Euthyphro, Non-Conditional Valuing, and the Possibility for Evaluative Error: A Humean Approach to Animal Ethics

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Euthyphro, Non-Conditional Valuing, and the Possibility for Evaluative Error
A Humean Approach to Animal Ethics

A thesis submitted in partial fulfillment of the requirement
for the degree of Bachelor of Arts in Philosophy from
The College of William and Mary

by

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Introduction

Animal welfare is an important topic, but it is currently grounded in metaethical theories—moral realism and Kantian Constructivism—that fail to overcome objections raised against them, namely the Darwinian Dilemma raised by Sharon Street. In spite of the failure for animal ethics to have thus far grounded itself in a tenable metaethics, this does not mean that we must forgo belief in the importance of animal ethics. This paper seeks to show that a theory of animal ethics can be conceived even under a non-universal, antirealist position compatible with objections raised against past theories of animal rights. We have a legitimate reason not to harm animals even if we do not derive morality from external sources or claims about rational agency. The metaethical position I will be taking as a baseline for metaethics is Sharon Street’s Humean Constructivism. The Humean Constructivist position does not currently have a theory of animal ethics, but I think that it provides a strong one which avoids all of the problems which the previously described theories face. By holding the value that one should be treated with non-maleficence on a non-conditional basis, one is obligated by rational consistency to treat all other pain-feeling creatures with non-maleficence. My argument for animal ethics provides a way for animal ethics to be preserved while not committing the welfare of animals to untenable metaethics as previous theories have done.
I. Classic Approaches to Animal Ethics

There are two main ethical approaches to animal rights, utilitarian and deontological. The more famous is the utilitarian argument by Peter Singer, which claims that animals should receive equal consideration of interests because of their equal capacity to feel pain and pleasure, entailing that our choices about all creatures who can suffer (human and non-human) should be assessed through whether the choice will cause less suffering overall than an alternative choice, regardless of who is involved. Since killing and eating animals causes far more pain than pleasure, we ought to stop doing so. In response, Tom Regan put forth a deontological approach to animal ethics, which claims that all “subjects-of-a-life” have inherent value and thus deserve to be treated as an end rather than objects for human use.

1.1 Singer’s Ethics

Singer’s case for animal ethics is a utilitarian approach, meaning that the metric for what is good is applied equally to those for whom things can be good for, and morality becomes the maximization of those goods and the minimization of things bad for agents. For Singer’s animal ethics, what is good is what is good is pleasure and what is right is the maximization of the good. According to Singer, creatures have interests if they are capable of experiencing pleasure or suffering. All creatures who are capable of experiencing suffering are taken into Singer’s principle of equality, through giving equal consideration of interests, and are included in his prescription for his utilitarian consideration of interests.
1.1.1 Singer’s Case for Equal Treatment

Here is my summary of Singer’s argument:

1. The good is enjoyment itself, and what is right is to do that which maximizes net enjoyment—the calculation of enjoyment minus suffering.

2. There is no reason for assuming ability, such as strength, intelligence, gender, or species, should justify different consideration of needs and interests.

3. Since animals are capable of suffering, since some have emotional, internal lives and many more have the ability to feel pain, their interests should be taken equally into consideration. Extending consideration to non-rational humans, such as children and people with cognitive disabilities, while not extending consideration to other species is speciesist.

4. To avoid speciesism, one should apply the principle of equality—giving equal consideration of interests—to all sentient creatures.

5. The application of the principle of equality would require that humans need to radically change their behavior towards and treatment of animals to reduce their suffering, e.g. ending factory farming.

Premise 1 is Singer’s claim about what is good. This premise is dependent on the belief that pleasure is good and suffering is bad, and by totaling experiences, we can aim to maximize good overall. It assumes that what is good is something independent of individual experiences and is instead the independent totaling of experiences. It also assumes that what is right is the maximization of enjoyment and minimization of suffering.

Premise 2 rejects that we should consider the interests of others based on meritocratic principles because we cannot guarantee that any factual assertion about ability between groups is
true, and instead should apply equal consideration to all. The fact that someone “is a woman” does not also entail that someone is more deserving of consideration of their interests. Any justification that a group asserts on the basis that they have a universal superior ability and due to that ability, they are more deserving of their interests mattering, is thus illegitimate. Since no one group’s interest should matter more than others, when considering multiple interests, each individual's interests should matter equally.

Premise 3 extends 2 and claims that species is not a legitimate reason to not extend consideration. Any ability that all humans share is not guaranteed to be superior to animals in all cases. Abilities which appear to be special to humans particularly, such as language, which might exclude animals who do not communicate with language, are not necessarily shared by all humans. Singer uses “marginal cases” to justify this assertion—namely infants and people with cognitive or physical disabilities. Marginal cases are people who are considered to deserve ethical treatment and consideration of what is good for them. Singer argues that if marginal cases are deserving of consideration, so too are animals, which also lack the capacities which one normally qualifies for what makes us human. If one does not consider animals’ interests on the basis that they are a different species, one is “speciesist” (Singer 2009, 6) just like one who does not consider people with disabilities as deserving equal consideration is ableist. Speciesism is, “a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species” (ibid.)

Premise 4 claims that in order to avoid being speciesist, one should extend equal consideration to all sentient beings. Singer’s conception of sentience is, “the capacity to suffer and/or experience enjoyment” (8). When a being is capable of suffering, their interests should be taken equally into consideration with other beings who suffer. Lacking the ability to suffer,
according to Singer, is synonymous with not being able to have interests. Due to this, if a creature lacks the ability to suffer, then there are no interests to equally consider. But since animals are capable of suffering, since some have emotional, internal lives and many more have the ability to feel pain, their interests should be taken equally into consideration. Rejecting speciesism does not mean that all lives are of equal worth, or that all sentient creatures are deserving of the exact same kind of treatment. It instead means that all sentient interests should be weighted equally, and decisions about what to do should include these interests in the overall weighing of valuing. From here the utilitarian good of minimizing suffering, for all those who are interested regardless of species, should play into the decisions we make.

Premise 5 asserts that if we are to act in accordance with the principle of equal consideration, its prescription for how we should act going forward requires that humans need to radically change their behavior in relation to animals. Much human treatment of animals causes a lot of suffering and does not consider animal’s interests. Examples of this are animals living in factory farms, and animals who are tested on in laboratories. Animals are often abused, confined to small crates, and treated without consideration of their interests. By acting in ways that are not speciesist and considering the interests of animals in our treatment of them, we can lead more good lives, by maximizing enjoyment for all sentient creatures instead of just humans.

1.2 Regan’s Ethics

Tom Regan’s *The Case for Animal Rights* is best understood in opposition to Singer’s. Due to problems in Singer’s utilitarian approach, Regan attempts to instead derive animal rights from their “inherent value” which comes from being a “subject-of-a-life”. Some subjects-of-a-life are moral agents, and some are moral patients, and Regan claims that either identity is
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deserving of respect and undeserving of harm. If Regan’s account of animal ethics succeeds, then it shows how all creatures which are subjects-of-a-life have inherent value and having inherent value obligates moral agents to respect and not harm moral patients, including animals.

1.2.1 Regan’s Case for Inherent Value

Regan claims that a theory of justice must be normatively applied and that there are three ways of going about doing so: through a utilitarian ethic of equal consideration, though an ethic based on perfectionist theories of justice, or through an ethic grounded in equality of individuals. He rejects the two former ethics and accepts the latter, claiming that equality of individuals offers a non-perfectionist and egalitarian version of ethics, (Regan 2004, 235).

The principle of formal justice which he accepts is “equality of individuals” where each individual has a value which provides an individual with moral standing to have rights and to accept or deny certain kinds of treatment in virtue of that value. Regan states that this value is “inherent value”, which is “conceptually distinct from the intrinsic value that attaches to the experiences they have (e.g., their pleasure or preference satisfactions), as not being reducible to values of this latter kind, and as being incommensurate with these values” (Ibid.). Inherent value is an equally distributed value, inherent to all moral agents and patients. Inherent value is how Regan grounds justice in every moral agent, without totaling their individual worth based on their overall pain or pleasure as the utilitarian does. Regan states, “To view moral agents as having inherent value is thus to view them as something different from, and something more than, mere receptacles of what has intrinsic value. They have value in their own right, a value that is distinct from, not reducible to, and incommensurate with the values of those experiences which, as receptacles, they have or undergo” (236). Regan’s inherent value is Kantian and
categorical: either one has inherent value, or one does not, and it applies to all who have it equally (240-1).

Regan next extends inherent value to moral patients in addition to moral agents. Any restrictions of inherent value to moral agents are arbitrary, through the claim that “any position that denies that we have direct duties to moral patients is rationally defective” (239). Any standard for inherent value other than absolute and categorical would mean that inherent value would be assessed based on the comparative value of experience, the possession of a favored virtue, utility relative to the interests of others, or their being an object of another’s interest (240). This would mean that inherent value is actually a perfectionist theory of justice, meaning that one is more or less deserving of good treatment due to their capabilities or utility, which Regan finds unacceptable given that neither agents nor patients can choose to be comparatively better than others, virtuous in socially preferable ways, or valuable or interesting to others¹.

Next, Regan grounds inherent value in the shared status of being a subject-of-a-life, because there must be a reason for attributing inherent value to moral agents and patients which is intelligible and nonarbitrary. This shared status must be the same for all cases, so that inherent value does not vary, and as such the similarity cannot be due to biological characteristics, including species. Regan’s similarly shared status is being a “subject-of-a-life”, which include any individuals who

have beliefs and desires; perception, memory, and a sense of the future, including their own future, an emotional life together with feelings of pleasure and pain; preferences- and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; an individual welfare in the sense that an experiential

¹ One might argue that we are in some senses responsible for our ability to be comparatively better than others, for example if I worked out every single day I would be stronger than someone who did not, and thus I might try to claim that I am more deserving of something due to that. Regan is not arguing that we are totally incapable of improving ourselves or making ourselves more agreeable for others. He is opposed to a perfectionist, merit-based conception of desert on principle since there are many aspects which we have no control over. At some point, no matter how hard I work out I will not be stronger than an elite weightlifter and there nothing I can do about it. Regan explores this and other problems with perfectionist theories of rights in *The Case for Animal Rights*. 
life fares well or ill for them, logically independently of their utility for other and logically independently of their being objects of anyone else’s interests” (243)

If one is a subject of a life, then one has inherent value. Being a subject of a life is sufficient for having an inherent value, but it is not necessary, therefore it remains a possibility that humans and animals who do not meet the subject of a life criterion still deserve or might have inherent value. Regan adds this caveat because he intentionally leaves the question open as to who is deserving of inherent value, he recognizes that at some point a line needs to be drawn as to what capabilities are morally relevant and deserving of moral treatment. Generally, he understands subject-of-a-life to be, “mentally normal mammals of a year or more” (78), this definition is not exhaustive but instead intended only to represent at least some category of non-human animal which is also deserving of morally relevant treatment.

From having inherent value Regan derives two principles, the first of which is the Respect Principle. The Respect Principle requires that we must treat all who have inherent value in ways that respect their inherent value (248). This principle is similar to the Kantian requirement to treat others as ends-in-themselves instead of as mere means. This principle is not met when treating a subject-of-a-life as “if they lacked inherent value or as if they were mere receptacles of valuable experience” (248). Entailed in this principle is also the requirement that one helps others with inherent value, since justice also imposes duties of assistance (249).

The second principle which is derived from having inherent value is the Harm Principle. Entailed in being a subject of a life is the capacity to have experiences which are better or worse for you. For example, when I am hungry my experience is better after a filling meal, and worse after being starved for multiple days. Regan describes this capacity as “experiential welfare - whose experiential life fares well or ill, depending on what happens to, or is done to or for, them” (233). The combination of the Respect Principle, with experiential welfare, provides the
basis of the Harm Principle for subjects-of-a-life. The Harm Principle states that we have a “prima facie direct duty not to harm those who have experiential welfare” (262) because by doing so we would be violating the respect they are due as beings with inherent value (from the respect principle). The Harm Principle is contingent on whether or not the harm is done in a way which is disrespectful to a subject-of-a-life's inherent value, like by treating it as a receptacle for pleasure and pain. Under this principle it is permissible to harm subjects-of-a-life, but only if it is done in a respectful way: by always valuing them as innocent actors.

1.3 Darwinian Dilemma

I have now explained the two classic approaches to theories of animal ethics. Now I will lay out a major problem that affects both of them: the Darwinian Dilemma. Then I will offer each of the approaches likely response to the Dilemma and respond to them.

Sharon Street’s version of the Darwinian Dilemma demands that realist theories of value explain the connection between realism’s claim to attitude-independent evaluative truth and how our evaluative attitudes were necessarily shaped by evolution. If we assume that our moral judgements are shaped at least in part by evolution, which we must assume because the influence of evolution to help us pass on our genes, and if we assume the realist’s claim that moral truths exist independently of our moral judgements, then it becomes a massive coincidence that our moral judgements happen to align with independent moral truths. This is not to say that evolution is the only influence on our moral beliefs, or that all our beliefs are good for the species, but instead that evolution has had at least an influence on our judgments. If our capacity to evaluate was shaped by evolution and given that all of our other human capacities were shaped in this

2 An example of this would be cases involving innocent attackers. According to Regan it is permissible to defend yourself against an innocent attacker, but it is not permissible to harm them maliciously.
way how are we to know what we perceive as right and wrong independently of our own attitudes. Street argues that we cannot know which beliefs have and have not been influenced by evolution, and so realist metaethics has to explain why their arguments do not result in epistemic skepticism if moral beliefs are truly attitude-independent.

Street shows that the relationship between evolution and our normative attitudes exists by showing how some simple beliefs are shaped by evolution. Evaluative beliefs such as “The fact that something would promote someone’s survival is a reason for it” (2006, 115) as opposed to its prime “The fact that something would promote survival is a reason against it” (116), show the kind of relationship between evaluative attitudes and evolution that Street is talking about. If humans instead held prime beliefs, i.e., the opposite belief to ones which we do believe (death is good, for example), it is unlikely we would have been successful as a species if we believed that it was good to avoid seeking food and shelter and reproduction. Her connection between our moral attitudes and our more considered moral judgments can be stated as, “had the general content of our basic evaluative attitudes been very different, then the general content of our full-fledged evaluative judgements would also have been very different, and in loosely corresponding ways” (120). But since humans were created through evolution, and our beliefs are a product, at least in part, of our biology, and we do hold beliefs that promote survival, some of our beliefs about right and wrong are extremely likely to have been influenced by evolution.

Street is not arguing that our evaluative attitudes were shaped purely by evolution, and that our intuitions are nothing more than beliefs about whatever is evolutionarily advantageous. Instead she is only claiming that, “The influence of Darwinian selective pressures on the content of human evaluative judgements is best understood as indirect” (119). But even an indirect

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3 Attitude-independent beliefs are true independent of any agents values. In contrast, attitude-dependent beliefs are true contingently on an agent’s values.
influence on our moral beliefs requires the realist to account for the fact that there is an influence from evolution on our evaluative capacities, and this influence needs to be explained in light of the realist claim that evaluative truths are independent of contingent human values. Street allows and accepts the claim that some of our other capacities could lead us to reason differently from whatever is evolutionarily advantageous, for example our aesthetic values, or sometimes making risky choices, such as going to fight in a war, that will lead to better future outcomes if one wins. But the point is that it’s likely that some of our evaluations are shaped by evolution, and the realist must explain how evolution interacts with our ability to understand objective and independent evaluative truths. Street claims that realists can take on either of two horns of her argument in order to explain the relationship.

The first horn is to deny that the relation between evolution and evaluative judgements has prevented us from understanding mind-independent moral truths. This is to say that there is no relationship between evolution and independent truths. What is right and what is wrong is completely independent of the influence of evolution. The problem with taking this horn is that because the influence of evolution has affected our evaluative capacities, it would be a remarkable coincidence that we are somehow aligned with the independent evaluative truths that the realist claims us to be. By taking this horn, “we are left with the implausible skeptical conclusion that our evaluative judgements are in all likelihood mostly off-track, for our system of evaluative judgements is revealed to be utterly saturated and contaminated with illegitimate influence” (122). This horn leads us to know independent evaluative truths only as a matter of chance. It’s possible that somehow, we managed to find ourselves with the truth, but that it is too much of a coincidence to accept this without further motivation, and even if that was the case, we would have no way of knowing that we have access to moral truths.
One compelling reply to Street’s conclusion about taking the first horn of the dilemma is that our ability to rationally reflect on our values and choices has given us the ability to realign ourselves with independent truths despite the influence of evolution. Street grants that our particular ability to rationally reflect, another special human capacity, could have had a part in reorienting our intuitions towards independent normative truths. But the problem with this objection as a complete story of our moral reasoning is that our ability to rationally reflect is also internal to our experience and evaluative attitudes. There is no reason to think that while our evaluative judgments were tainted by evolution, our ability to rationally reflect has not been similarly been tainted. Street states, “we can test our evaluative judgements only by testing their consistency with our other evaluative judgements, combined of course with judgements about the [non-evaluative facts]. Thus, the tools of rational reflection [are] equally contaminated” (124). It is more likely that our ability to rationally reflect has instead aligned us even more with whatever the evolutionary influence has been. It would still be a coincidence that we managed to align ourselves with independent truths and then further cement those beliefs with rational reflection.

The second horn is to assert there is a relation between evolution and evaluative judgements either through a tracking or an adaptive-link account. The tracking account claims that humans have been evolutionarily selected to be good at responding and recognizing truths and to align our actions with those truths, much like other animals have been selected to be fast or to camouflage. If the tracking account is true, then the influence of evolution leads us directly to independent truths purposefully, rather than by chance. The result of the tracking account is that “the forces of natural selection that influenced the shape of so many of our evaluative judgements need not and should not be viewed as distorting or illegitimate at all…the evaluative
judgements that it proved most selectively advantageous to make...are true” (126). The tracking account would indicate that the most evolutionarily advantageous beliefs are true and making choices which are true is evolutionarily advantageous. The problem with this account is that while it might explain more obvious, survival related truths like it is good to eat when you are hungry, it does not explain truths which have little to no relation to survival, like whether it is true that light travels at 299792458 m/s or that green is a mixture of blue and yellow. In terms of these kinds of truths, they either bear no relation to our survival, or they might even be disadvantageous (130). For example, imagine being a human in a small nomadic tribe who is being led by a tracking account to act: why would it be evolutionarily advantageous to spend the calorie output by knowing the truth of aesthetic values, or knowing the speed of light when that those calories would obviously, from a survival standpoint, be put to better use running away from a predator? If taking the first horn undersells, the tracking account overstates the relationship between evolution and our evaluative attitudes. While it is undeniable that what we value has been influenced by evolution, to claim that all of our evaluative beliefs are the result of evolution and that evolution tracked truths is to claim too much.

Furthermore, the tracking account is not a good explanation because it does not offer a clear explanation for why it is advantageous to know the truth, other than because it is true. A different way to frame this problem would be to ask, “Why is it evolutionarily advantageous to camouflage?” and respond, “Because it is true that one should camouflage.” This kind of answer provides no clear reason to choose camouflage rather than adapt to be bright orange, and the tracking account should answer this question instead of asserting that it is true because it is true.

Finally, and as stated previously, the tracking account requires a significantly more costly approach to living. If we held judgements guided by our tracking of truth, that requires a huge
amount of brain power, which would not be useful in many circumstances. Why should we have to know truths unrelated to survival and reproduction, when they would confer no benefit into our lives? The tracking account is simply not a good explanation, especially when compared to the adaptive link account.

A better attempt to solve the second horn of the dilemma is to adopt the adaptive link account, which claims that our judgments are those which cause us to respond to our surroundings and then became reasons for our actions because those responses were evolutionarily successful. Street summarizes the adaptive link account as follows: “Tendencies to make certain kind of evaluative judgements rather than others contribute to our ancestors’ reproductive success not because they constituted perceptions of independent evaluative truths, but rather because they forged adaptive links between those circumstances, getting them to act, feel, and believe in ways that turned out to be reproductively advantageous” (127). The adaptive link account can be understood as creating reflexes to respond to certain stimuli which promote reproductive success, which humans have in time interpreted as reasons for acting in a certain way. This account led humans to make judgements because “they got our ancestors to respond to their circumstances with behavior that itself promoted success” (Street 2006, 129). Street believes that the adaptive link account is a simpler and more clear explanation of the relationship between judgements and evolution. The adaptive link account is more successful because “it is more parsimonious; it is much clearer; and it sheds more light on the explanandum in question” (129).

But the realist cannot accept the adaptive link account. The pull of the realist position is that independent truths are objective and uninfluenced by human bias or preference, and this makes realist values easily universalizable. Realists want to say that one should not murder
because it is true that murder is wrong, independent of one’s inclination to do so. But the pull for agent independence is the ultimate downfall for realism. “The essence of the realist position is its claim that there are evaluative truths that hold independently of all of our evaluative attitudes. But because it views these evaluative truths as ultimately independent of our evaluative attitudes, the only way for realism both to accept that those attitudes have been deeply influenced by evolutionary causes and to avoid seeing these causes as distorting is for it to claim that these causes actually in some way tracked the alleged independent truths” (134). The realist has to account for some sort of tracking in order for humans to have any knowledge of these independent objective truths. If the realist rejects that our evaluative attitudes tracked the independent evaluative truths, the problem just lands one back at the first horn, and the realist must claim that either there is no relation, or any relation is simply a lucky coincidence and we could not know if we were properly evaluatively aligned with truth anyway. By accepting the adaptive link account, one accepts that “evaluative truths are ultimately a function of our evaluative attitudes” (161) one would have to reject realism in favor of an anti-realist position.

The Darwinian Dilemma demands that realist conceptions of ethics explain the correlation between evaluative judgements and in the influence of evolution on these judgements. But the routes that the realist has to take ultimately show that the realist position must either claim that we could know of independent truths only by coincidence or by a tracking account, a scientific explanation which fails when evaluated as such.

While the Darwinian Dilemma has been explored significantly in relation to ethics relating to humans, it has remained relatively unexplored in terms of our obligations to animals. In the following two sections I will test the two classic arguments for animal rights against the Darwinian Dilemma. I will show how they fail to meet the requirements of the Darwinian
Dilemma. From there I will explore the anti-realist position put forth by Korsgaard and show that while her position does pass the Darwinian Dilemma, it does not succeed as a very good argument for animal ethics. Finally, I will put forth my own argument for animal ethics, seated in the Humean Constructivist tradition.

1.4 Singer and the Darwinian Dilemma

Singer’s utilitarian approach relies on an objective, realist account of well-being. It is an objective account because the utilitarian condition that Singer is relying on for his argument for animal welfare relies on what is good for all creatures, independent of anyone’s values. Its aim is to be impartial to individual interests by considering them all equally and maximizing on an independent principle of what is good for all rather than good for someone or some group. But in maximizing these, it relies on the realist belief that what is good is maximizing pleasure and minimizing suffering, without any actual independent verification that this is true. The reliance on an objective account of well-being and the need for a maximization stipulation means that utilitarianism must explain why the Darwinian Dilemma does not succeed, and that utilitarianism is true independent of an agent’s values4.

1.4.1 Singer and Katarzyna de Lazari-Radek Response

The most recent response that Singer offers to the Darwinian Dilemma is within his book *The Point of View of the Universe*, in which he and co-author Lazari-Radek argue for Sidgwick’s Hedonistic Utilitarianism. The authors argue that Sidgwick’s self-evident axiom of universal

4 This is not to say that a utilitarian anti-realist conception of animal rights could not exist, just that it does not. I think it is plausible that a utilitarian could ground animal rights in a constructivist framework, but it has yet to be done. It is possible for someone to be a utilitarian and thus think that the right thing to do is maximize aggregate happiness while at the same time denying realism—they’d simply say that claim about the right is not true independently of our evaluative stances. Thank you, Professor Freiman, for your thoughts on this.
benevolence, “that we are ‘morally bound’ to have as much concern for the good of any other individual as we have for our own good” (Singer and Lazari-Radek 133) avoids the Darwinian Dilemma. The axiom of universal benevolence leads to the maximization of pleasure, defined as, “the feeling which the sentient individual at the time of feeling implicitly or explicitly apprehends to be desirable;—desirable, that is, when considered merely as feeling, and not in respect of its objective conditions or consequences, or of any facts that come directly within the cognizance and judgment of others besides the sentient individual. (ME 131)” (243). A more succinct way of understanding pleasure is “at least implicitly apprehended as desirable” (246) consciousness. By these definitions, hedonistic utilitarianism claims that individual understandings of pleasure and pain are independent from any influence of evolution. This is because we have direct knowledge of pleasure and pain, we experience them as a part of our own conscious experience.

When things are pleasurable, we have direct knowledge that they increase our desirable consciousness because we feel that it does (267). The belief in hedonistic utilitarianism avoids the evolutionary forces’ preference for self-interest because it requires one take each interest equally instead of preferring one’s own interests and is impartial to evolutionary influence. As such, Singer and Lazari-Radek claim that universal benevolence is able to avoid the debunking problem, and further add that because many cultures hold the belief that we should be benevolent to all, it is further evidence that the principle is universal. Singer and Lazari-Radek take the second horn: our capacity to reason is truth-tracking, and after careful reasoning one comes to the conclusion which is the principle of universal benevolence (193). Here they are supporting Derek Parfit’s conclusion, who significantly influenced Singer’s views on realism and is

5 This is Singer’s citation, and it stands for Sidgwick’s book The Methods of Ethics.
referenced throughout this book, that the only kinds of universal normative reasons we can have are objective ones.

The objective claim is that our ability to reason gives us the maxim of universal benevolence, which we have direct knowledge of due to our ability to feel pain and pleasure. The maxim of universal benevolence is one of three axioms that Sidgwick claims we can derive morality from in *The Methods of Ethics*. The fact that many cultures have arrived with this conclusion provides additional evidence to this claim. But it does not fall victim to the evolutionary debunker’s response that if everyone agrees on a judgement then that judgement must be influenced by evolution. This is because there are judgements which are agreed on which are obviously not related to evolution, for example hedonistic utilitarianism would lead one to make altruistic choices for people who live on the other side of the world in much worse conditions, while an evolutionary interests would have been more likely to lead to only supporting kin altruism (194).

1.4.2 Objections to Singer’s Response

There are a few objections to this argument. The first is an objection to the claim that normative reasons for a judgement must be objective. Both Parfit and Singer believe that “reasons in the standard normative sense are external reasons, such that to conclude that there are no external reasons is to conclude that there are no normative reasons at all” (Street 2016, 8). Normative attitudes have “robust attitude independent” reasons built into them, meaning that the reasons for our attitudes are objective and independent of our agency (12). But Street thinks this is a false dichotomy. She claims that while there are normative reasons, they do not have to be objective and external. Some normative reasons come from “modest attitude independence” meaning our reasons for acting come from our subjective normative reasons fueled by our
experiences and other beliefs, and that our “normative discourse presupposes that people can and often do go wrong about their own and other people’s normative reasons” (12). Street uses modest attitude independence to reject the claim that if someone may have subjective reasons for doing X, but external objective reasons for doing Y, and they do X they are not acting wrongly but instead acting due to their own normative reasons. For example, if someone valued the color pink, but the color pink was illegal, and they wore pink, they are acting on their own normative reasons and are doing so without making an additional objective claim about whether pink is right or wrong. The realist position must say that they are acting wrongly. Parfit claims that if we do not have robustly attitude independent reasons, we could not have reasons for our beliefs. Street disagrees—modest attitude independent reasons can supply reasons for our beliefs as well as provide a simple justification for why we have normative discourse to begin with: because they came from ordinary human beings.

The second objection against the Darwinian dilemma is that pain is bad, and this objectively known because we have direct consciousness of it and our ability to reason gives us an understanding of the reason to do something is because it minimizes pain or maximizes pleasure. Street separates pain into two parts, where one part of pain is the sensation of pain, and the other part is the unreflective attitude we have about pain, for example that we want it to stop (Street 2006, 150). This unreflective attitude is influenced by evolution and gives us reason to avoid things which hurt ourselves. The realist, by asserting that pain is bad, must say that the sensation of pain is what is bad, separate from our attitude about it (to say that our attitude about pain is what makes it bad would be to reject the realist position). Thus, whenever that sensation is felt, it is bad, even in cases where there is a miracle drug which allows the person taking it to enjoy the sensation (and whatever leads to that sensation would be counted as a reason to do it).
Pain is a sensation which often comes with the attitude that it is bad, but this is not necessarily the case. The realist is committed to say that even in the miracle drug case, the patient is acting wrongly when he tries to recreate the sensation instead of allowing himself to heal, though now he enjoys the sensation which previously brought him pain. A different example which might help explain this better is the sensation of tickling. The sensation is always the same, but sometimes we have the attitude that it is enjoyable and good, while other times we have the attitude that it is deeply uncomfortable and bad. This calls into question more specifically pain’s explanatory power for attitude independence of its badness. It is clear that it is not pain as a sensation which is bad, but instead the attitudes we hold about pain which make pain bad. For the realist to say that pain is independent of our evolution-influenced attitudes, because we have direct knowledge of them, they must also claim that pain is independent of our evolutionary influences, due to attitudes we hold about pain which that come from our internal experiences and the evolutionary influence on our judgements(15).

Pain does not answer the Darwinian dilemma’s question about why we interpret pain as bad, the realist only reasserts that pain is bad because it is. Pain and our ability to reason due to our capacity to feel pain and pleasure fail as a truth-tracking device, for claims of mind independent value have to prove that pain is bad beyond the fact that you find it bad. Recall that Street is not a moral nihilist, she is only arguing that things are valuable because we value them. Worse, the claim that many cultures, or even everyone, has the tendency to avoid pain and seek pleasure is not a reason for this to be a universal objective claim to what well-being is. Singer and Lazari-Radek even agree to this when they state, “From the individual’s own perspective... there can be no higher rule than to do what you judge to be right, because from your own perspective, when you think about what you ought to do right now, you cannot distinguish
between what you judge to be right, and doing what is objectively right” (Singer and Lazari-Radek 2014, 206). At best there might be a universal subjective evaluation that pain is bad, but this is still not an independent of our evaluative attitudes.

Singer’s claim to a realist utilitarian approach to animal welfare fails in overcoming the Darwinian Dilemma, and one must reject it as a reason to treat animals well.

1.5 Regan’s Metaethics and the Darwinian Dilemma

Regan never explicitly advances a metaethical position, but I think that his argument could be read as either realist or Kantian constructivist. If it is the latter, then assume that the arguments advanced against Korsgaard’s metaethical position in the next section are applied to Regan’s as well. But I think that it is more likely that he falls into the non-naturalist realist category, meaning that some moral beliefs are objectively, irreducibly normative and true, for two reasons: Regan was a G.E. Moore scholar, the latter of whom was a non-natural realist, and in his argument for animal rights he claims that his argument does not commit a naturalistic fallacy (because it is contingent on a theoretical assumption).

Moore claimed that we cannot define moral terms by using natural terms and due to this, kinds of naturalist realism which take moral claims to be analytically true is false. Instead, he advances the belief that humans have innate moral intuition which allows us to recognize good and bad, much like we identify other concepts like colors, without needing to define them further. Even though we can’t specifically define morality, we can still recognize it.

If Moore’s metaethics were to ground Regan’s normative ethics, I think it would look something like this: Our innate moral intuition gives us the ability to know objective truths about
the world. One objective truth is that some individuals have inherent values, and at least some of these individuals are subjects-of-a-life.

This kind of position is exactly the kind which Street is demanding an answer from in the Darwinian Dilemma. If it is true that there is an innate moral intuition which exists in all humans, then this position is required to either take up the position that there is no relation between our evaluative judgments and evolution or that there is a tracking relationship between the two. Regan would likely take up the second horn, because it is necessary for his argument that subjects-of-a-life are able to track what is deserved by having intrinsic value. But the problem for this, as previously mentioned, is that it is not a strong assertion against actual scientific explanations of human behavior and beliefs with evolution. This is deeply concerning for Regan’s argument, because subjects-of-a-life need to understand what is deserved to those who have the inherent value, but it is unlikely this is the case from a tracking account. By taking up the first horn, Regan is left with only the possibility that we might understand inherent value by chance, or more likely our understanding of what and who has intrinsic value, if it exists, is completely off track and we could not know the difference.

1.5.1 Regan’s Response

If Regan is to be understood as a non-naturalist realist, I think that he would respond to this objection in the following way: Although our previously held beliefs may not have always aligned exactly, much like we have evolved to function better in the world, so has our innate moral intuition become better at tracking over time. The problem with this assertion is that we have no way to know this, and it is just as likely that our moral intuition could be incorrectly tracking some other non-naturalist principle. We have no way to verify this, and Moore’s
position, is not as strong as other non-naturalist positions (Scanlon 2014 and Parfit 2011). While there are more sophisticated defenses of non-naturalist truths, the metaethics that grounds Regan’s animal ethics fails.

1.6 Is Animal Ethics Defeated by the Darwinian Dilemma?

Both Singer’s and Regan's accounts of our duties to animals are situated within the realist metaethical position. To their credit, these arguments came out prior to the Darwinian Dilemma by about 25 years. Realist approaches to ethics have been historically canon and is still widely held in metaethics today, and many originate from theistic approaches. If the Darwinian Dilemma did not exist, it would be easier to ground animal ethics in a realist framework. This is because realists rely on claims about objective truths—petting dogs is good or kicking cats is bad because they are as a fact good or bad. The realist’s strength is that objective facts are easily and obviously universalizable. It doesn’t matter how one subjectively feels about petting dogs or kicking cats, or if the dog is cute and the cat is ugly, the realist position applies to all.

Constructivism is an alternative approach to realism, which holds that either moral claims do not contain facts or exist only in a way which is agent-dependent. The constructivist approach claims that we do have normative morals beliefs, but they do not exist for us in an attitude-independent way. Constructivism thus opposes realism and error theory (the belief that there is no meaningful way to express moral beliefs beyond our preferences). I will be arguing for an agent-dependent form of animal ethics instead of moral skepticism. The distinction between the realist and constructivist position in this paper can be summed up through a more modernized version of the Euthyphro question: Do we value things because they matter, or do they matter
because we value them? The realist accepts the former clause, while the anti-realist accepts the latter.

Both Singer and Regan’s realist arguments held the claim that our duties to animals were based on a claim like “treating animals well is good in an agent-independent sense”. For Singer, it was (again, in a rough sense) that treating animals well is good because animals are capable of suffering and what is good is to minimize suffering. For Regan it was that treating animals well is good because animals have inherent value and what is good is to act in accordance to the duties we have towards those with inherent value. In both cases, the truth of what is good exists independently of one’s personal beliefs or understandings of what is good. The pull of the realist argument for animal rights is that it makes intuitive sense given the current, horrific treatment of animals. The realist position is arguing that we have been acting wrongly because we have not been acting in accordance with the independent normative truth of Singer’s utilitarian argument or Regan’s deontological argument. On their view, animals have been deserving of better treatment independently of what we believe this whole time, but we have failed to see this truth.

The anti-realist claims that the reason for why I should pet dogs and not kick cats is because I hold values which entail I should act in those ways. Note that my reasons are dependent upon my holding those attitudes, and if I did not hold those attitudes, it is perfectly possible that I would not have sufficient reasons to pet dogs and not kick cats. There is no eternal truth to the matter, but, as we shall see, morality’s dependency upon my attitudes does not mean that I can hold any belief and act any way I choose. The constructivist is trying to inhabit a space between realism and relativism. There is still structure to our moral beliefs even if they are not fixed onto certain beliefs. Much like there are multiple ways of normatively applying the realist metaethical framework, I will be considering more than one normative approach to the antirealist
metaethical framework more extensively in the next section. But briefly, the antirealist position (at least in the cases I will be addressing) accepts the second horn of the Darwinian Dilemma and is also able to claim that there is something like an adaptive-link account explanation because our moral intuitions come from our agent-dependent values. The antirealist argument faces the difficulty that it cannot be universalizable. The methods philosophers have used to create the aforementioned structure within antirealism is an issue dealt with differently within the literature.

The two positions I will be looking at in this thesis are a kind of Kantian constructivism developed by Christine Korsgaard, particularly in *The Sources of Normativity*, and Humean Constructivism, which was developed by Sharon Street over the course of several papers. The Kantian Constructivist argues that our moral values can be derived from our agency, there is something alike in all agents which we get our values from and this alike agency means that all like agents have the same basic obligations resulting from that shared value. The Humean Constructivist argues that all of us have a complex value system, and moral claims are contingent on those values -- there is no single value that grounds our obligations. Those who hold a set of values must act in a way consistent with their values to themselves and others.
II. A Constructivist Approach to Animal Ethics

2.1 A Different Kantian Approach

As I said above, the Kantian constructivist wants to argue that morality stems from agency, and morality can be universally applied if it can be derived from a common value that all agents share or are all rationally required to accept. If moral responsibility can be derived from the bare concept of agency, or a facet of agency that applies to all agents, then the Kantian Constructivist argument succeeds. The Kantian Constructivist believes by being an agent, or a rational human, there are certain moral values which come from being any agent or rational human (Street 2012, 45). The practical point of view provides a standpoint from which we can derive normative principles for all rational agents. Since the practical point of view is one which can be applied to any agent, any normative principles derived from that point of view are normative for all rational agents.

2.1.1 Argument for Kantian Constructivism

Here is my recreation of Korsgaard's argument for Kantian Constructivism:

1. I can imagine myself as an agent who values anything.

2. If I value a thing, X, then I must believe that my valuing X is supported by reasons Y. I must have reasons for valuing X because I cannot value X and also think there is no reason to value X. In short, I must have reasons in order to value.

3. Anything that is valued must have a further reason behind it to ground why we should accept that value. But since this would lead to an infinite regress, either the value needs to be supported by a reason which is an end in itself or nothing. Since valuing nothing in itself would mean that we have no value X (Due to 2), we must instead have some ends
in themselves. An end in itself needs to both give a reason for accepting other values and not require a reason behind it.

4. Being a rational animal, which in our case is being a human being, is special and satisfies

3. Entailed in being human is the ability to act upon reasons. Human’s reason come from the fact that humans need reasons as a part of our nature to value things and therefore discern how to act. Because it is impossible to act without reasons, and my reasons inherently come from my humanity, I must inherently value humanity in order to have any reasons to act.

5. Valuing being a human being is the only value which can be the end in itself. Korsgaard explores other plausible alternatives in *Sources of Normativity* and concludes that they are all unsatisfactory.

6. If I am to value any end in itself, then I must value my own humanity as an end in itself.

Premise 1 asks us to assume the practical point of view, which is the point of view of any rational agent. If the argument follows from this, then the argument is universalizable and shows that the practical point of view is successful.

Premise 2 claims that all values must have a reason for that value to be held. If I value growing plants in my house, it is due to the reasons such as that I like the aesthetic appearance of my plants, caring for them as a part of my routine provides me the feeling of joy, and I hold the belief that having plants in my home means my home is more oxygenated. If I did not hold any reasons for valuing my plants, I would not take care of them, and I would not invest time and energy into growing them. I have never had a reason to eat an alligator, and thus I have never held the value that eating alligator is good.
Notice that in my reasons for my value of growing plants in my house are other values, in this case: aesthetic values, valuing consistency in my life, and valuing clean air. I have reasons for each of these values as well, for example my valuing of clean air is backed by the reason that I believe I am healthier when I breathe clean air. These reasons will give way to more values and reasons. Korsgaard recognizes that this appears to show an infinite regress of values, in Premise 3, based on reasons based on values. In order to prevent this infinite regress, at some point my values either need to not be backed up by a reason (but this leads to skepticism about values because we lack any reason to value anything), or my final value needs to be an end-in-itself, and thereby both not need a reason for valuing it and also provide reasons for accepting other values so that all of my other values and reasons can be connected back to this base value.

Premise 4 claims that this base value, the end-in-itself that ties all of our values and reasons together, is valuing oneself as a human being. Human beings are creatures who act on their values because they have the ability to reason, this is a part of what it means to be a human being, it is how we make decisions at all. If humans did not value themselves, they would have no reason to act. Furthermore, Premise 5 states that being a human being is the only value which can be an end-in-itself. Thus, Premise 6 argues that if anyone is to value any end-in-itself, it must be that one values themselves as an end. By valuing oneself as an end in itself, agents are morally obligated to conform to the categorical imperative, and to act in ways which are able to be universalized as laws for all. The most common example of this is the obligation to keep your promises, because if no one ever kept their promises then it would be impossible to act and trust others.
2.2 Korsgaard’s Case for Animal Rights

In *Fellow Creatures*, Korsgaard expands her Kantian Constructivist argument to answer how we should treat non-human animals. She claims that through the assertions in her argument, we are obligated to treat non-human animals as ends-in-themselves and to respect their final goods.

Korsgaard believes that nothing is good without a relation: for whom or what it is good for. She also believes that all creatures have functional and final goods. When we say that something is good, we are actually saying that it is good for someone or something. Water is good for me because I need it to stay hydrated. The same is applied to things which are bad: starvation is bad for me because it will lead to feelings of pain and ultimately my death. Korsgaard claims that being good or bad is a relational assertion, things are only good or bad in relation to those for whom things can be good or bad.

From this relational understanding of good, Korsgaard distinguishes between functional good and final good. Functional good is how we usually think of the word good; it is positively evaluative and indicates that something is good-for the creature who is evaluating it as good. A final good can be understood as a Kantian end-in-itself. It is “worth having, realizing, or bringing about for its own sake” (Korsgaard 2018, 17). Final goods are the ends of action and the conditions that result from the successful pursuit of those ends (Ibid.)

An animal is “an organism that functions in part by representing her environment to herself, through her senses, and then by acting in light of those representations” (20). Within her definition of an animal, Korsgaard claims that all animals have both functional and final goods, and that animals function at least in part by making their own well-functioning a final good (21).
Korsgaard’s Kantian Case for obligations to non-human animals argues to expand the Kingdom of Ends to include animals because they, as well as humans, have final goods. Having a final good requires agents to value their final good, and themselves through the pursuit of their final good.

2.2.1 The Argument for Animals in the Kingdom of Ends

Here is my recreation of Korsgaard's argument for a Kantian Case for obligations to non-human animals:

1. Values are not facts; we do not know them empirically.

2. We either know a) values metaphysically or b) values are a presupposition of rational activity. If a) is true, then we could not know them. So, any value claim must be established as a presupposition of rational choice. Since we could not know empirical values, we must presuppose that rational beings have value as ends in themselves in order to engage in rational activity at all. As rational beings, we need to justify our actions with reasons. If we do not have reasons for acting, we will not act. Thus, it requires us to suppose that some ends are worth pursuing.

3. We must hold some values in order to value anything. Things can only be correctly valued if their value is consistent with our own value, as ends in ourselves.

4. Good is tethered, there is nothing that is good and not good for someone. Absolute goods are universally shared as good, or at least good for someone and ambivalent for all else. Absolute goods cannot be bad for someone, by definition.

5. We are not the only beings for whom things can be good or bad in the final sense, other animals are no different than us in that respect. A creature is a substance that necessarily values itself as a part of its nature. Valuing is a feature of a sentient creature’s
relationship to herself. The way that we treat any creature as an end-in-itself is by valuing what is good for her as a good in the final sense, and this is done through our capacity to empathize. Creatures themselves are the sources of value, and unless we value at least some creatures as ends in themselves we cannot see anything as good or bad in the final sense.

6. When we choose something, we take it to be absolutely good and as such legislate a universal law both our conduct and the conduct of others. We take it to be absolutely good that we should be able to act in the way that we choose to, realize our ends, as long as we are not doing anything that is bad for others. We take our ends to be good absolutely because we take ourselves to be ends in ourselves and represent ourselves as such. We regard ourselves as ends in ourselves and make the claim that we have standing as an end, meaning that others should treat us with regard for our ends too.

7. Since our actions and choices are limited by everyone else's, they must conform to the categorical imperative, and must be able to be willed as universal and based on a principle to which every other rational creature can agree, for the choice or action to be considered right.

8. We are committed to regarding all animals as ends in themselves and respect their final goods.

Premise One is simply a restatement of the anti-realist position. Premise Two explains that in order to value anything, we must have the ability to value and that ability comes from our human rational capacities. This step is picking up where the previous section left off; Korsgaard is claiming that our base value which all our other values come from is the value of our own humanity. It is necessary for us to hold this value if we are going to have any reasons for acting
Premise three builds on premise two, one can think of it as reversing her argument from *Sources of Normativity*. Since the necessary end-in-itself is valuing one’s humanity, certain other values come from valuing one’s own humanity. Anyone who values one’s own humanity would conclude these same values. This is how Korsgaard extends her argument from the individual to universal application.

Premise Four states that all good is tethered, meaning it does not exist independently of those who it is true-for, or good-for. These goods are dependent on our agency and good for us as creatures who are rational and value our agency, and they are good for us. A common phrase in Bachelor Nation, the conglomerate of individuals who go on to the *Bachelor* franchise shows looking for love, is the use of “my truth” as an explanation for why certain cast members’ retellings of events are not corroborated by others. Since there were no cameras present for the retelling, Bachelor fans can only know what is true-for each cast member and judge the drama accordingly. We can understand the Kantian Constructivist perspective in a similar way. Things are good when they are good-for someone. Eating almond butter is good-for me, but bad-for my friend Kit who is allergic. There is nothing about almond butter itself that is good or bad until it comes into relation with a valuing agent.

Premise five explains the relationship between final goods and creatures themselves and the obligations required by final goods. Final goods are things that, “are worth having, realizing, or bringing about for its own sake” (17), they are ends of action and result from the successful pursuit of those ends. An animal is by Korsgaard’s definition a creature that functions by making her own well-functioning a final good (21). Animals can have any number of final goods because
many animals find a variety of things which are worth realizing for their own sake. Since all human animals hold their humanity as an end-in-itself, their position of valuing their own well-functioning stems from that end. This may seem obvious since we all probably value our own well-functioning, but since for the constructivist all of our values are dependent on ourselves as agents, it is important to recognize that this value comes from valuing ourselves as ends. It is due to this value that we hold the belief that our well-functioning is good in itself, a final good, and this becomes more obvious when we compare this belief to its prime: that our well-functioning is bad. Holding ourselves as an end makes it clear why we hold certain values and act on those specific reasons as opposed to their primes. This is how we know our final goods as well as the final goods for other rational agents, who by definition also value themselves as ends. For non-human animals, our capacity to empathize grants us an understanding of an animal’s final good.

Premise Six describes how we get absolute goods, and how different kinds of ends in themselves can affect our obligations to each other since creatures themselves are the sources of their value. In order to value any absolute goods, we must value some creatures as ends in themselves. Absolute goods are things that are good for at least one end-in-itself, or valuer and bad for no end-in-itself. So, in order to have absolute goods, we must value at least some other creatures as end-in-themselves. This is because in order to have absolute goods, goods need to exist for some other ends too. Otherwise everything is only good-for oneself, and there are no absolute goods. There are two kinds of end-in-themselves: active and passive. Active end in itself is: O thinks X is capable of legislating for O and placing O under an obligation to respect X’s choice and limit O’s choices to things compatible with X’s value as an end in itself through reciprocal legislation. Passive end in itself is: O is obligated to treat X’s ends and things good for X as good absolutely (144). Choice has two aspects: 1) The desire to G as something good for P
and P pursues G as if it were good absolutely. P pursues G as a good absolutely because P has a final good. 2) P embodies G in a law that P makes for everyone including P. P claims standing to self as an end in itself, and to other rational beings in P’s capacity as an autonomous legislator in the Kingdom of Ends. 1) requires us to treat the good of all animals as good absolutely while 2) requires us to respect the autonomy of all rational beings (149).

By acting on our choices we are asserting moral standing onto others by committing to pursue some final good. This involves a commitment to ourselves in the future, meaning our future actions are legislated on to pursue this final good until we have met or accomplished it. We are asserting moral standing on to others because by acting, we are making an implicit declaration that we are an end in itself and should be treated as such. This assertion is made by many expectations that we hold in our interactions with others like the expectation that others will not actively interfere with or prevent our ends as long as they don't result in harm for anyone. By acting on our choices and representing ourselves as ends we are making a claim that our ends are absolute goods as long as they do not harm others. This legislates limits on other actions and choices so that we may meet our ends.

Premise seven explains how six works with multiple legislators. Due to this reciprocal legislation of absolute goods on each other our actions must conform to the categorical imperative in order for them to be right. This means that actions that are right are those actions which are based on principles which all other agents can agree. When we say that “X is good absolutely” we are saying that “X is good based on the shared values by all agents with final goods such that any agents would agree that X is good absolutely.” But many of our choices are of the first kind, and we expect them to be treated as ends by all others in a similar way that we expect them to be respected if they were the second sense, involving reciprocal legislation. We
are obligated by the categorical imperative to respect the final goods of passive ends-in-themselves (non-human animals) by including them into our decisions as to what is good by the categorical imperative.

Finally, eight concludes that since animals are ends-in-themselves with final goods, we are obligated by the categorical imperative to treat them in such a way that we are not preventing their final goods from being realized.

2.2.2 What does it mean to respect an animal as an end-in-itself, having a final good?

Korsgaard describes how animals with different mental capacities have different kinds of final goods, so that we know how to respect their final goods. She categorizes all animals into three groups: those with stimulus responses, those with intellectual capacities, and rational animals. She states, “If an animal acts in a mechanical, stimulus response way, her final good is the evolutionary purpose of her action. Intellectually sophisticated animals, guided by teleological perception, take things that contribute to their functional good as their purpose. Rational animals think about what is good, formulate our own conception of the good, and legislate it as an end for ourselves and other rational agents.” (146).

Animals with stimulus responses are those which have no intellectual awareness except for their evolutionary responses. These animals only seek what will sustain them and allow them to reproduce, and other evolutionary responses like that, and take these responses to be their final goods, though they are likely not even aware enough of the fact that they are doing this to claim to have a final good.

Animals who have more intellectual capacities, but not enough to be considered rational agents, have a teleological perspective on the world. They interpret the world as things which are good-for or bad-for themselves. For Korsgaard, most animals likely fall into this category. Their
final good is their own functional good, things which they like or dislike. Functional goods are what we normally mean when we say something is good. These animals pursue what they want and avoid what they don’t want and see their desires as final goods.

Finally, rational animals are human beings or other creatures which have equal intellectual and rational capacities as human beings. Our final goods are guided by our values and rational capacity to analyze if our functional goods really are our final goods. This is how we can determine whether to go for a run or eat a bag of Doritos and legislate our own conceptions of the good based on our capacity to evaluate our functional goods. Rational animals have a sense of morality and can act on that morality even if it is not immediately beneficial for them. Rational animals are also capable of recognizing final goods in other creatures and working to help them meet their final goods as well. Korsgaard believes that, “morality is the human way of being an animal” (146), meaning that our moral commitments are part of what makes the human species particular. There are many characteristics of other animals that make up their particularities, such as speed for cheetahs, long necks for giraffes, and big ears for elephants. Korsgaard thinks that how humans are bound to their moral beliefs is particular to humans in the same way.

2.3 Kantian Constructivism and the Darwinian Dilemma

The Kantian Constructivist position avoids the Darwinian Dilemma, because it argues that morality comes from requirements dictated by one’s own agency. We are obligated to act in moral ways because we are rational agents who all value ourselves as intrinsic ends and acting on the categorical imperative, and this does make any claims about normativity independent of agents themselves. If we were not rational agents, then we simply would not be acting morally.

Korsgaard understands humans who do not have a capacity for rational thought as dysfunctional, and their final goods can be understood through whatever their cognitive abilities allow given the previous two kinds of mental capacities.
because it would not be a part of who we are to do so. For the Kantian Constructivist, to act on reasons is part of the definition of what it means to be human, much like running fast is part of what it means to be a cheetah. This was not due to some sort of selective process to recognize robustly attitude independent normative truths which exist externally to agents, like the realist positions describe, but instead due to the fact that we are rational agents, who value our humanity, and that by definition is going to lead us to universal conclusions about what is right and wrong in a robustly attitude independent way.

2.3.1 Objections to Korsgaard’s Kantian Constructivism

The first part of Korsgaard’s argument for Kantian Constructivism fails, and due to this the extension from the individual to all other creatures can never be made. It is important for Korsgaard's argument that we all must value ourselves as ends in ourselves so that it can be universalized. Universalization is applied to all rational agents definitionally, because for Korsgaard all rational agents act on their reasons which must be grounded in, eventually, some value which is an end in itself. Valuing one’s own humanity is the only value which can be an end itself according to Korsgaard's exploration in *Sources*. This makes sense given the Kantian tradition it is grounded in; she is concerned how we might have a universal understanding of moral truths if the realist tradition is false and the agent is central to knowledge without falling to skepticism. By grounding our moral duties to our individual humanity, Korsgaard could accomplish the goals that realism intends for without having to appeal to anything which is agent-independent, because the universal aspect of morality would be agency itself. We would be obligated simply because entailed in our being are certain obligations that are shared by all.

But by constructing her argument in this way, Korsgaard is claiming that there are only two options: either an agent does not have reasons for acting (reductio skepticism) or valuing our
humanity as an end is a necessary antecedent for agents to have values (to have reasons for acting). While tautology would be a strong place to derive moral values from, it doesn’t answer *why* we need to value our humanity, except by asserting that we need to value our humanity in order to value (Street 2012, 51). If we lived in a world where the only food was carrots, would we claim that we need to eat carrots in order to eat? Carrots are *what* not *why*. Korsgaard’s argument doesn’t answer anything about the why, except for asserting that we must in order to avoid skepticism. “We need to eat carrots to eat in order to eat, or else we will starve,” doesn’t answer why we should eat or why not starving or even the implication of dying from it should or should not be avoided. It simply is, and that is not an explanation. Similarly, skepticism is not a reason for why we should value, it is just the opposite, so to say, “we need to value our humanity in order to value or believe skepticism”.

Worse, it is not in fact necessarily correct that one values themselves in order to hold other values. Korsgaard identifies that all rational agents consider themselves as ends in themselves, but incorrectly claims that this is a necessary condition for all. Street provides a counterexample which shows that valuing your own agency is not a necessary condition for acting. She asks us to imagine an agent on another planet living in a colony that operates much like a hive (53). This agent’s greatest value in life is the welfare of her queen, and only cares about herself insofar that it promotes her ability to support her productivity for the hive. She would sacrifice herself for the sake of the hive, joyously, with no thought to her self, wellbeing or agency. Yet, at the same time, the alien bug is completely rational, and is just as intelligent as a human being. The alien bug would qualify in Korsgaard’s animal taxonomy as a rational animal, though she is not a human being, meeting the highest level and as such should be
evaluated as having final goods which she identifies for herself her own moral evaluation. All of her moral requirements are derived from what is good or bad for the hive, not herself. By assuming the practical point of view, the alien bug can recognize that her values determine what is valuable to her, but since the welfare of the queen is the highest value that she holds, the alien bug would conclude that although her practical point of view is the source of her values this does not necessarily entail that she is herself valuable. Street states, “The Kantian Constructivist’s mistake is the mistake of thinking that moral requirements must bind us independently of the particular evaluative nature with which we find ourselves” (56). The moral requirements of the alien bug agent could be exactly the same as one who values themselves as an end in itself, but this example shows that our moral requirements are not as a fact derived from valuing ourselves as ends. It just happens to be the case that human beings likely value themselves most highly, and that many of our values may come from the fact that we value ourselves. The problem this creates for Korsgaard is that the Kantian Constructivist claim is to robustly attitude independent moral requirements, and if they are instead contingent only on whatever you value as a final end-in-itself, they cannot meet this standard.

2.4 Concluding Korsgaard

The Kantian Constructivist model for animal rights is derived from Korsgaard’s model which requires that all rational agents value their own humanity in order to have robustly attitude independent normative values. Korsgaard predicates her requirements on her definition of creatures, who value themselves as a part of their nature. Though this is the case for many creatures, the fact that is does not necessarily need to be the case, as shown from Street’s

\textsuperscript{7} Korsgaard has not herself asserted this, or explicitly agreed with Street. But given that Korsgaard’s book was published six years after Street’s paper, and the adjustments she made to her account of rational animals in \textit{Fellow Creatures}, it seems that Korsgaard agrees with Street critique that the alien bug would be an example of a rational animal in Korsgaard’s taxonomy.
objection, shows that Korsgaard’s animal rights ethic is lacking. Thinking back to Street’s earlier discussion in the Darwinian Dilemma about how we have certain beliefs, instead of prime beliefs, Korsgaard’s example is a perfect example about how our beliefs are influenced by evolution, but to then claim that our values are attitude independent without acknowledging this likely due to the influence of evolution. Without acknowledging this and explaining why it is true, and instead asserts that it is true because it is, her argument is reminiscent of the errors made by realist theories of value. She is claiming a natural feature of “all creatures” in her definition of creatures which is either arbitrary, or it is making a claim about nature without explaining why the evolutionary influence of creatures valuing themselves forms.

The Kantian Constructivist has the option of the adaptive link account, when one might evolve to have certain beliefs which are shared by all creatures because all creatures would have evolved and adapted in such a way that they all share the same values. They adapted to all value themselves as an end, and as such what is true is derived from valuing oneself as an end. But this is not universalizable, because it is a feature of evolution, not a feature of all creatures themselves in the way that Korsgaard needs it to be in order for her argument to be actually universalizable. Though her argument is attitude dependent it still relies on feature which demands a certain kind of attitude independence—that we unconditionally value ourselves as an end—the problem being that there doesn’t seem to be a reason why our valuing ourselves as end to be indicative of the animal kingdom or all the logical possibilities of how a creature could value themselves.

To include those who have adaptively come to value themselves as ends, but not include those who have not adapted as such is an arbitrary distinction. Harkening back to Singer’s earlier

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8 This is not Korsgaard’s view. It is an option open to a Kantian Constructivist approach generally.
argument, to discriminate moral status based on whether or not a creature values themselves as an end is arbitrary. It is completely within the realm of possibility that a creature’s value come from itself, as constructivists argue, and live guided by those values to make moral judgements. Korsgaard cannot account for this, and to exclude such creatures would be arbitrary.

III. Animals and Humean Constructivism: A New Theory for Animal Welfare

Luckily, the there are other constructivist positions available which can avoid the Darwinian Dilemma, and also account for creatures whose values may be very different from ones generally shared by people, but not necessarily shared by all rational agents. Humean Constructivism, of which Sharon Street is the vanguard, offers an alternative approach to agent-dependent values which does not have the same pitfalls that Kantian Constructivism does. This section will consist of me spelling out what Humean Constructivists believe and then I will lay out my own argument for animal welfare, within the Humean Constructivist framework.

3.1 What is Humean Constructivism?

The Humean Constructivist believes that normative facts come from our values, which are ours alone. The value of X comes from the fact that I value it; normative reasons do not exist independently of our belief in the values that form those reasons, like they do for the realist. The Humean Constructivist claims that we all have values which shape our normative judgements and cause us to act following those values. Our values are contingent on who we are and what our life experiences have been as well as how other pressures, from evolution to our parent’s income, have shaped our values.

The worry for Humean Constructivism is, if anyone could value anything how can we have any sense of morality? Street responds that “it is constitutive of being a moral agent that one take [sic] certain requirements to be binding” (Street 2012, 55) meaning that if we value
morality, we must also regard it as binding to us. While it is true that an implication of Humean Constructivism is that morality does not bind if one does not value any sense of morality, this is not nearly as worrying a conclusion as it first seems. This is because, for the Humean, morality comes from the concept of someone’s identity in themselves (57). Morality is so closely tied to what makes me, that without my moral values I would be someone very different. Morality is binding on me because my values, and my subsequent moral beliefs and judgments are who I am. It would not be binding on someone who did not hold my moral values. As scary as the possibility of this is, these cases are rarer than one may initially think. Another worry might be that someone could escape a moral obligation simply by not valuing it, but as I will show in this section, many people hold morally obligating values due to the fact that they wish to be treated by those values themselves.

For the Humean Constructivist, those who hold the same values have similar normative judgements, while those who hold different values will have different normative judgements. We can compare the differences with objectivist positions, which claim that certain values are true or false independent of an agent's own feeling about the value, with the subjectivist positions, through a case where someone values free speech while someone values censorship. According to the Humean, subjectivist position, if I value free speech, I will act in ways that follow from holding that value, such as attending a protest, or voting against measures that would restrict certain topics from being discussed in classroom settings. Others who hold the same value will act in similar ways. For us free speech valuers, it is bad when a book is banned, it's good when a group is able to protest, or someone attends a lecture. For those who value censorship, it’s good when a book is banned decrying those in power and bad when groups protest against a regime.

9 For an objection against this fear, see “In Defense of Future Tuesday Indifference” by Sharon Street
Both positions are valid according to the Humean constructivist, while for the objectivist, one of
the two positions must be wrong.

Humean Constructivism applied to normative ethics has the task of “the precise mapping
of the contours of the relevant part of our evaluative nature--our moral nature” (56). The task of
those trying to map the normative implications of the Humean Constructivist view is thus to pick
a value and see where it leads one morally. It is also the task of all constructivist positions to
figure out how to extend an individual value onto others if they claim that their view is
universalizable. Just because one values X, does not mean that X is morally binding on other
agents. But this extension is necessary for understanding any moral value as normative (Zhang
2019, 37). In Kantian Constructivism, universal normativity is thought to be achieved by
showing that there is a unity among valuing humans (or agents) as valuers who necessarily value
themselves as ends. Thus, any moral requirements one agent has are moral requirements of all
agents. Since the Humean Constructivist claim is that our normative judgements come from our
contingent values, our values are what bind us to each other if they are shared. If someone values
that all mushrooms are evil, they and all others who hold this value share the similar normative
judgement to avoid mushrooms. Someone who values that all oranges are good does not need to
act similarly since the same values do not bind them as the anti-mushroom people. While it may
seem like the Humean Constructivist could never have universal values, and thus there is no way
to say that anything is really good or bad, since it could only be good or bad if an agent valued it
as such, this is not necessarily the case. If there are values which are held by all people, due to all
having the same contingent experience, then those values would require all people to act in
accordance with that value, and due to that, universal normativity for all people could be
The universality of our subjective values is not as unlikely as it may seem. Parfit has persuasively argued that, “when different people have conflicting moral beliefs, that is often because these people have conflicting non-moral beliefs, or because they do not know all of the relevant non-moral facts” (2011, 552). Although at first blush it may seem that a vast amount of people may hold vastly different values, one could argue that if we were in fact provides all of the necessary information so that we can make evaluative judgements in line with our values, we would find that those evaluative judgements are at least overlapping if not largely the same. The good thing about this is that the Humean Constructivist model can avoid some of the problems that valuing agency faces, such as alien bug cases. The values only need to be held by all who hold them and are universalizable in the sense that there is a possibility that all humans, or all valuers may hold the same value.

3.2 A New Theory of Animal Ethics

My normative ethical claim for Humean Constructivism is the following: When people value treatment with non-maleficence non-conditionally, they are obligated by rational consistency to act with non-maleficence to all other pain-feeling creatures. Non-maleficence is “the duty not to harm others” (Ross 2007, 21). I believe that this value is held by most, if not all humans, because they value not being harmed themselves, and if they accept this value, and recognize it as their own, then they must drastically reevaluate and change how they treat animals. I am now going to offer the essence of my argument for animal rights derived from

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10 It is not necessary for the Humean Constructivist position, nor my argument for animal rights, that our normative values are universal, I am only positing that this could be a possibility. If there are universally shared values, this would also account for a different version of Sidgwick’s axiom of universal benevolence. Recall that one of the problems with Sidgwick’s axiom was that it make a claim about an objective universal truth. One could argue that his axiom might be held up by instead asserting that there is a universally held subjective value of benevolence, but to claim this one would have to reject the realist position in favor of an anti-realist one.

11 The idea for non-conditional values comes from Zhang 2019, though he uses the term “non-contingent” and uses it as a tool to have a universalizable value for all humans. Due to confusion between Humean contingency and this other version of non-contingency, I am using non-conditional instead.
Humean constructivism. I will then flesh this out and defend it against potential counterarguments:

1. Our normative judgements are contingent upon our values.
2. Values are both agent-dependent and contingent upon the forces (cultural, evolutionary, biological, etc.) that influence those values.
3. Some values are non-conditional, in that we believe the value should be applied consistently to all. Some other values are conditional, and applied parochially, e.g., values we hold to care for children or elderly parents.
4. Values held non-conditionally, as a result of rational consistency, are owed to everyone, and require agents to hold them to act in accordance with those values by upholding them in their interactions with all others.
5. One such value I hold non-conditionally, and believe almost everyone to hold, is being treated with non-maleficence.
6. When people value being treated with non-maleficent treatment non-conditionally, they are obligated by rational consistency to act with non-maleficence to all other pain-feeling creatures.

Premise 1 is the constructivist position, which rejects realism’s claim that normative judgements are agent-independent. Instead, the constructivist holds that our normative judgements are agent-dependent. Premise 2 is the Humean Constructivist position, which holds that in addition to Premise 1, our values are contingent on a variety of factors and influences that, like those values, make up who we are. The Humean Constructivist believes that these contingent values themselves determine our normative judgements and obligations by definition. The first two premises are argued in previous sections of this thesis, and do not merit further
argument. However, many of the ideas in the rest of these premises are new and thus demand further attention.

Premise 3 includes the claim “some values are non-conditional,” which is a distinction I am drawing between contingent, conditional values, and contingent, non-conditional ones. Non-conditional values are those which we believe that there are no circumstances when we may discriminate between those to whom we should apply the value. One might understand this value in things we believe to be fundamental rights and liberties, such as the right to clean water. To say someone should have a non-conditional right to clean water is to say that there are no conditions where someone does not deserve clean water. They deserve clean water regardless of their social, political, or cultural context, e.g., race, age, hair color, intelligence, etc. Holding non-conditional values means that the values should be applied to all, even if their own values and contingencies are very different from my own.

Non-conditional values stand in opposition to conditional values, which are values that we hold for certain kinds of people, groups, relationships, etc. I will accept candy from my mother, but not from strangers. I hold the criticisms of my professors and parents in higher regard than those of my peers. I value excellent education for children. I value that dogs live in loving homes and are regularly walked. The difference between conditional and non-conditional values, is in how they are applied and to who. While I value that dogs should be regularly walked, I do not value that squirrels or myself should receive the same treatment. Conversely,

Some readers may wonder why I am choosing to use non-conditional instead of unconditional. To me, unconditional inflects an absolute demand where there are no conditions where a value held on an unconditional basis is ever allowable. I understand non-conditional to mean not conditional, where the conditions for discrimination between cases do not exist. I feel that this is a more modest claim and aligns more with the spirit of Humean constructivism. This is not to say that holding unconditional values is impossible. I think it likely is. But to hold a value non-conditionally is to have that value be respected for all, while not also claiming that there are absolutely no conditions where going against that value is allowable. Harming someone in self-defense, for example, shows the distinction between the two. One can both hold the claim that the conditions for which harming others is good do not exist, while also not binding oneself to there are no conditions under which one may harm.
non-conditional values are applied to all because there do not exist conditions where they are not
applied. Conditional values apply to all those who meet those conditions and exclude from those
who do not.

There are two parts to understanding conditional and non-conditional values as I am
arguing. In essence, the first is holding a value non-conditionally; the second is being treated
with a value non-conditionally. If I non-conditionally value eating oranges, then there would be
no conditions where I would not value eating oranges. I would be someone who would
consistently seek out oranges wherever I was, regardless of time or other considerations like
social expectations. A potentially more applicable example for someone is a non-conditional
value for life. One could value their life and have no conditions where one would not value being
alive. After reflection they would realize that they value being alive even in circumstances of
extreme distress, or very old age. Others may conditionally value their being alive if they would
prefer to die than suffer the consequences of their actions, or ill health, or to save a drowning
child, for example. I do not think everyone has non-conditional values, values which they hold
and assert. I am not saying it is good or bad independently of my agency to contingently or non-
contingently value anything; that is the rejection of realism. It is potentially quite bad for
someone to value being alive non-conditionally, because it would mean they would rather endure
torture than die and that is painful to consider, but it still seems completely within the realm of
possibility that one values being alive so highly and what their contingent situations of life have
led then to value.

However, there is a difference between non-conditionally valuing something and valuing
non-conditional treatment. To value treatment non-conditionally or on a non-conditional basis, is
to say there are no conditions where one would not value being treated in a certain way. To be
clear, this is a value about how one receives non-maleficent treatment. Using the previous examples, if I valued non-conditional treatment of access to oranges, then I would value being able to access oranges at any time or place, as a requirement of Humean Constructivism’s demand for rational consistency, and I would also value access to oranges for all. This is because I am valuing the treatment of the value as non-conditional, meaning how it is applied to me, rather than non-conditionally holding the value itself, meaning how I apply the value. This is to say that the treatment of the value is non-conditional, the treatment of orange access should not discriminate based on the weather, the growing season, or the person who could be treated by the value. To value non-conditional treatment of access to oranges would mean I, roughly speaking, would want all who could value oranges to be treated as if they did value them: everyone should have access to oranges always. In terms of the second example, it would be: I value non-conditional treatment of preservation of life. There are no conditions where life should not be treated as valuable. To hold this value would mean that I would be against death of any kind, ever, even accidentally. I would object to any sort of ethical theory where some are chosen to live while others die or where one might die for a greater cause, because there would be no circumstances where treating dying as good, or not being alive would be valuable to me.\(^\text{13}\)

Here is another example to try and explain the difference between holding a value non-conditionally versus holding the treatment of a value non-conditionally using a grammatical analogy. The difference between the two kinds of valuing is due to a difference in our expectation of our role to the value. In holding a value non-conditionally, one is the subject in

\(^{13}\) I think it is extremely unlikely that anyone holds this value, but I am using it illustratively. This is also not to say that other values that someone holds could ever override this value should someone hold it. In those circumstances, I would imagine the valuer would say that the choice to let anyone die would be “the lesser of two evils”.

relation to the verbs, or actions which come from the value. But with valuing a non-conditional treatment, one is the direct object in relation to the verbs, the actions which come from the value.

This leads me into the second aspect of valuing non-conditional treatment, Premise 4: which is that by wanting treatment to be non-conditional, it means that there can be no conditions in which the treatment is not applied, meaning that if you value non-conditional treatment in a certain way, the treatment must be applied to all who could value that treatment. What I mean by “all who could value that treatment” is all who could possibly form a value about that treatment. For example, if I did not have the ability to taste, I could not have a value about whether I prefer peanut butter over cashew butter or valued flavors at all. This is where the extension of my argument from the individual to all people factors into the argument. For if I valued non-conditional treatment of a certain kind, I would have to apply that treatment to everyone I interact with who is capable of holding that value, or I would be applying the value conditionally, specially to myself. For example, if I value being the treatment of having my life preserved on a non-conditional basis, I would be someone who, as a part of the actions in my life caused by other values, is working to prevent the death of all, from animals in severe pain who would otherwise be euthanized, to terminal patients who sign DNRs, whenever I came across these circumstances. If I did not incorporate actions which preserved life into my life, and only valued the treatment of being alive for myself, then non-maleficent treatment would be a conditional value. It would be conditional on whether it applies to me or to everyone else who has values about being alive. Valuing non-conditional treatment *prima facie* appears to be a value which you only care about in your receiving of it, but because the valuer wants a kind of treatment to be done to the valuer’s self, and done to the valuer’s self non-conditionally, the treatment thus requires that the valuer’s actions include treatment of others with that value which
the valuer wants to be treated by so that the valuer is in fact able to hold the value’s treatment in a non-conditional way. If there are such values where one holds the treatment of them non-conditionally, then the application must be applied to everyone capable of holding a value about it, and all agents holding the value must also act in ways which uphold that value, so that its application is actually non-conditional.

The fifth premise in my argument speculates that the vast majority of people value the treatment of non-maleficence on a non-conditional basis. This claim, of course, deserves significant motivation because it is an empirical claim that I am not offering any empirical data for as well as its importance in my argument. Holding a value of being treated with non-maleficence on a non-conditional basis, is to value not harming or injuring others, even when it is convenient to do so or due to an actual desire to harm. This means that there are no conditions in which I value being harmed, and on the flip side, I value that all conditions where I could be harmed are those where I should not be harmed. This is to say that taking risks should not be a justification to harm me, even if those risk did in fact lead to harm. Even if I woke up tomorrow in a Kafkaesque world with vastly different features than my own currently, as long as I am still capable of holding a value about being harmed, I should not be harmed. The conditions for which I should be harmed could not be created or manufactured either.

By holding this value, my normative judgements are shaped, and rational consistency mandates I act accordingly. Since my value to be treated with non-maleficence is non-conditional, I must also hold that the conditions for others where I may harm them do not exist. I may not psychologically torture my sisters or kick my dog, even if I was otherwise motivated to do so because, by doing so, I would be acting wrongly in accordance with the value that I myself
hold. I would be acting as if it were conditional. Holding non-conditional values recognizes that many of the conditions which shape who we are, the contingencies of our values themselves, are not due to anything particularly special about us. Singer was correct in his claim that many of our reasons for discriminating between groups is completely arbitrary. There is no reason why I particularly deserve being treated with non-maleficence. There exist a variety of reasons the universe could come up with as to why I deserve to be harmed, from the fact that I have been mean to my siblings, that I purchase products from companies that exploit their workers, or that I sometimes skim the textbook. Yet at the same time, here I am, valuing that I should not be harmed. In order to preserve rational consistency in my judgements, and evaluate my values correctly, I must treat others with the same treatment that I want for myself in order to avoid arbitrary discrimination.

However, why would I value being treated with non-maleficence on a non-conditional basis as opposed to a conditional basis? Why can’t I value non-maleficence just for my friends and family and not people on the other side of the world who I don’t have any relation to or care for? To value being treated with non-maleficence on a conditional basis would be to accept conditional treatment. One would, again due to rational consistency, be forced to accept that they should be treated with non-maleficence conditionally such as on whether or not they are a part of someone's friend and family group. While this may seem intuitive at first, since we expect to be treated well by those groups and don’t feel the expectation as strongly from for example terrorist organizations, it is not due to us holding the value conditionally. It is due to the fact that we expect our friends and family to treat us well, and we expect terrorist groups to harm civilians. But this says nothing about whether or not we are inviting terrorist groups to come harm us. Even if we are not surprised that terrorist groups may harm, or even if we expect to be harmed by
a terrorist group, we are not claiming that we value being harmed by terrorist groups. This is the key to the distinction. Remember that the value is based in how agents themselves want to be treated, not how agents feel about the likelihood of being harmed by others. If someone is harmed, this is not the same thing as them valuing being treated in a way that causes them harm. It is about what you want, not what happens. If there are circumstances where one might conditionally value being harmed, by a terrorist organization, then one avoids the binding nature of being treated non-maleficently non-conditionally. That agent would invite harm in those conditions and would not be evaluating incorrectly should they join a terrorist organization and harm others.\textsuperscript{15} But the vast majority of valuers do not hold the value that they would in certain conditions be completely happy to be harmed\textsuperscript{16}. Valuing the non-conditional treatment of something is a reciprocal value; you can only receive this treatment if you are acting with it in the world. If one were to desire themselves to only be a receiver, then the value would be conditional on one being oneself by definition.

While it is possible that there is someone out there, who does value non-maleficent treatment on a conditional basis, I think nearly all people value non-maleficent treatment on a non-conditional basis. I do not value being harmed, and do not think I should be harmed under any condition that I can think of.\textsuperscript{17} Korsgaard employs similar logic is the best way to understand the lack of conditions where I would value being harmed (2018, 139). When I walk down the street, I hold the value that I will be able to do so free from torture, rape, being

\textsuperscript{15} I do not have the space to continue this hypothetical example, but there may be a concern that terrorists are now completely free to harm humans and non-human animals freely without there something being wrong in their choice. I address part of this issue in the section 3.3.2 of objections, where I go into how non-maleficent treatment on a non-conditional basis interacts with other values that we hold. I also would encourage any reader who is concerned about similar marginal cases to read In Defense of Future Tuesday Indifference (Street 2009). Briefly, this terrorist would have likely not be able to value himself at all, and these kinds of marginal cases are likely aliens. I do not think these cases are a huge deal for Humean Constructivists, though I recognize this is a bullet to bite.

\textsuperscript{16} For a case involving parents choosing to be harmed instead of their kids please see my section 3.3.6 of my objections.

\textsuperscript{17} I later differentiate between pain and harm to show that there can be pain without harm. Assault is pain and harm, while amputating your arm to prevent the progression of a disease while painful is not harm in my classification.
kidnapped etc. This is not to say that I am so naïve to think that these things never happen; they obviously do. But when I am nervous that a stranger will make an unsolicited sexual advance on the Metro, I still value that it will not happen, I still value non-maleficent treatment. There is nothing about who I am, what I am doing, what I look like, how smart I am, or any other condition which would provide alternative conditions such that I would instead value being harassed or assaulted.

Here is an example with a different value: If I were to value being treated with *kindness* non-conditionally, that is to say, that I want to be treated with kindness by all others who I come into contact with no matter who they are or what is going on. If I value "to be treated with kindness conditionally," with the condition being "in church" or "by my family," I want to be treated with kindness in church and I want to be treated with kindness by my family. In alternative conditions like "at the grocery store" I don't value being treated with kindness and thus it is not valuable to me that I am treated with kindness there. So, whether or not I think, "I value that humans not be subject to needless pain, but not animals" doesn't actually matter. That's not to say there is a very real possibility that many people hold this belief (though I personally think they do so due to incorrect evaluations.) Instead, as long as any valuer holds the value that they should receive non-maleficent treatment non-conditionally, then they are obligated to treat all pain feeling creatures with non-maleficence. The value of non-maleficence pertains to whether or not you, the agent, values being treated non-maleficently in any condition; once that value adheres to you, then you owe it to anyone capable of experiencing that value, not just anyone capable of realizing it. There is an asymmetric relationship between human and non-human animals because animals are not capable of realizing the principle of non-maleficence, while humans are. If animals were capable of understanding the principle of non-maleficence
then they would be obligated to adhere to it as humans are. But both human and non-human animals share the capacity to value about their individual preferences to the reception of harm. Both are capable of holding the value that they do not wish to be harmed, and the desire to be treated non-maleficently. The difference is that humans, due to their rational capacities, are capable of acting based on their ration reflection and values, while other animals are not and instead only value how they wish to be treated by others. The first step is to think about what conditions one is willing to value being treated with harm, if there are no conditions where this is the case then they must hold the value non-conditionally by definition. The second step is to realize that one is obligated from this value to treat others with that value, or else violate that it is non-conditionally held. It is the fact that I value not being struck in the face that warrants me the treatment that I should not be struck in the face, not that I am human or capable of reciprocating that value toward others. Violent criminals are an example which show that those who have seriously harmed someone, are due certain kinds of respect in their treatment even when they have violated those exact kinds of respect.

Given that I have offered a few examples in the previous paragraph, now would be a good time to more specifically delve into my understanding of what non-maleficence entails. To value non-maleficence is to value not experiencing things which inflict physical or psychological harm. Physical harms are things like torture, rape, slavery, general violence etc. and psychological harms are the mental implications of those physical harms, manipulating someone in such a way that it causes someone distress, or convincing someone that they should do things to hurt themselves. This is not exhaustive, but I think the general sentiment is conveyed. Harm is best understood through how we recognize it: harm causes pain, which we as pain-feeling beings experience.
creatures feel. If I am hit, I have a sensation which is painful, and the hit has harmed me. Similarly, if I am told that I am undeserving of love by someone I care about, I experience psychological pain. When I say that I value being treated with non-maleficence, I am saying that I value being treated in such a way that I do not feel pain from being harmed.

I am not saying that I value being free from any physical or psychological pain. When I have a really hard workout, such that my muscles become sore, I have not harmed myself. This is because I do not consider this kind of treatment to myself as harm, since my contingent experience has led me to think that soreness is not harmful even though it physically hurts. But someone else with different contingent experiences may find my workouts to be harmful if, for example, they were very out of shape and held the belief that being out of shape was good. Pain is often indicative of harm, but it does not automatically connote that a harm has taken place. Furthermore, if I did not feel pain, I could not claim that I have been harmed. The ability to feel pain drives directly my understanding of harm, because it is how I feel it. Pain is a feeling associated with the action of being harmed.

Consensual pain is non-maleficent. I think that even more extreme cases provide an example of being treated with pain but not maleficence, like opting to undergo chemo in order to prevent cancer from spreading in your body. Non-maleficence includes undergoing chemo or similarly painful treatments, because the outcome of the treatment is to help stop the spread of cancer. If someone were forced to do this against their will, it would be maleficent, but in ordinary cases it is not. The difference is that in cases where a painful treatment is performed

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19 One may worry about humans who are born with a condition where someone nervous system does not transmit pain sensations, which is called congenital insensitivity to pain. These cases are extremely rare, and I would argue that my argument does not apply to them in terms of physical harms, but it would apply to psychological harms. This is not to say we should seek to maim these people due to the fact that they cannot feel pain, but since they cannot make value judgements about physical pain, they are not included in considerations about how one would want to be treated. Before harming a person such as this, one should evaluate how one would prefer to be treated if they themselves did not have a properly working nervous system.
against someone's will, it includes the additional psychological and physical harm from things like their agency being violated even if it is for the benefit of the sick person, which is in addition to the pain caused by the treatment. The further pain is maleficent and an example of psychological harm, while I would characterize the pain from the treatment itself as non-maleficent. Similarly in cases where painful treatments are performed for no reason, like keeping someone sick continually through a low dose of poison in order to continue to care for them, it would be maleficent due to the unnecessary pain from the unnecessary treatment, in addition to the pain from the loss of trust in the caregiver etc. who is administering the unhelpful harm. In cases where an unnecessary harm is being committed, but the agent either has no idea that the pain is unnecessary, or is convinced by the caretaker that the treatment is necessary even though they are not sick (maybe the caretaker has convinced them they are for example), I still would claim that there is harm being committed, because one is damaging their psyche by administering this unnecessary pain upon them which they would come to realize if they ever found out later what was going on. Even if they never did, I think that you are making them susceptible to being convinced of diagnoses that don’t exist and other things which are harmful to one's psyche.

In general pain is the best metric by which we can evaluate whether or not someone is being treated with non-maleficence because it is universally shared by agents who can have

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20 I think that an obvious concern is that parents often make choices for their child’s health without the consent of the child and there are likely many cases where children feel that they are being harmed due to their lack of understanding about what is happening. I think that this is a failure in parents rather than a failure in my argument. I would argue that if this is fact the case it is completely legitimate for the child to feel they had been harmed and for the parent to be considered as acting immorally due to the fact that the parent would likely not desire that someone who they do not trust and who they are fearful will harm them is ordering medical procedures to be done to them. But if a parent is simply allowing a surgery to be performed on a child and the child is not in any unnecessary physical or psychological pain, then this is not in fact harm. I also think that this can be understood retroactively—a child learns later in life that the procedure was for his or her benefit and forgives the parent for the felt harm. An animal could be understood in a similar way, once they realize that the treatment made their harm less. If an animal is cognitively capable of this, then we could still measure it against alternative outcomes where the pain would be less for the animal if a procedure is done and thus we are respecting the animal’s value of not being harmed better by giving them a treatment which is less harmful than leaving them the way they are.
values about non-maleficence, but it is also flexible enough to deal with different cases. When doctors anesthetize patients before surgery, it is so that the patient does not feel the pain associated with the procedure, it is done to prevent both the physical and psychological harm of seeing yourself being sliced open. A lot of cases that involve pain we might upon reflection qualify as unnecessary or intentional. I think these qualifications are able to cover most kinds of harm, but not exhaustively. For example, when children play with each other, fun may quickly become harm if suddenly the play becomes too rough and one child overzealously pushes another and starts a fight. All of a sudden, the play is misinterpreted as intentional harm, though it was actually to the same intensity degree as the push received was. The child who felt attacked all of a sudden would believe they were maleficently treated, though the treatment was not unnecessary harm, there was no more additional force or malice than previous pushes, and the malefici
cence was not intended, though it was interpreted that way. Since the value is being treated, the “felt-attacked” child can claim that they were harmed. But in most cases approaching harm through the interpretation to not cause intentional or unnecessary pain is a reasonable metric by which to act in accordance with the value of non-maleficent treatment. Pain indicates to us that we have been harmed, and our ability to feel pain indicates to others that we can be harmed. Pain is a signal, and its signaling quality can help us align most effectively in accordance with this value.

One might anticipate where I am going with this line of argument and preemptively argue that the non-conditionality of non-maleficence does not apply to animals because rational consistency does not include them in moral values given that they are not really valuers in the way humans are. Furthermore, there are potentially many people who coherently value not wanting pain inflicted on humans but have no such concern for animals. This concern, however,
misses the full scope of what rational consistency includes. Humans are not unique species in their capacity to feel pain and therefore are not unique in their desire to not feel pain. If someone were to claim that they value only humans receiving the treatment of non-maleficence non-conditionally, they would be misunderstanding what rational consistency means. Non-maleficence on a non-conditional basis extends to all who are treated by my actions of non-maleficence, and this includes all creatures who are capable of making a value judgement about pain.

Like Singer, I am making a claim against speciesism, that the preference for humans over animals is arbitrary. The concept of speciesism, just like sexism and racism, exists as a lexical tool for explaining these arbitrary distinctions, and as such is capable of existing within a Humean Constructivist framework just as easily as a hedonistic utilitarian one, though it originates in the latter 21. As a juxtaposition to the expansive scope of valuing not being in pain, one can look to an example of a human-exclusive value such as the right to vote. Animals cannot participate in elections and are incapable of understanding the significance of having a right to vote (Singer 2009, 2). Since they cannot make value judgments about voting, they are not included in a value such as having the right to vote on a non-conditional basis.

But my argument is about the pain caused by harm, something any creature with a central nervous system can experience. My argument entails rationally consistent treatment of all creatures capable of experiencing harm-induced pain with the value that a given person has regarding their own treatment. Since I believe the vast majority of people value never experiencing such harms, the scope of rational consistency includes any creature who is also

21 There are some obvious similarities between my argument and Singer’s. One is that both of our arguments use pain as a metric for whether an action should be committed against another pain-feeling creature. I would like to point out that my argument against Singer was not based in his animal rights ethics as such, but in the problems of their metaethical situation. The goal for this paper is to ground an argument for animal rights in a metaethics that is not upended by the Darwinian Dilemma or universalized through valuing oneself as the Kantian Constructivist does.
capable of feeling pain caused by harm, and this includes the vast majority of animals. When I harm someone, I cause them physical or psychological pain. I know that I have been harmed from physical sensations that I feel: I feel physical pain when someone hits me, I feel psychological pain when someone gaslights me. I think that pain is one of the clearest indicators that harm has been done, and as such, should be used as an indicator for whether an action is maleficent. The pain that I feel from being harmed directs me to hold the value that I do not want to be harmed. I do not seek out being hit or gaslighted, and this leads me to make decisions in my life, such as avoiding getting in fights and spending time with manipulative people. I believe that most people can relate to this and would agree that they, too, value not being harmed on a non-conditional basis. Conditions for acting with non-maleficence towards some but not others cannot exist. Therefore, by holding the value of non-maleficence, one must act with non-maleficence towards all creatures who are capable of feeling pain, and this includes animals.

3.2.1 What animals count?

All humans and non-human animals who are capable of feeling pain count in my theory as those who should not be harmed if you value non-maleficent treatment non-conditionally. Mammals, birds, and fish feel pain. I do not know if crustaceans feel pain, the science is less conclusive in part due to lack of research and also due to the fact that crustaceans have very different nervous systems. They do react in ways that indicate that they feel pain when they are shocked, like avoiding the stimuli again. But there is an answer to this question, they either do or do not feel pain, and once this has been conclusively determined we should act accordingly. Bivalves are often considered more similar to fish than plants, though they do not have a nervous
system or brain to feel pain. I do not include them in my classification due to this. Eggs, although they have the potential to be a pain feeling animal, much like a pregnancy prior to 28 weeks, have not developed enough to feel pain and are excluded from my argument. The exception would be if a chick was close to hatching, and all of its neurological faculties were working such that he could feel pain, then one should not cause the chick pain.

3.2.2 What about plants and aliens?

Plants are not pain-feeling creatures, although they do have some forms of sensory awareness. When someone removes an offshoot from a plant, the plant is aware of it, but is not aware of the way that we are when our arm is cut off. Plants do not have a nervous system like humans and other animals do. They are aware but are incapable of having the offshoot removal matter to them in the way it matters to us. They even communicate through emitting different kinds of gases if a plant is sick, or an offshoot has been removed. But this emission is not due to pain, it is due to communication. While humans scream when their arm is removed, plants similarly communicate when an offshoot is removed. But this is not a fair parallel because the human is in pain while the plant is not. To make them more equal, it would be as if your arm was removed and you knew about it but didn’t have any physical or psychological pain associated with the removal. Your body would still heal the wound, and you might change your behavior to better adapt to now being armless, but the pain of the event would not exist (Deutsche Welle 2020). Since they cannot feel pain, they are not able to value pain and as such are not included in my theory. Other values, like valuing clean air or the aesthetic appearance of plants might motivate someone to care about “plant lives”, but this particular value does not include treatment towards plants.
If an alien came to earth and had similar pain-feeling qualities which we hold, then we would be obligated to include the alien in those which we do not harm. The alien, if it held the same value of non-maleficent treatment on a non-conditional basis would be similarly bound. Human astronauts would be similarly bound if they visited aliens capable of feeling pain in another universe.

At this point I have explained the Humean Constructivist position and articulated how a theory of animal rights is formed on the basis of holding the value that one be treated non-maleficently on a non-conditional basis. Now I will address some potential objections to my theory of animal rights.
3.3 Objections

3.3.1 What if someone doesn’t hold the value of non-maleficent treatment on a non-contingent basis, how does this affect this principle’s universality?

I believe that this applies to all people, but that is a conjecture. I could imagine a situation where an internally coherent eccentric, or a marginal case, values being harmed, or values being harmed on a conditional basis, though I suspect there are very few people who sincerely value being harmed. These are cases that when taken to their ends are so far beyond what the vast majority of people value that there isn’t much we can say to them really. Extreme thought experiment cases do not lend insight into the nature of morality (Street 2009). If everyone except for one person began acting in accordance with their value for treatment of non-maleficence non-conditionally, the world would be a very different place, a place significantly more just for the lives of all animals. It’s also likely that the social pressure of everyone acting in accordance with that value would make the one act similarly, though to other values like conforming to social norms and expectations. But maybe he would not. I don’t think that is a knockdown argument, especially because it’s not required by Humean Constructivism for all to hold the same value, I just think that most of us do hold this one.

Furthermore, I think that many people incorrectly evaluate their own values and how to apply their conditions. Humans are extremely good at post-hoc rationalizations for their awful behavior, and we often think that some actions are acceptable until we actually think about them. I think that while many people treat others as if they value non-maleficent treatment conditionally, this is not actually the case. This is not to say that they are valuing wrong, which is impossible for the Humean Constructivist position. I am claiming that, while holding the value I am arguing for, there are errors in their evaluations of their own values and what those values
entail in their own actions. This means that they should change their behavior to align with their value or accept conditions where they really are ok being harmed conditionally. Given that I do not believe that many people are willing to accept the latter position, they must accept the former and correct their behavior.

3.3.2 Do we have an obligation to prevent harm? Is this just a negative right?

I can only be in control of my actions, I am not claiming to prevent maleficence on a non-conditional basis, just that I must treat all with non-maleficence so that I may hold the value for myself. This is a non-conditional negative obligation, not a positive one. You’re not obliged by the value of non-maleficence as I have argued for it to go prevent all and any harm. It does not require that you may very well hold such a value, but that would be through holding a different additional value than the one I am defending. You only have to prevent harm insofar as you are wishing that others’ treatment of you includes them actively preventing harms toward. I think most people are willing to go a little out of their way to help others and prevent them from being harmed, but when the risk incurred is high enough they do not. This is because they do not hold a high expectation of others going extremely out of their way or incurring high risks to prevent the valuer from being harmed.

3.3.3 How do non-conditional values handle other values that one might have?

You are being held captive by an evil person, and the evil person says that you must choose between your child and a cat. What does my principle do then? Humean Constructivism recognizes that agents have a variety of values, and even values about those values and how they are ranked or preferred over one another. I believe it is completely reasonable for someone to
have a priority of values, but if this is the case, and you hold this value in question on a non-conditional basis, then you have to be willing to accept that priority of values for yourself as well. Upon further consideration you might recognize the values to be: I value the welfare of my family over any other condition, but I also secondarily value being treated with non-maleficence on a non-conditional basis. For the second value to remain non-conditional, and also to place it within the other values with their own conditions, one must be able to accept the treatment of your value of being treated with non-maleficence as secondary to other’s familial priorities as well. That is, you must be willing to accept conditions where when another agent is held at gunpoint and given the decision between you and the agent’s child, the agent chooses to save their child. It is not to say that you are required to accept all conditions where someone may value your welfare less than their child’s. Since I value my own well-being, if I found myself in a similar scenario, I would be doing all that I could to escape and not be killed. But I would also recognize the other agent’s choice as coherent.

3.3.4 If we’re allowed to have ranked values, why can’t one just rank their desire for non-maleficence on a non-conditional basis in such a low way that one is not being inconsistent when they enjoy eating meat or beating their cat?

This is a wildly implausible claim to believe. Even if one were to sincerely hold that belief, you would again have to accept that same treatment towards yourself, and you would have to accept similarly trivial reasons, such as pleasure, for someone to cause harm and even eat you. Additionally, your other values would have to be ranked extremely low in order for this to

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22 Another reason why non-conditional is preferable to me over unconditional, is that in this case to hold non-maleficence on an unconditional basis is to both hold that there are no conditions where you would be willing to accept being harmed (including another’s value for family over stranger) as well as no condition where you could have other values which rank higher for you than non-maleficence (or whatever the unconditional value is).
be possible. Valuing self-preservation, or being alive, for example, are also being violated here just by ranking non-maleficence so low.

3.3.5 Do parents who would sacrifice their lives for their children hold non-maleficent treatment on a conditional basis?

No. One may think that parents may conditionally hold a value about non-maleficent treatment, and that value might be something along the lines of, “I value that I receive non-maleficent treatment conditionally, on the condition that any harm my children may face instead will be faced by me and that my children receive non-maleficent treatment non-conditionally”. This is not a counter example to my fifth premise for two reasons:

First, I would argue that this value does not mean that a parent is actually providing a condition where they would value being harmed, and that what really is going on is the parent is ranking their child’s wellbeing above their own value to be treated with non-maleficence non-conditionally. This means that they still hold the value that they be treated with non-maleficence under no conditions, but should those conditions arise where they or their child will be harmed, they would value they be harmed instead of the child. But they still do not value being harmed, and they would not value being harmed even if the conditions such that there were instead of the child did in fact exist. Thus, they are still bound by the non-conditional requirement of the value, even though it ranks lower than their value that their child be treated with non-maleficence.

But, I recognize that parents might be psychologically motivated in such a way that they may argue that they do in fact hold the value that they value non-maleficent treatment on a conditional basis. If that actually was the case, then they are accepting that they are open to the
conditions where they will be harmed if their child faces any harm. This does mean that they hold the value conditionally, and again I think that parents hold this value in the way I described above, but even if I am wrong, this does not break apart my argument because this condition is specific to parents only as it is held. “My child being harms” is the only condition which a parent is willing to be treated with harm. If a parent were actually to hold this value, they would still be bound by the condition they set, that is they treat all creatures who could value harm non-maleficiently, but in cases where they are obliged to harm either a mother or her child, they must choose the mother.

\[\text{\textsuperscript{23}}\] I have a brief objection to the absurdity of this value: I think that should someone assert this they are likely evaluating incorrectly. If one really did value that any harms their child faced the parent would face instead they are seriously missing the mark about how children learn right from wrong, how much character development comes from being dumped by all of your friends in middle school, and how one feels less harmed by viscous teenage girls once they come to realize that the opinions of 14 year old’s simply do not matter. By claiming this value, a parent is desiring to face the feeling of hurt that come from these kinds of situations, at the degree which the child is facing them. I personally object to this on the grounds that it is absurd, but I will continue addressing it because one could argue that the only conditions where a parent actually is accepting the harm are conditions which are more dramatic and life-or-death kinds of scenarios.
IV. The Possibility for Evaluative Error

Finally, like many animal rights theories, this theory may require anyone who holds the value of non-maleficent treatment on a non-conditional basis to drastically change their behavior. One who has eaten meat and gone on regular fishing trips their whole life, now cannot do so, because these behaviors violate the non-conditional application of their value. One might be concerned that there is no way to overcome this. This is not necessarily the case, because the Humean Constructivist position leaves open the possibility for evaluative error, meaning that one might be mistaken about our judgements of our values. If one does hold the value to be treated in a non-maleficent way on a non-conditional basis and realizes that their behavior up until that realization has not been consistent with that value, then they are obligated by rational consistency to change their behavior. That is to say, you can change your behavior any time, but when you do not act in accordance with your values, you are acting wrongly.

This is a completely reasonable and even historical approach to how our inclusion of values has changed over time as we have become more aware of the effects of our actions, and as we have improved our scientific understanding of the world around us. Much like the fact that fish feel pain is surprising to many, the same surprising realization was relatively recently made about human babies. As recently as 1987, there have been cases of babies who were not anesthetized during surgery. As shocking as this may sound, an op-ed from that year reads extremely similarly to recent articles which claim that fish feel pain: “Research now indicates that infants not only feel the severe pain of such procedures, but they can also be damaged by it physically and perhaps psychologically” (NYT Archives). We are constantly learning more about ourselves and other creatures, and due to this we will likely at many points in our lives
need to change our behavior when we realize that we have been evaluating in error due to, for example, a lack of information.

These evaluative errors are errors of fact, not value, and we must realign our behavior with our values in order to maintain rational consistency and to continue being able to say that we are acting well. Since the Humean Constructivist’s claim is that we are acting well when we are acting in accordance with our values, when we act on our moral beliefs, we are acting morally, and when we do not we are acting immorally. If one were to hold the value that they want to be treated non-maleficently on a non-conditional bases, as I have just argued for, and then treat a pain-feeling creature in a maleficent way, then they would be acting immorally.

Conclusion

The Humean Constructivist approach to animal ethics provides a theory of animal ethics that is conceived under a non-universal, antirealist position. It simultaneously avoids the problems and objections which animal rights based on realist theories of value face, while securing that animals be treated in a non-maleficent manner. Though the realist arguments that have historically undergirded animal rights fail, this does not mean that we do not have obligations to animals. Christine Korsgaard sought to avoid the problems of realism by grounding animal rights in the Kantian Constructivist framework, but as I have argued this approach also fails due to its claim that all rational agents must values themselves as ends in order for normativity to be universal. This leaves the Humean Constructivist metaethical position as the only tenable option, which until now did not have a theory of animal rights. I grounded my theory of animal rights in the value that one receives non-maleficent treatment on a non-
conditional basis, and I have shown that we are obligated to treat all pain-feeling creatures in ways that do not cause them unnecessary harm.
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