allowing that we do frequently directly take in what others are thinking and feeling. The point is that, when we do directly take these matters in, we are oriented toward others in ways that open our eyes to things that, while not available apart from our being thus oriented, are genuinely there. This is what it comes to to say that we are right to have the sort of ethical orientation that is at issue.

One implication of these reflections is that an individual who to a significant extent lacks the relevant sort of ethical orientation toward certain others will to a significant extent be unable either to comprehend those people or to see them as meriting specific forms of respect and attention. Here I am not referring to individuals such as the trauma surgeon who objectifies her patients because doing so helps her to cope better with her professional duties. I am referring to individuals

who, in the absence of such strategic aims, fail to relate ethically to and hence fail to understand or respond appropriately to others. Among the individuals fitting this description are some who exhibit the pertinent failings in connection with particular others, such as siblings, colleagues, lovers, neighbors, parents, or children. Also among the individuals fitting the description are certain familiar kinds of chauvinists, people who do not regard members of some class of human beings (e.g., women, people of a different race, homosexuals, or people of a different religion) as fellow travelers in life. It follows from what I have been saying that, if any of these individuals is to appreciate what speaks for responding to others more justly and appropriately than she does, she needs to relate to them in a manner informed by a developed sense of what matters in life. She needs to have, in her dealings with them, what I have been describing as a sort of ethical orientation.[50]

Thus far I have not said anything specifically about chauvinists whose specific form of prejudice involves not regarding cognitively poorly endowed human beings as fellow travelers in life. But it is not a suggestion of anything I have said that we are only right to have the kind of ethical orientation I have been discussing toward cognitively well-endowed human beings who have, say, the sorts of mental capacities that moral individualists take to be morally relevant. I introduced the idea of this kind of ethical orientation by arguing that it is a presupposition of recognizing others as having particular aspects of mind (see section III). But I also noted that what vindicates us in having such an orientation toward others is that it opens our eyes to features of their lives that aren't accessible apart from the orientation. If I am right in thinking that, as I am about to claim, this form of vindication is available with regard to the cognitively poorly endowed just as it is with regard to the cognitively well endowed, then it follows that in a different context I might also have introduced the relevant kind of ethical orientation by arguing that it is a presupposition of recognizing aspects of the lives of these of our fellow humans.

This brings me back to moral individualists' claims about those human beings I am referring to as cognitively radically impaired (i.e., those whose impairments deprive them to a significant extent of the capacities moral individualists take to be morally significant).[51] Moral individualists are committed to regarding the cognitively radically impaired as lacking substantial claims to moral attention. Although moral individualists admit that the cognitively radically impaired count as disabled from a biological standpoint, they deny that there is any cognitively respectable way of thinking about them on which they can be seen as disabled in ways that, far from being merely biological and hence ethically neutral, are ethically significant. One self-described moral individualist, Jeffrey McMahan, makes this point by asking: "What does a cognitively impaired human being have that my dog lacks that isn't a matter of biology?"[52] A good case can be made for thinking that moral individualists are missing something about the cognitively radically impaired that is genuinely there to be seen and that, in order to grasp what they are missing, they need to think about these human beings in a manner animated by a sense of what matters in life. Imagine, for instance, that a moral individualist has an experience that

prompts her to think of cognitively radically impaired human beings, in a nonbiological and nonneutral manner excluded by her theoretical commitments, as her less fortunate fellows. A not unlikely consequence would be her being inclined to describe them in terms of—as it now seems to her—what of significance is missing from their lives. In describing the face of a severely impaired person, she might now be inclined to talk about an expressionless or dull vacancy that is tragically untouched by consciousness of life's glories. The kind of nonbiological, nonneutral understanding of cognitively radically impaired human beings that is in question is directly connected to a view of these human beings, of the sort at play in the ordinary moral judgments I discussed in section II, as having suffered from a great deprivation in virtue of which they merit special solicitude. What I am suggesting is that this understanding of the cognitively radically impaired captures something that is genuinely there and that we are right to have the kind of ethical orientation toward these of our co-humans that brings the understanding within reach.

Moral individualists are likely to want to dismiss this understanding of the cognitively radically impaired as a case of projective error simply because it presupposes a certain ethical or responsive orientation. Yet it follows from section IV's claims about how to conceive the notion of objectivity that this hasty dismissive gesture would be unjustified and that we can't antecedently exclude the possibility that an image of the world that presupposes a particular ethical stance might reveal things that aren't neutrally accessible. To be sure, we do sometimes project our values onto the world and then mistakenly take ourselves to have discovered something about what the world is like. But in order to establish that we are dealing with such a case here, moral individualists would need to show that the features of the lives of cognitively radically impaired human beings that the relevant ethical orientation brings into view are mere chimeras and that the person who fails to register them isn't missing anything. This is what I am claiming cannot be done.

When moral individualists talk about human beings who lack what they regard as morally relevant characteristics, they tend to focus on cases, like those I have been discussing, involving the radically cognitively impaired. But there is at least one other class of human beings who likewise lack any of these characteristics, namely, the class of the dead.[53] In a critical discussion of views that qualify as what I am calling moral individualisms, Diamond underlines respects in which the account of our relationship to dead human bodies that moral individualists bequeath to us is unsatisfactory.[54] The core claims of moral individualisms conflict with an understanding of the bodies of dead human beings as in themselves things to be treated in particular ways. There is, by the lights of moral individualists, no room to recognize that there is something wrong with, for instance, needlessly defacing or disfiguring a corpse even when there is no question of thereby indirectly hurting someone who cares what happens to it.[55] Corpses are biologically human things that are without morally relevant capacities, and there can be no question of their as such inviting particular modes of treatment. But suppose we look upon corpses, in a nonbiological manner foreign to moral individualists, as

those of our fellows who have reached the end of their mortal threads, and suppose we think of their faces and bodies as now forsaken sites of expressiveness to be described in terms of expressions yet detectable in them. This way of conceiving the dead is tied to an understanding of them as in themselves calling for particular forms of respect, and my suggestion is that this understanding, far from involving a mere projective error, reveals something about what our mortal lives are like.

Now I am in a position to return to a question that I temporarily set aside at the end of section III, the question of what speaks for describing the ethical orientation internal to certain ordinary ways of thinking and talking about others as encoding a sense of what matters in *human* life. The point I want to make here is emphatically not that, as we develop such a sense of what is important, we invariably allow it to guide our thinking about all biological human beings. On the contrary, as I emphasized in this section, people often fail to acknowledge specific individuals and groups of individuals. Nor is my point that there is some biological fact that somehow demonstrates that we are justified in having the relevant sort of ethical orientation toward every biological human being. Yet, these considerations notwithstanding, there is a sense in which we are right to have this sort of orientation toward every human being. This is shown by what reflection shaped by such an attitude reveals about human life in its diversity—by what it reveals not only, for instance, about cognitively well-endowed human beings of all sorts but also about the cognitively less well endowed and the dead.

It would be difficult to exaggerate the significance of this result for a critical examination of moral individualism. To say that there is an important sense in which we are right to have the pertinent sort of ethical orientation toward every human being just is to say that, in contrast to what moral individualists maintain, there is an important sense in which recognizing a creature as a human being by itself gives us reasons to respond to her in particular ways.[56]

This brings to a close my critique of the account of human relationships internal to different moral individualisms. Whereas moral individualists claim that any treatment a human being merits must be a function of her individual capacities, I have defended the contrasting view that, without regard to the severity of her impairments, a human being merits specific forms of respect and attention. Moral individualists assume that the only way to defend this view would be to offer a flat-footed response to the 'argument from marginal cases',[57] but I did not offer such a response. This argument instructs us to regard the fact that a creature is human as by itself morally insignificant because there is no morally relevant characteristic that all humans possess and all animals lack. But I never assumed that it would be meaningful to search for a characteristic fitting this description. What gives the argument its appearance of interest is the thought, distinctive of all moral individualisms, that creatures' claims to moral consideration are grounded in their individual characteristics, and this thought is entirely foreign to things I have been saying. I have been arguing that a type of ethical orientation is internal to some of our ordinary modes of thought and talk about our fellow humans and that there is a straightforward

respect in which to bring our fellows into focus in a manner relevant for ethics is *already* to see them as meriting certain forms of treatment. Although this line of argument turns the thinking of moral individualists on its head, it is no part of my ambition in developing it to impugn moral individualists' efforts to advocate for improved treatment for animals by defending versions of what I have called the ethical view of animals. On the contrary, I presented the line of argument primarily because I believe that it applies directly to the case of animals and that, when thus applied, it brings within reach a more satisfactory defense of this view.

VI

The starting point for the Wittgensteinian approach to mind defended in section III is the idea of a direct tie between aspects of mind and forms of expressiveness. This idea, while no less philosophically controversial in the case of animals than in that of human beings, is equally applicable to animal minds. Consider what speaks for it in reference to forms of sentience like pain. However initially appealing, the notion of 'pain apart from bodily life' is no more tenable with regard to animals than it is with regard to human beings. It is, for instance, fundamentally unclear what it would be to try to imagine that the dog lying silently at my feet, breathing gently and gazing out at nothing in particular, is in excruciating pain. Pain and other forms of sentience present no greater obstacle to the idea of an essential tie between mind and expressiveness with regard to animals than they do with regard to human beings. We may reasonably start a discussion of animal minds with observations that take the idea of such a tie for granted.

The observations that interest me speak for connecting aspects of animals' minds with forms of expressiveness that, like those to which aspects of human mind are connected, are characterized by a specifically normative irreducibility. We generally learn what it is, say, for an animal of a given kind to be in pain by being brought to attend and respond in particular ways to its expressive behavior. This learning process is no more a matter of brute conditioning with regard to animals than is the analogous learning process with regard to human beings. Where successful, it produces an appreciation of the significance of pain in animals' lives and at the same time leads us to develop an understanding of the pertinent expressive behavior that presupposes such an appreciation insofar as it represents this behavior as having a significance in virtue of which it essentially invites certain responses. In the case of animals of different kinds as well as in that of human beings, certain modes of responsiveness are partly constitutive of our categories for the forms of expressiveness internal to pain, and the same holds for other aspects of animals' minds as well. Our ability to identify a particular animal's mental qualities depends on our recognizing its expressions as normative in the sense of meriting specific responses and modes of attention.[58]

In observing that the forms of expression of animals of different kinds are thus normative, I am suggesting that, in order to recognize these forms of expression for what they are, we need to have a sense of the importance in those animals' lives of the relevant psychological qualities. Possession of such a sense of the importance of particular psychological qualities in the lives of animals of different kinds is inseparable from the possession of some larger sense of what matters in those lives. This point is directly analogous to the point I made in section III about how our ability to bring the psychological qualities of other human beings into focus presupposes a sort of ethical stance. If we continue to use the notion of the ethical broadly enough to allow us to describe this larger sense of what matters as "ethical,"[59] we can say that, with regard to animals of different kinds just as with regard to humans, a certain type of ethical orientation is a condition and not a result of our ability to make mental ascriptions.

This account of what mental ascription is like in the case of animals of different kinds is central to my attempt, in the remainder of this section, to bring out what is right about the ethical view of animals. Before proceeding I need to consider an objection to the account that I touched on in passing at the opening of section III. The question of the implications of Wittgenstein's philosophy of psychology for how we think about animal minds has received a fair bit of attention, and it is not uncommon for thinkers who take up this question to represent Wittgenstein, in the way that some animal protectionists such as Singer also do,[60] as veering toward undercutting our ability to represent nonlinguistic, nonhuman animals as having any but the most rudimentary mental qualities. Without entering in any detail into conversations about Wittgenstein and animal minds, I turn here to the work of one commentator on Wittgenstein whose work is helpful for my purposes because it explicitly addresses questions of animals and ethics. In his 1991 book *Against Liberation: Putting Animals in Perspective*,[61] Michael Leahy depicts Wittgenstein as teaching us that animals' mental lives are too rudimentary to be ethically interesting. Leahy's goal is to use the approach to animal minds he takes to be Wittgenstein's to undermine the pro-animal reflections of moral individualists such as Singer and Regan. Although I am no fan of moral individualism, Leahy's efforts are relevant to my project here. They would, if successful, cause trouble not only for moral individualist but also for this paper's larger argument.

The conception of human mindedness that Leahy attributes to Wittgenstein resembles in certain fundamentals the conception I described in section III. Leahy represents Wittgenstein as rejecting a conception of mental experience as logically private and embracing the idea of a direct tie between aspects of mind and expressive behavior.[62] There is also a significant respect in which Leahy goes beyond section III's account of Wittgenstein's philosophy of psychology. Leahy describes Wittgenstein as favoring an account of language-users' modes of awareness on which such modes of awareness are permeated by conceptual or linguistic capacities. Philosophers sometimes refer to this sort of account of our modes of awareness as a *conceptualist* one. Although Leahy himself doesn't use this terminology, it

would be fair to say that what he primarily has in mind when he claims that Wittgenstein's later philosophy commits us to denying that animals have any but entirely primitive capacities of mind is the conceptualist stance he attributes to Wittgenstein.

Leahy is not wrong to suggest that a form of conceptualism is integral to Wittgenstein's mature philosophy of psychology. I believe he is right in this particular, but I am not going to address interpretative questions relevant to showing this. It suffices for my purposes to note that a conceptualist position is suggested by one of the lines of reasoning that I myself outlined in section IV (above) with an eye to defending the portions of Wittgenstein's image of mind I presented in section III. At issue is a line of reasoning, which I described as a critique of a familiar notion of givenness, that starts from the thought that to say that a speaker is taking something in perceptually is generally to imply that she is in a position to appeal to what she perceives to rationalize beliefs about the world. The line of reasoning combines this thought with the observation that, in order to play the envisioned rationalizing role, perceptual intake must in some sense be conceptual. The upshot is a strategy for supporting a conceptualist view of perceptual awareness, and, taking our cue from this strategy, we might also arrive at a strategy for supporting a conceptualist view of sensory awareness. This suggests that, if Leahy were right to take conceptualism to give us grounds for denying significant capacities of mind to animals, I would be obliged to join him in his gesture of denial.

Leahy presents a concise argument for moving from what I am calling the conceptualist stance he ascribes to Wittgenstein to the view that animals are limited to primitive capacities of mind. Leahy arrives at the pertinent conceptualist stance by making observations, which he takes to be in the spirit of Wittgenstein's thought, about how linguistic capacities are internal to typically human modes of perception and sensory awareness.[63] He points out that no nonhuman animal has the same sorts of sophisticated linguistic capacities that human beings characteristically do, and on this basis he concludes not only that animals have at best rudimentary analogues to our modes of awareness but also that they therefore lack any but extremely primitive capacities of mind.

Leahy is not the only philosopher to make a case for moving from a conceptualist posture to an understanding of animals as primitive beings. Setting aside the question of whether they derive their main inspiration from Wittgenstein, conceptualists often take their guiding commitments to be inseparable from an understanding of animals as lacking substantial mental qualities.[64] Nor are fans of conceptualism alone in thinking that there is a necessary link between conceptualism and an understanding of animals as mentally primitive. It is not uncommon for critics of conceptualism to insist on the existence of such a link, representing what they see as the implausibility of the idea that nonhuman animals are across the board primitive as speaking directly against any sort of conceptualist outlook.[65] The class of these critics includes a number of animal protectionists. When Singer and others attack Wittgenstein's later philosophy for being, as they see it, inhospitable to

the idea of animal mindedness, they are generally concerned with aspects of Wittgenstein's thought that fall under the heading of conceptualism.

Questions about the relationship between different conceptualisms and animal mindedness are complex and call for separate treatment.[66] My ambition here is limited to airing one very general reservation about the widespread idea that conceptualism is inseparable from an image of animals as mentally primitive, and I am going to proceed by briefly describing what goes wrong with Leahy's defense of this idea. Since Leahy's focus throughout is on the case of pain, I will likewise take pain as my central example.

Leahy's Wittgensteinian account of pain is conceptualist insofar as it represents typically human awareness of pain as permeated by linguistic capacities. In presenting the account, Leahy emphasizes that we can "*think* about [pain and] worry over it,"[67] and he brings out how the importance pain has for language-using human beings, the way it matters in our lives, is in significant part a function of the fact that it is thus integrated into different linguistic practices. Leahy also advances the plausible claim that no nonhuman animals possess characteristically human linguistic abilities. He concludes by representing this claim as licensing the inference that pain "does not have meaning," or matter, for nonlinguistic animals.[68] But this concluding inference is not sound.

To get a sense of what has gone wrong, it is helpful to examine the distinction between linguistic human beings and nonlinguistic animals that informs these portions of Leahy's thought. When Leahy claims that "animals do not use language," his reasonable point is that no nonhuman animals participate in a form of life that includes the sorts of sophisticated activities of, among other things, "commanding, questioning, recounting and chatting" that are parts of typical human lives.[69] The question is why we should take it to follow from this that no nonhuman animal possesses the sorts of capacities that Leahy, together with other conceptualists, has in mind when he represents conceptual capacities as contributing internally to our modes of awareness. Why should we say that because nonhuman animals lack characteristically human language they cannot help but lack the relevant capacities for conceptualizing or connecting experience? That we should not say this seems clear once we remind ourselves of certain very basic facts about the linguistic development of individual human beings. Children come to participate in the sophisticated discursive practices that Leahy takes to be the mark of language-use only gradually. The types of perceptual and sensory capacities that Leahy and other conceptualists believe necessarily involve conceptualizing, while ultimately integrated into such practices, are in some form precursors to participation in them. Given that these capacities are developmentally prior to mature language-use, it follows that, despite Leahy's assumption to the contrary, the fact that a creature is not a language-user does not show that it lacks them. By the same token, it follows that, Leahy's opposing suggestion not withstanding, embracing a conceptualist view does not preclude attributing to nonlinguistic animals significant qualities of mind.

Consider in this connection remarks Leahy makes about human and dog pain. Here Leahy is to a large extent preoccupied with what is distinctive about mature

human speakers' experience of pain. He talks about a dog's "inability to use language" as well as about the fact that a dog is, in his words, "unable to consider whether [licking its wounds] is advisable, or how long they will take to heal, or whether it will be put down if they do not."[70] Having thus observed that dogs are nonlinguistic creatures and that their experience of pain is not shaped by thought about it, Leahy goes on to conclude that dogs are not aware of their pain except in a rudimentary manner and that their pain is not of any real import for them. But it follows from things I said in the last paragraph that Leahy's observation about how dogs do not use language does not support this conclusion. Suppose I see a dog get hit by a car and then shake and whimper in pain, and suppose I respond in a way that shows that I take the dog's pain to be horrible for it. Leahy has given us no reason for regarding this quite unexceptional response as unjustified, no reason for denying that the pain of a dog, while in some respects different from that of mature human language-users, is directly analogous in mattering to the dog.

So Leahy is wrong to antecedently discredit comparisons between human and animal pain as well as between other forms of human and animal mental experience. Further, he is wrong to attack moral individualists like Singer and Regan for simply representing us as entitled to such comparisons. Let me stress that this outcome should not be interpreted as friendly to moral individualism. Leahy's reflections start from the elements of Wittgenstein's later view of mind that I discussed in section III. Once this image of mind has been cleared of the unjust suspicion that it excludes the idea of substantial resemblances between human and animal mental experience, it should emerge that we are justified in representing it as calling on us to understand certain ethical orientations as preconditions and not, as moral individualists maintain, consequences of attributing mental qualities to animals of various kinds.

There is more to be said about how the approach to animal minds I sketched at this section's opening sets up a critique of moral individualism, but before continuing with this topic, I want to consider the bearing on this approach of two objections that are analogues of the two general objections to my preferred approach to human minds that I considered at the end of section III. The first objection resembles the charge that the approach to human minds I favor has the ridiculous consequence that, if we are in the business of thinking and talking about a person's qualities of mind, we can't help but treat her well. Despite any appearance to the contrary, it is not an implication of the approach to animal minds I am discussing, any more than it is of my preferred approach to human minds, that there can be no question of attributing mental qualities to a creature while at the same time treating it badly. The case of animals resembles that of human beings in that there are many ways to go wrong in attributing mental qualities. (Judgments about a particular animal's psychological qualities are clearly flawed when, for example, they are premised on assumptions about its features or operations that are inconsistent with a sound natural history of its kind.) Further, just as it is possible to judge correctly that a human being has a mental disposition in virtue of which she merits certain responses and not take this into account in acting, it is possible to judge correctly

that an animal has a mental quality in virtue of which it merits certain responses and not take this into account in acting. The second objection to the above account of animal minds that I want to consider is the counterpart of the charge, considered earlier, that the account of human mental attributions I favor is incapable of underwriting an objectively authoritative distinction between correct and incorrect. This charge is, as I discussed, driven by a philosophically influential conception of objectivity, and the same conception of objectivity may make it seem as though the account of animal mental attributions I favor is incapable of underwriting an objectively authoritative distinction between correct and incorrect. My remarks in section IV on why this charge fails to hit its mark in the human case apply equally well to the case of animals. There is no good reason to think that we are not justified in speaking here of correct and incorrect ascriptions of mental qualities to animals.

To say that, within the context of the view I am developing, it is possible to make correct mental attributions to animals is to allow that there is a sense in which we are right to have the sorts of ethical orientations toward animals of different kinds that, according to this view, our ability to deal in such attributions presupposes. Our warrant here is of the same kind as the warrant that we have for adopting a certain ethical orientation toward human beings. It is not that there is some fact about animals of different kinds, available independently of our being oriented toward them in the relevant manner, that demonstrates that we are right. What demonstrates that we are right is simply that our being thus oriented directly contributes to opening our eyes to genuine features of animals' lives.

Our entitlement to the sorts of ethical orientations I am discussing reaches beyond the class of animals moral individualists are prepared to recognize as morally significant. It is not a consequence of any of my remarks that we are only right to have instantiations of the types of ethical orientations I have been discussing toward individual animals that are actually endowed with the psychological capacities characteristic of their kinds. This brings me to a couple of observations analogous to the observations I made in section V about cognitively radically impaired and dead human beings. In the present section, I introduced the idea of ethical orientations toward animals of different kinds by claiming that they are preconditions of representing animals as minded. I also pointed out that what justifies us in having the orientations is that they open our eyes to features of animal life not otherwise open to view. This sort of justification is available in the case of sick, injured, and dead animals just as it is in the case of their healthier or living counterparts. The person who out of unwillingness or inability fails to see a severely injured and brain-damaged dog as having suffered a loss in virtue of which it merits pity is missing something that is genuinely there, and something similar could be said about the person who out of unwillingness or inability fails to see why a driver might do whatever safety allows to avoid driving over the body of an animal that has been killed on the road before her.[71]

The sorts of ethical orientations that I am discussing are orientations we are right to adopt, not toward individual animals insofar as they possess certain spe-

cific capacities, but toward animals understood as the kinds of creatures they are. This conclusion represents a fundamental challenge to the thinking of moral individualists. Moral individualists claim that it is only insofar as individual animals have certain mental capacities that they merit moral consideration. But it follows from the foregoing reflections that, as Diamond puts it at one point in her writing, animals "are not given for our thought independently of ... a mass of ways of thinking about and responding to them."[72] In contrast to what moral individualists assume, there is an important sense in which recognizing a creature as an animal by itself gives us reasons to treat it in particular ways.

Now we are positioned to see what speaks for the ethical view of animals (i.e., the view that animals are proper objects of moral concern). Whereas moral individualists believe that a defense of this view is possible only in relation to individual animals with specific mental capacities and, further, that such a defense will center on an argument to the effect that the relevant capacities are ethically relevant, I have been arguing that this is too little and that it comes too late. To see what is right about the ethical view of animals is to see that there is a respect in which, despite moral individualists' claims to the contrary, animals are as such worthy of respect and attention.[73]

VII

I want to conclude with a comment about a respect in which this paper's critique of moral individualism is distinctive. The shared point of departure for different moral individualisms is the assumption that the recognition that a creature is a human being or an animal is not by itself morally significant, and critiques of moral individualism by and large target this assumption. The assumption is plausibly construed as an expression of the view, widespread in ethics, that the world in which moral concepts function is neutral in the sense of being given to ethics independently of the exercise of moral capacities. To the extent that moral individualists take for granted that the concepts of human beings and animals we use in moral thought are morally neutral, biological concepts, and to the extent that they thus treat human beings and animals as given prior to moral reflection, they signal their endorsement of at least partial versions of this view. This observation equips me to succinctly describe what is distinctive about the critique of moral individualism developed in this paper. In addition to arguing, against moral individualisms, that being a human being or being an animal of some kind is by itself morally salient, the critique accommodates nonneutral concepts of human beings and animals, allowing that when we talk about human beings and animals in ethics we are talking about beings such that moral reflection is required in order to bring them clearly into focus.

Critics of moral individualism more commonly employ strategies for challenging its core claims that don't turn on rejecting the idea that in speaking of human

beings and animals in ethics we are speaking of things that are neutral in the sense of being given independently of moral reflection. Here I have in mind above all the way in which some Kantian moral philosophers distance themselves from moral individualism. To be sure, not all moral philosophers who present themselves as working in the Kantian tradition are hostile to the tenets of moral individualism.[74] But a handful of contemporary moral philosophers develop lines of reasoning that they represent not only as faithful to the spirit of Kant's thought but also as implying critiques of moral individualism very different from the critique presented in this paper.

The writings of Christine Korsgaard contain the clearest and best-developed version of the kind of Kantian critique of moral individualism I have in mind.[75] Korsgaard distances herself from Kant's official view of animals as ethically uninteresting things that don't in themselves merit specific forms of respect and attention,[76] arguing that the main tenets of Kant's ethical project don't commit him to this view. The Kantian outlook she winds up defending resembles the outlook of this paper insofar as it asserts, in opposition to moral individualisms, that the recognition that a creature is a human being or an animal is inseparable from seeing it as meriting certain forms of respect and attention. But Korsgaard insists that the relevant act of recognition, instead of being at least partly a matter of theoretical cognition, is a matter of the adoption of an exclusively practical attitude.[77] She takes it to be a virtue of her outlook that, as she sees it, we can acknowledge the need for such an act of recognition without forfeiting an understanding of the features of the world to which the concepts of human beings and animals we employ in ethics apply as neutral or, as she herself at one point puts it, "hard."[78] Whereas, for Korsgaard, the idea that the world to which ethical thought about humans and animals is responsible is 'hard' figures as a sort of unquestionable starting point, just as it does for moral individualists, I have been arguing that the challenge we confront in negotiating our relationships with human beings and animals is one of coming to terms not with creatures that while in themselves 'hard' are nevertheless in some (say, exclusively practical) sense ethically important but rather with creatures that are in the most straightforward sense objects of ethical concern. The challenge is to use the resources of moral thought to arrive at a maximally just and accurate understanding of our as such ethically significant fellow creatures.

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NOTES

1. Two remarks about terminology are in order. First, in referring to the view of animals I just described as an ethical one, I use the notion of the ethical in the following broad sense. I speak of "ethics" in reference to demands imposed on us by all exercises of practical thought without regard to the nature of the particular reasons in which they traffic. To say that the view of animals I just outlined is in this sense ethical is to say that it represents animals themselves as sources of some of the reasons we have for treating them in particular ways and not to say anything particular about the nature of those reasons. Second, I use the term "moral" so that it is interchangeable with the term "ethical."
2. I discuss factory farming and animal testing in detail in "Eating and Experimenting on Animals: Two Issues in Ethics," in *Animal Minds and Morals*, ed. Klaus Petrus and Markus Wild (forthcoming).
3. For an informal bibliography of the writings of advocates of what I am calling the ethical view of animals, see the notes of this paper.
4. See esp. Peter Carruthers, *The Animals Issue: Moral Theory in Practice* (Cambridge: Cambridge University Press, 1992); David S. Oderberg, "The Illusion of Animals Rights," in *Human Life Review* 26 (Spring–Summer 2003): 37–45; and Michael Leahy, *Against Liberation: Putting Animals in Perspective*, rev. ed. (London: Routledge, 1994), esp. ch. 7. Although a case might be made for including Roger Scruton's *Animal Rights and Wrongs*, 3rd ed. (London: Metro Books, 2000), in a list of critiques of the ethical view of animals, to be fair such a case would need to acknowledge that Scruton sanctions the idea of direct duties to individual animals arising from relationships with them. What speaks for mentioning Scruton here is that he denies that we have any *other* duties to animals that aren't indirect functions of duties to ourselves or other human beings (see esp. chs. 7 and 8).
5. See, e.g., Oderberg, "The Illusion of Animal Rights," 44–45; Leahy, *Against Liberation*, ch. 8; and Scruton, *Animal Rights and Wrongs*, Appendices 1–3.
6. The inset quotes are from Oderberg, "The Illusion of Animal Rights," 43.
7. For a discussion of this point, see Carruthers, *The Animals Issue*, 105–10.
8. See Kant, *Lectures on Ethics*, ed. J. B. Schneewind and trans. Peter Heath (Cambridge: Cambridge University Press, 1997), 212–13, and *Metaphysics of Morals*, ed. Mary McGregor (Cambridge: Cambridge University Press, 1996), 192. For contemporary formulations of the idea that our only duties to animals are the sorts of indirect duties Kant discusses, see, e.g., Carruthers, *The Animals Issue*, 153–56, Leahy, *Against Liberation*, 183–86 and Oderberg, "The Illusion of Animal Rights," 43–44.
9. Leahy clearly favors this interpretation. See *Against Liberation*, 184.
10. Christine Korsgaard claims that this is what Kant himself has in mind in discussing indirect duties toward animals in (see "Fellow Creatures: Kantian Ethics and Our Duties Toward Animals," Tanner Lectures on Human Values, 2004, 79–110, esp. 91, note 38), and, although he doesn't discuss the possibility of different interpretations of Kant's stance, Allen Wood shares the same view of Kant (see "Kant on Duties Regarding Nonrational Nature," *Proceedings of the Aristotelian Society*, Supplement, 72 [1998]: 1–30). Moreover, this Kantian view of the idea of exclusively indirect duties toward animals is the view favored by Carruthers (see *The Animals Issue*, 154).

11. *Animals and Why They Matter* (Atlanta: University of Georgia Press, 1983), 52.
12. "Kant on Duties Regarding Nonrational Nature," 8.
13. James Rachels, *Created from Animals: The Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990), 175, stress in the original.
14. Jeff McMahan—who, like Rachels, is a self-avowed moral individualist—speaks of "leveling up" in this connection in "Our Fellow Creatures," *The Journal of Ethics* 9 (2005): 353–80, 358. Let me here add a further comment about vocabulary employed by moral individualists. In the sentence to which this note is attached, I place the expression "moral status" in scare quotes to signal that, within discussions of moral individualism, it functions as a technical term. Very roughly, the idea is that the individual capacities that, according to moral individualists, determine how creatures can be treated thereby endow them with moral status. See Mary Anne Warren, *Moral Status: Obligations to Persons and Other Living Things* (Oxford: Oxford University Press, 2000).
15. See esp. Singer, *Animal Liberation*, rev. ed. (New York: Avon Books, 1990), ch. 1; Regan, *The Case for Animal Rights* (Berkeley and Los Angeles: University of California Press, 1983); and *Defending Animal Rights* (Urbana-Champaign: University of Illinois Press, 2000).
16. Two moral individualists who sympathize with the idea of ethically significant relational properties are Clare Palmer, *Animal Ethics: A Relational Approach* (New York: Columbia University Press, 2010), and McMahan, "Our Fellow Creatures," esp. 354.
17. See, e.g., McMahan, "Our Fellow Creatures," 357. For a remark on how the notion of "moral status" informs discussions of moral individualism, see note 14, above.
18. Thus, e.g., McMahan writes: "if we think it is permissible to treat an animal in a certain way because it *lacks* certain properties, it should also be permissible, if other things are equal, to treat a human being in the same way if that human being also lacks those properties" ("Our Fellow Creatures," 354–55). See also the reference to Singer's work in the next note. Regan's attitudes toward the cognitively radically impaired differ from those of most other moral individualists. Regan holds that the individual capacities he takes to be essential to subjecthood are what entitle human and nonhuman creatures to moral consideration, but he believes that he can incorporate the view that radically cognitively impaired human beings are owed such consideration by stipulating that, despite lacking the relevant capacities, they have "inherent value" (*The Case for Animal Rights*, 245–48). It is hard to see Regan's stipulation as anything but an attempt to cover over without genuinely correcting a flaw in his larger ethical approach.
19. See, e.g., Singer, *Animal Liberation*, 81–83.
20. See Diamond, "Importance of Being Human," in *Human Beings*, ed. David Cockburn (Cambridge: Cambridge University Press, 1991), 35–62, 55.
21. In listing what they regard as marginal cases, moral individualists sometimes mention, in addition to those human beings I am referring to as cognitively radically impaired, also human infants. (See, e.g., Singer, *Animal Liberation*, 81–83.) If this classification of infants were obligatory for moral individualists, it would follow that the core claim of moral individualism would be in tension with the thought that very young human beings merit quite special forms of attention and respect. But it is not uncommon for moral individualists themselves to reject the characterization, arguing that a healthy baby's potential to develop a sophisticated range of capacities is by itself morally significant.
22. The term "speciesism" was coined by Richard Ryder, who introduced it in a privately published, eponymously titled 1970 leaflet. Ryder used the term again in his 1971 essay "Experiments on Animals," in *Animals, Men and Morals: An Enquiry into the Maltreatment of Non-Humans*, ed. Stanley and Rosalind Godlovitch and John Harris (London: Victor Gollancz Ltd., 1971). The term is now widely enough used that it might be thought of as belonging to the lexicon of ethics.
23. For a sympathetic overview of different versions of the argument, see Daniel Dombrowski, *Babies and Beasts: The Argument from Marginal Cases* (Chicago: University of Illinois Press, 1997).
24. Some texts presenting arguments against speciesism, such as Singer's *Animal Liberation*, have been hugely successful in inspiring people to join the animal protectionist movement. In claiming that the arguments are flawed, I am not denying this but rather suggesting that they are effective as political rhetoric as opposed to sound reasoning. (Ian Hacking makes a similar point about Singer in "Deflections," in Stanley Cavell et al., *Philosophy and Animal Life* [New York: Columbia

University Press, 2008], 139–79, 164.) Indeed, there is arguably a sense in which, even when evaluated for their effectiveness as political rhetoric, the arguments of anti-speciesists misfire. They contribute to the perception of some the animal protectionist movement's critics that taking an interest in human life is tantamount to undervaluing human life. See, e.g., Oderberg, "The Illusion of Animal Rights," 38ff, and Scruton, *Animal Rights and Wrongs*, 54–56. See also the discussion of how activists' attempts to advocate on behalf of laboratory animals are perceived as "anti-human" in Lynda Birke, Arnold Arluke, and Mike Michael, *The Sacrifice: How Scientific Experiments Transform Animals and People* (West Lafayette, IN: Purdue University Press, 2007), 134ff.

25. Singer discusses these issues at length in "Sidgwick and Reflective Equilibrium," *Monist* 58, 3 (1974): 490–517, and again briefly, a few years later, at the opening of "Utilitarianism and Vegetarianism," *Philosophy and Public Affairs* 9, 4 (1980): 325–37, where he claims that "we should work from sound theories to practical judgments, not from our judgments to our theories" (327). Although Singer is, as far as I know, alone in defending his mistrust of theoretical reliance on ordinary moral judgments, he is not alone in this mistrust. For the expression of a similar attitude, see, e.g., McMahan, "Our Fellow Creatures," esp. 376.
26. Notice that there is good reason to think that the group includes some moral individualists. Here I have in mind, above all, those moral individualists such as Regan who present themselves as working in the Kantian moral tradition. (For references to Regan's work, see note 15, above.) It follows from this observation that there are some moral individualists who don't have even Singer's resources for protecting themselves against the criticism I just developed.
27. Singer, *Animal Liberation*, 14. See also Bernard Rollin, *The Unheeded Cry: Animal Consciousness, Animal Pain and Science* (Oxford: Oxford University Press, 1989), esp. 136–38.
28. See in this connection, e.g., Leahy, *Against Liberation*. In appealing to Wittgenstein in denying significant mental capacities to animals, Leahy is taking his cue partly from R. G. Frey, *Interests and Rights: The Case Against Animals* (Oxford: Clarendon Press, 1980). I discuss Leahy's work below in section VI.
29. Singer, *Animal Liberation*, 10–11.
30. I discuss exegetical issues in "Wittgenstein's Commonsense Realism about the Mind," in *Emotions and Understanding: Wittgensteinian Perspectives*, ed. Ylva Gustafsson, Camilla Kronqvist, and Michael McEachrane (Basingstoke: Palgrave Macmillan, 2009).
31. See in this connection Wittgenstein, *Philosophical Investigations*, 3rd ed., trans. G. E. M. Anscombe (London: Macmillan Publishing Co., 1958), §391.
32. See, e.g., ibid., §§283–84.
33. See Norman Malcolm, "Wittgenstein's *Philosophical Investigations*," in *Knowledge and Certainty* (Englewood Cliffs, NJ: Prentice-Hall, 1963), 96–129, and "Behaviorism as a Philosophy of Psychology," in *Thought and Knowledge* (Ithaca, NY: Cornell University Press, 1977), 85–103.
34. See, e.g., Wittgenstein, *Philosophical Investigations*, §244, and *Zettel*, 2nd ed. (Oxford: Blackwell Publishing, 1981), §§540–42.
35. For passages in Wittgenstein supporting this initial point, see remarks in which he incorporates psychological examples in his treatment of the phenomenon he calls "aspect-seeing." We see an aspect in Wittgenstein's sense when, although we are aware that an object we are looking at has not changed, we suddenly see it differently (cf. esp. *Philosophical Investigations*, 193ff). The suddenness of the transition suggests that it is not a case of offering an interpretation of features of the thing that are capturable physicalistically but rather of seeing something that needs to be understood in nonphysicalistic terms. There are many passages in Wittgenstein's later writings in which he uses the recognition of psychological expressions as instances of this kind of aspect-seeing (e.g., *Remarks on the Philosophy of Psychology*, vol. 1 [Oxford: Basil Blackwell, 1982], §§873–74, 878, 880, 882, 1066–68, 1072–73, and 1106; also *Remarks on the Philosophy of Psychology*, vol. 2 [Oxford: Basil Blackwell, 1992], §§170 and 358–59). These passages speak for representing expressive behavior as having a sort of irreducibility offensive to logical behaviorists.
36. This paragraph's very general remarks about how we learn to think and talk about pain are consistent with the observation that there are significant variations among the ways children are brought to react to expressions of pain. Some of these variations are divergences in the ways in which particular responses such as, say, sympathy or impatience are expressed in particular

cultures, and some are divergences in the nature of the responses themselves. In cases in which the latter divergences are great—here we might think of stories about Spartan children being taught to ignore pain and avoid sympathetic responses to the afflicted—it might be right to speak of quite different understandings of pain. In addition to variations among ways in which children from different cultures are brought to respond to pain, there are also striking variations in the ways in which children within a given culture are sometimes brought to respond to different people. In extremely sexist, racist, and xenophobic societies, children are brought to react in one way to afflicted members of one group of people and in another to afflicted members of another, and the consequence may be that they arrive at understandings of pain according to which this discriminatory responsiveness seems justified. I comment directly on this kind of discriminatory behavior in section V.

37. Not that we somehow need a mature conception of what does and doesn't matter in our lives in order to get started understanding different aspects of mind. In taking our first steps toward thinking and talking about aspects of mind, we develop conceptions of what matters in life, conceptions that in turn equip us to grasp more sophisticated concepts of mind, and so on.
38. I speak of the ethical in a relevantly broad sense throughout this paper. For a clarification, see note 1, above.
39. Wittgenstein, *Philosophical Investigations*, 178. For an insightful discussion of this passage, see Peter Winch, "*Eine Einstellung zur Seele*," in *Trying to Make Sense* (London: Blackwell, 1987), 140–53.
40. The most influential contemporary discussion of this strategy for defending the relevant conception of objectivity is in Thomas Nagel, *The View from Nowhere* (Oxford: Oxford University Press, 1986).
41. A prominent representative of the rationalistic tradition I describe in this sentence is Frege. The most influential attack on the abstract conception of mathematics characteristic of this tradition is launched in what are referred to as the "rule-following" sections of Wittgenstein's *Philosophical Investigations*. I defend this—not uncontroversial—understanding of the significance of Wittgenstein's rule-following considerations in 1.2 of *Beyond Moral Judgment* (Cambridge, MA: Harvard University Press, 2007).
42. Views of perception that presuppose the notion of givenness discussed in this paragraph have numerous contemporary advocates such as, to limit myself to some of the better known philosophers who have recently defended such views, Alex Byrne, Richard Heck, Sean Kelly, and Michael Tye. The argument against such views sketched in this paragraph receives its most influential formulations in the writings of Wilfrid Sellars and John McDowell. Although McDowell acknowledges his debt to Sellars's attack on the "myth of the Given," he has, since the publication of *Mind and World* (Cambridge, MA: Harvard University Press, 1994), emphasized that his own attack on the relevant notion of givenness differs from Sellars's in significant respects. But I cannot further discuss these matters here.
43. It would be wrong to protest the idea of including certain subjective qualities within objectivity on the ground that the objective and the subjective are conceptually opposed. It is true that we sometimes use the term "subjective" to mean "that which is not objective." But we also sometimes use it to mean "essentially pertaining to our subjective endowments," and this is the sense in which I am speaking of the subjective. What I am claiming is that the sorts of arguments that philosophers have relied on to show that subjectivity in the latter sense invariably goes together with subjectivity in the former sense are flawed and that there is no sound justification for antecedently excluding all qualities that are subjective in the latter sense from objectivity.
44. For an influential argument to this effect, see Stephen Darwall, Allan Gibbard, and Peter Railton, "Toward *Fin de Siecle* Ethics," *Philosophical Review* 101, 1 (1992): 115–89, esp. 163.
45. See, e.g., Bernard Williams, *Ethics and the Limits of Philosophy* (Cambridge, MA: Harvard University Press, 1985), 136.
46. Having just made a point about a cognitivist understanding of moral judgments, I want to add that it is no part of my project here to suggest that moral thinking is limited to moral judgments when these judgments are conceived, as moral philosophers generally conceive them, as judgments that apply to members of some familiar set of moral concepts (e.g., sets that include concepts such as "good" and "wrong" and perhaps also concepts such as "selfish," "courageous," etc.).

I take moral thinking to be thinking that essentially draws on or expresses a person's sense of what matters in life. Although a judgment to the effect that some person is, say, in pain or scared would not ordinarily be counted as a moral judgment, it follows from this paper's argument that it may draw on and express the judger's sense of what matters in life and may thus, by my lights, qualify as moral thinking.

47. Given that contemporary philosophers tend to assume that any serious approaches to mind must qualify either as some form of dualism or as some—reductive or nonreductive—form of materialism, it is worth stressing that there is a straightforward sense in which the anti-dualist (and nonreductive) approach to mind I have been defending in this section fails to qualify as a materialist one. Philosophers speak of materialism in various connections, e.g., in connection with the idea that there are no 'gaps' in physical causal chains and in connection with the idea of global mind-body supervenience. Philosophers also generally insist that no doctrine counts as materialist unless it represents the subject matter of the physical sciences as exhaustively making up the objective 'furniture of the universe'. To the extent that my preferred approach to mind allows that descriptions of our forms of expressiveness are both physically irreducible and objectively authoritative, it clearly fails to count as materialist in this last sense.

48. In this section, I effectively outlined an argument for taking moral thought, broadly understood, to be essentially a matter of sensitivity to the objective world. (For a description of the relevant broad understanding of moral thought, see the last note but one.) To represent moral thought as thus objective is, importantly, not to say that it is distinguished by modes of engagement with the world that are fundamentally similar to those distinctive of different natural-scientific discourses. Although I cannot further discuss this topic here, I am persuaded not only that moral thought calls on us to work on ourselves in ways that the natural sciences do not but also that a case for this view could be drawn from this paper's argument.

49. We can get things wrong, e.g., through inattention, insufficient knowledge of a situation, ignorance of how certain things get expressed in a particular culture, or ignorance of idiosyncrasies of the person or people we're confronting.

50. For an illustration of what it might be to come newly to have such an orientation to others, we might consider the case of Stefan Brand in Max Ophuls's 1948 film *Letter from an Unknown Woman*. Brand is a dissipated, irresponsible, and self-indulgent concert pianist who tends to treat women as mere amusements. He is the lifelong love-object of Lisa Berndl, a woman who grew up admiring him from afar, educated herself to be an appropriate partner for him, and eventually had an affair with him. But Brand is just as blind and insensitive to Lisa as he is to the other women with whom he has liaisons. A decade after their relationship, he receives a letter from her in which she describes her greatest joys and sorrows and tells him that she bore a son to him, that their son has just died of typhoid fever, and that she herself has caught the fever. The letter contains a postscript, written by a nun at the hospital from which Lisa wrote, saying that Lisa, too, succumbed to the disease. Reading this letter produces a metamorphosis in the dissolute pianist. He is overcome by a new sense of what is of value in life, and this new sense permeates his thinking, enabling him to better understand Lisa than he did when she was alive and to better appreciate how he ought to have responded to her.

51. See my discussion of this topic in section II.

52. McMahan, "Our Fellow Creatures," 372.

53. See my comments on moral individualists' treatments of human infants in note 17.

54. See Diamond, "Eating Meat and Eating People," in *The Realistic Spirit: Wittgenstein, Philosophy, and the Mind* (Cambridge, MA: MIT Press, 1991), 319–34, esp. 321ff.

55. Although moral individualists tend to neglect the case of human corpses, in "Our Fellow Creatures," McMahan responds to Diamond's remarks about this case (ibid., 372ff). McMahan does not dispute the observation that human corpses are more or less universally treated as meriting specific forms of treatment, but he says we ought to seriously ask whether these "practices challenge moral individualism or whether moral individualism challenges the practices" (ibid., 373).

56. It is not uncommon for moral individualists to reject this conclusion without argument. In a defense of moral individualism, McMahan, e.g., declares that his imagination is "not up to the task of apprehending the significance of having a *human* life to lead" ("Our Fellow Creatures," 371,

stress in the original). Here McMahan is not so much protesting limitations of his imagination as suggesting that there is here no legitimate imaginative exercise to be carried out. But he doesn't get far enough in envisioning what might speak for the kind of nonbiological human standard he doubts we have to make a case against it. Despite his skepticism, the seeds of such a human standard are internal even to some of his own modes of thought and talk about others.

57. See the description of this argument in section II.
58. In claiming that an account of human mindedness of the sort presented in Wittgenstein's later philosophy has a straightforward bearing on the case of animals, I am following up on the work of Raimond Gaita. See *The Philosopher's Dog* (Melbourne, Australia: Text Publishing Company, 2002), esp. 59–61.
59. See in this connection note 1 and the penultimate paragraph of section III.
60. See my remarks on Singer's attitude toward Wittgenstein at the opening of section III.
61. Op. cit.
62. See ibid., esp. ch. 5 and 6 and also 30, 108, and *passim*.
63. See esp. ibid., 123–24 and 146ff.
64. Any list of the most prominent conceptualists to insist upon this understanding of animals would need to mention Richard Rorty and Donald Davidson. See Rorty, *Philosophy and the Mirror of Nature* (Princeton, NJ: Princeton University Press, 1979), esp. 182ff., and Davidson, "Thought and Talk," in *Inquiries into Truth and Interpretation* (Oxford: Oxford University Press, 1984), 155–70, and "Rational Animals," in *Subjective, Intersubjective, Objective* (Oxford: Oxford University Press, 2001), 95–106.
65. Among the more prominent criticisms of conceptualism that proceed along these lines are Hubert Dreyfus, "Overcoming the Myth of the Mental," in *Proceedings & Addresses of the American Philosophical Association* 79, 2 (2005): 47–65, esp. 47 and 60–61; and "Detachment, Involvement and Rationality: Are We Essentially Rational Animals?" in *Human Affairs* 17 (2007): 101–9; Richard Gaskin, *Experience and the World's Own Language: A Critique of John McDowell's Empiricism* (Oxford: Oxford University Press, 2006), esp. ch. 4 ("The Mental Lives of Infants and Animals"); Gerald Vision, "Perceptual Content," in *Philosophy* 73, 285 (1998): 395–427, esp. 406 and 420–24; and Crispin Wright, "Human Nature?" in *Reading McDowell: On* Mind and World, ed. Nicholas Smith (London: Routledge, 2002), 140–73, esp. 147–50 and 163–67.
66. I address these issues in detail in "Dogs and Concepts," unpublished ms.
67. Ibid., 125.
68. The inset quote is from ibid., 139.
69. The two inset quotes are from ibid., 117.
70. Ibid., 127.
71. It would be no more justified to insist that the kinds of nonneutral understandings of dead and disabled animals that I am concerned with here must be cases of projective error than it is to insist that analogous kinds of understandings of dead and disabled human beings must be cases of such error. See my discussion of the latter topic in section V.
72. "Eating Meat and Eating People," 476.
73. It is not an implication of my argument in this section that *every* organism that scientists classify as an animal is as such worthy of respect and attention. I have claimed that our ability to make sense of psychological qualities of animals of different kinds presupposes a certain type of ethical orientation, and I have also claimed that we are right to adopt such an orientation toward animals that, without regard to the sophistication of their individual psychological make-ups, are of kinds that characteristically possess psychological qualities. My remarks don't have a direct bearing on how we conceive our relationships to animals of kinds so primitive that they lack any characteristic psychological qualities. Nor, however, does it follow from anything I have said that the recognition that an organism is an animal of such a primitive kind—or that it is, say, a plant—is essentially without consequences for how we should treat it. The idea that plants and animals of very primitive kinds as such merit respect strikes me as reasonable, but this is a topic for another discussion.

74. One clear counterexample is Tom Regan. See the text and notes of section II, above, for remarks on Regan's work.
75. See above all Korsgaard's 2004 Tanner Lectures, "Fellow Creatures: Kantian Ethics and Our Duties Toward Animals."
76. For references to relevant portions of Kant's work, see note 8, above.
77. This is a central theme of "Fellow Creatures: Kantian Ethics and Our Duties Toward Animals."
78. For Korsgaard's talk of the 'hardness' of the world, see the "Prologue" to the *Sources of Normativity* (Cambridge: Cambridge University Press, 1996), 1–6.