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**A FORM OF WAR: ANIMALS, HUMANS, AND THE SHIFTING BOUNDARIES OF
COMMUNITY**

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1.

The modern conception of moral status, in which humans are supposed to have absolute moral commitment to all other humans, while having no properly moral commitments, but only indirect ones, to the vast majority of other animals, is the result of a long and complex genealogy, and one that has yet to be written. If I speak of genealogy here it is because, with Nietzsche (1887), Foucault (1975), and Bernard Williams (1994), I wish to suggest that an investigation into the deep historical sources of a common assumption of the modern world might reveal, at the same time, the extent to which this assumption is merely or largely verbal, serving as the *ad hoc* account we give of a system of practices which only begins to make sense when we consider the way these practices emerge out of a world that did not share our assumptions.

But how could the human-animal dichotomy have a genealogy at all? What could be more deep-seated, more natural, than to divide the world into 'us' and 'them' in just this way? It is certainly true that the idea that humans are a variety of animal is a very new one, a Victorian invention, and one that has not managed to significantly change the way we speak and think about the human-animal relationship. No matter what we retain from biology classes, our own folk-taxonomy continues to take 'animal' as the intermediate category between 'human' and 'plant', and the emphatic phrase 'non-human animal' continues to strike even those of us who insist that humans are in fact animals as a bit forced. But if we have had trouble recently accepting that humans are animals, nonetheless the default assumption throughout most of human history has been that

animals are themselves people, if not exactly in the same way we are. Animals and humans were for most of the history of *homo sapiens* members of a single, all-encompassing community, in which each member was thought capable of a certain kind of rational activity grounded in intention and in anticipation of the future; in which members of each kind had reciprocal obligations towards members of all other kinds (even if these obligations did not involve refraining from killing, whether one was to refrain or not was not centrally determined by whether the creature in question was an animal person or a human person); and in which there was no meaningful division between nature and culture, or between the boundaries of the human world and the vast expanses of inhuman and indifferent wilderness that surround it.

Nietzsche and Williams were interested, each in his own way, in determining how we came to account for the range of ways we treat other human beings, and in each case the answer had to do with the invention of something we call 'morality' over the course of Western history. I want to suggest in turn that if morality is new, and the loss of a view of the world on which animals are persons is also new, it may be that these two developments are part of a package. That is, coming to think of people as having something we might call 'moral status', rather than just being governed by shame and necessity, or by prohibitions that impose themselves as if from outside as quasi-physical forces rather than flowing from within as a result of one's autonomous agency, involved a corresponding need to sharply determine the boundaries of the realm of beings endowed with such status. The extension of moral status to *all* human beings, to put this another way, might have as its corollary the limitation of moral status to *only* human beings.

From an earlier model on which beings derived their importance from, let us say, their ecological role in a socio-natural theater that included human beings, a new picture emerged on which moral status had to be articulated in terms of criteria based upon the internal capacities of the different kinds of creature. The question was no longer: Do these creatures play a vital role in the ecology that includes us?, but rather: Are these creatures inwardly like us? Wherein this likeness is to consist would be a question that would receive different answers over the course of history, but most would be variations

on the idea that, whereas we have rational souls, or reason, or agency, or language, or recursive language, or a developed neocortex, they do not. The exact way in which these distinctions were to make all the difference, or in which practical consequences were to follow from them, was never entirely clear. As Richard Sorabji (1995) has noted, "they lack syntax, therefore we may eat them," is hardly a compelling inference.

On the account I wish to articulate, the discovery that there is something universally shared by human beings, regardless of country or clime, regardless of whether the humans in question are friends or enemies, meant at the same time that species became the sole criterion for the determination of the bounds of community. Human beings came to have moral status because they had this new thing, morality, and for the first time the range of what you can or cannot do to them came to be determined by this new internal capacity. At the same time, the range of what you can do to beings that are not characterized by that internal capacity grew without limit. The genealogy of morality, as the key defining feature of all human beings, goes together with what we might call the genealogy of animality: the creation of that class of beings that, as non-human, lies outside of the sphere of moral consideration altogether.

Yet the account we give of where our moral commitments lie is often grossly out of synch with our practices, and in this connection I want to suggest that species boundaries are far less important than the account we give of our moral commitments would lead one to believe. In fact, while we are committed to a basic division between the beings that have moral status and the beings that lack it, and this division for the most part extends only up to the boundaries of the human species (notwithstanding the minimal animal welfare laws in a handful of developed countries), there is another division dictating practice, one that cuts across species boundaries and that divides beings, both human and non-human, into two basic categories, which we might call 'the protected' and 'the unprotected'. There are animals, and people, that can be exterminated without consequences; and there are animals, and people, whose injury disrupts the ordinary course of things, or at least appears to disrupt it. On this division, moral status does not flow from the kind of being an individual living thing is, still less from its

neurophysiology or the evidence it gives of having a rich internal life or of being intelligent.

'Animal' as a category that informs the way we speak and reason about the reach of our moral commitments coexists with a set of rules governing what we may or may not do to different kinds of creature that seems not to take the human-animal dichotomy as fundamental. Sometimes, philosophers notice the gap between the way we reason and the way we act, and when they do the usual reaction is to suppose that our actions are out of step with right reason. Thus Cass Sunstein observes that “people who love... pets, and greatly care about their welfare, help ensure short and painful lives for millions, even billions of animals that cannot easily be distinguished from dogs and cats” (Sunstein 2005, 3). But these pet-lovers are not necessarily guilty of a contradiction, for they never claimed to consider anatomical or neurophysiological similarity between, say, cows and dogs, to be the criterion for equal treatment. This may be the preferred criterion of Peter Singer, Tom Regan, and others who wish to argue for the rights of animals on the basis of their capacity, evidently equal to ours, to suffer. But the pet-loving carnivore has her own, coherent means of easily distinguishing between the two kinds of being: the dog belongs to the class of pets, the steer to the class of food.

Evidently social kinds such as food-animal, pet, vermin, and so on, are often more relevant indicators of what can and cannot be done to them than the matter of their species membership. Philosophers are in general less able to see this than anthropologists, since the former tend to suppose, with Kant, that the categories of our understanding, which make possible an understanding of the world in general, are themselves the *a priori* structures of understanding; anthropologists on the other hand tend to believe, with Emile Durkheim, that the categories we have at our disposal for our understanding of the natural world took shape in the first instance from our experience of some unique form or other of social reality. Thus Durkheim wrote in 1902 that, originally, “[s]ociety was not simply a model which classificatory thought followed; it was its own divisions which served as divisions for the system of classification. The first logical categories were social categories; the first classes of things were classes of men, into which these things

were integrated" (Durkheim 1902, 66-7). If we can agree that, at a certain subscientific level of taxonomy that we share with the 'primitive' societies of interest to Durkheim, natural kinds have their parallels in social kinds, it is no longer so surprising to note that there are street people in just the same way as there are street dogs, and there are people who can be exterminated by fighter jet or by machete massacre in just the same way as vermin are dealt with by pest-control professionals. When I say 'in just the same way' what I mean is that these animals and these humans belong to the same class not just in an analogical sense; rather, the range of possible actions towards a certain animal or human is determined by the fact that it is conceptualized as belonging to a distinctly social category that may contain either animals or humans. The usual reaction to atrocities against humans is to recoil in horror and declare that humans should not be treating one another like animals. But what this reaction fails to capture is that not every animal is treated atrociously, and when they are treated atrociously this is not necessarily in recognition of their animality.

The extension of morality to all and only human beings, I want to say, is one that causes a bit of confusion in the way we talk, but that leaves us to act more or less as we always have. In fact, in practice, we are familiar both with the figure of the *homo sacer* in Agamben's (1998) sense, as well as with all sorts of highly protected animals: cherished pets, endangered wildlife, sacred cows. There are people who may be treated with arbitrary cruelty, and animals that must be treated with the utmost solicitude. Again, the usual reaction to this fact is to suppose that people are confused, in the sense that they are acting in violation of their own commitments. Sunstein is not alone in his condescension to the pet-loving steak-eater. But what if the different ways we treat dogs and cattle, respectively, has nothing to do with the fact that they are animals and we are not?

One obstacle, perhaps, to accepting this is the corollary suggestion that the range of ways we treat people, in different circumstances (say, a raid on an enemy village, or, by contrast, volunteering at the soup kitchen), has little to do with the fact that they are human, and so are we. The danger associated with dislodging moral commitment from the kind of creature a creature is, a kindhood that is supposed to flow from its internal

constitution, and instead associating moral commitment with the way that creature shows up in our ecology, is that this would be to overturn the now millennia-long tradition of moral universalism vis-à-vis other humans. It would also, however, help us to come to terms with the fact that we do, in fact, have a variety of commitments to a range of different kinds of creature, and these commitments do not necessarily flow from their internal constitution, whether this is conceptualized in terms of an immaterial soul, or in terms of a complex nervous system.

2.

I aim to reveal some of the pretheoretical commitments that underlie human relationships with animals, and I have described this task as a sort of genealogy. There is a danger, of course, of lapsing into the sort of uninformed and romantic speculation about the distant past of which Nietzsche is plainly guilty in the *Genealogy*. But fortunately some things may now be said with confidence about what the first several hundred decades of human existence were in fact like; and cautious conjectures may be made about how this long chapter makes itself felt in our own lives. At best, attention to the anthropology and the archaeology of hunter-gatherer societies might turn out to be usefully 'untimely' in much the same way that Williams and Nietzsche considered their use of Greek antiquity to be. It is not that one might derive from an imagined past a model for how we ought to be, but rather that an honest exploration of the foreign country of the past can help to reveal the contingency of our own commitments.

Now a consideration of pre-modern attitudes towards animals that is not only untimely but also unromantic will acknowledge the evidence for massive, wasteful slaughter of animals by members of hunter-gatherer societies. The Plains Indians, for example are known to have driven vastly more bison to their deaths, through the so called *pis'kin* or corraling method, than could possibly be used for human consumption. Hunter-gatherers were not 'green', and to say that they lived in a single socio-natural community with other living beings is not at all to suggest that they had values of the sort towards which conservationists today hope to steer our society. Indeed, what made human community

with nature and other living beings possible was that nature was not something to which humans felt they had to return, or from which they felt they had been cut off to begin with. To suppose that traditional ideas about nature and the other living beings in nature flowed from a 'respect' for the 'intrinsic value' of these things, a respect conceptualized on the model of today's conservationism, is as anachronistic as supposing that a prehistoric hunter considered his principle activity and source of livelihood to be a 'good line of work'.

Of course, to say that hunting was not 'work' in any meaningful sense is not to say that hunter-gatherer societies fell short of the mark of distinctly human activity. There is a widespread view, going back most importantly to Marx and Engels, that history itself begins when humans begin transforming the environment in pursuit of their own goals, when humans stop merely collecting, and begin producing. As Maurice Godelier puts it, "humans have a history because they transform nature" (Godelier 1986, 12). Yet recently the very idea of 'prehistory' has been criticized as setting up a buffer zone between the humanities discipline of history on the one hand and the natural-scientific domain of paleoanthropology on the other, which makes historians feel comfortable about their neatly contained discipline, but also arbitrarily cuts them off from the source of a good deal of what it was that was, so to speak, driving humans when they entered what the humanists are willing to recognize as the historical era (Lord Smail 2008). From another direction, some anthropologists have disputed the traditional view according to which the shift from hunting and gathering to pastoralism and agriculture amounted, at least from the inside, to the discovery of production and consequently to the emergence of a distinctly human way of relating to the natural world. Tim Ingold cites the case of the crop-growing people of the Mount Hagen region of Papua New Guinea. "Completely absent from the Hagen conception," he writes, "is the notion of a domestic environment 'carved out' from wild nature. *Mbo* [the word for the activity of planting] does not refer to an enclosed space of settlement, as opposed to the surrounding of the bush or forest. Hageners do not seek to subjugate or colonize the wilderness... *Rømi* [the antonym of '*mbo*'] is simply that which lies outside the limits of human care and sociability" (Ingold 1996, 18). On the basis of examples such as this, Ingold argues that the shift away from

hunting and gathering was not necessarily conceptualized by those involved in the shift as one towards production, or as one that sets the human world over against the natural one.

This is significant since pastoralism, as a mode of production generally thought to have radically displaced hunting and gathering, is really not so far from our own world as we might think. Some of the earliest and most important texts to which historians (in the narrow sense) have access are the records of pastoralist societies. These include the *Rig Veda* of northern India and the Hebrew Bible of the eastern Mediterranean. We may locate the textual traditions of Greek and Roman antiquity at only a partial remove from the values and world-view of pastoralism: sometimes the concerns of the countryside are occluded from sight (as in the dialogues of Plato, which take place in a center of commerce), but sometimes they come back to the center of attention (as in Virgil's *Georgics*). We have *access*, in other words, to a world in which human beings in some sense dominated animals, had the power of life and death over them, yet did not have anything like a sense of the 'moral status' of animals and of the responsibility towards them that flows from this, and also certainly did not believe that one may conduct oneself in any way one chooses towards the animals encountered over the course of a life.

Consider the rules governing horse sacrifice in the *Rig Veda*, or Evans-Pritchard's well-known account of the attention and benevolence that a Nuer cattleherd lavishes upon the cow under his care. In each case, we are looking at highly rule-governed domains of human activity, but it would be a mistake to suppose that these rules have anything at all in common with, say, the animal protection laws that have sprung up in the Western world since the 19th century, or, in the case of the horse sacrifice, with the abattoir regulations that are intended to ensure a 'humane' slaughter. The Nuer treats his cow well, but not because it has 'moral status'. He treats it well because the cosmos rotates around it. Nor does the Nuer conceive his relations with the cow as flowing from human dominion over nature, or the transformation of nature in accordance with human will. Rather, the cow functions as a sort of fixed reference point that gives context and meaning to human action. As Evans-Pritchard summed up the motivations underlying a

Nuer's actions, "*cherchez la vache* is the best advice that can be given to those who desire to understand Nuer behaviour" (Evans-Pritchard 1940, 19). All this suggests that if we are going to pinpoint the moment of the shift in the way we conceptualize animals, we will not be able to do this principally by charting shifts in the dominant mode of production.

Of course, at just the same time as the Nuer cattleherd is lavishing his care on his prize bull, he is also likely ready to exterminate any would-be predators without a second thought. These predators might be very much like the bull with respect to neurophysiology or behavioral capabilities. Was the Nuer, then, contradicting himself? Of course not. The contradictions only begin to grow when we commit ourselves, against our actual practices, to the idea that the rules of conduct towards a being flow from its moral status, which in turn flows from its interior nature and capabilities.

3.

Whether living in societies based on collection or on production, most pre-industrial people had to confront animals much more regularly than we, and in a way that was much more likely to have an influence, depending on the outcome of the human-animal encounter, on the quality of their human lives. Animals were phenomenally salient in a way that they are not now: a regular and significant part of the landscape of daily opportunities and obstacles. In classical antiquity, Aristotle still recognized that hunting is a form of war. He explains in Book I of the *Politics*, in fact, that the hunting of animals and the subjugation of peoples by force are in fact just two aspects of the same general activity, an activity approved by nature herself:

Now if nature makes nothing incomplete, and nothing in vain, the inference must be that she has made all animals for the sake of man. And so, in one point of view, the art of war is a natural art of acquisition, for the art of acquisition includes hunting, an art which we ought to practice against wild beasts, and

against men who, though intended by nature to be governed, will not submit; for war of such a kind is naturally just (*Politics* 1256b 20-25).

Though there were still of course skirmishes being fought, in an important sense the war against animals, if not against human beings intended by nature to be ruled, had already been decisively won by the time Aristotle wrote. We might speculate that the human victory over animals (or at least over our megafauna competitors) in the hunting war was directly related to the detheriomorphization of the gods in Greek antiquity, and the corollary elevation of human beings to an exceptional status among living things in the singular way in which their actions, intentions, schemings, and even their bare physiology, mirrors those of the gods.

Consider by contrast the Cree of central Canada, who traditionally had to give thanks and reverence to the bear, in order that it should 'give itself' to them in the hunt. What is most central to the lives of a human group, what is most wrapped up with its continuing vitality, easily becomes elevated to something like a divine status (this is also the case for a number of agrarian societies such as the Mesoamerican societies based on cults surrounding the grains they cultivate, as well as for pastoralist societies such as the Nuer). But in a marketplace in the center of a complex democracy, it could easily appear that dealings with other people are singularly relevant to one's continued vitality. Now I do not wish to lapse into crude reductivism here as to the origins of philosophy and of the core values of the West, such as humanism and moral universalism. But I only wish to point out what should in fact be quite obvious, that the status accorded to animals in different human societies has a good deal to do with the way animals show up in what I have been calling the 'ecology' of a human life, and they do not show up in the lives of the people in the societies that gave rise to and sustained philosophy in at all the same way that they do in the lives of hunters and pastoralists.

For Aristotle, animals are interesting but not intimate, worthy objects of study but not members of a shared community. In an elegant passage of *On the Parts of Animals*,

Aristotle takes the time to justify having an interest in animals at all. "Every realm of nature is marvellous," Aristotle writes,

and as Heraclitus, when the strangers who came to visit him found him warming himself at the furnace in the kitchen and hesitated to go in, is reported to have bidden them not to be afraid to enter, as even in that kitchen divinities were present, so we should venture on the study of every kind of animal without distaste; for each and all will reveal something natural and something beautiful (*PA I 5*, 17-23).

Aristotle is reminding his contemporaries of something they might have forgotten: that animals are divine. Of course, we should not see him as appealing here for a revival of the theriomorphic gods of Greece's neighbors and predecessors to the east, for Aristotle's conception of divinity here is of nothing more than that which reveals natural order and purpose. And so the philosopher sets out to study the generation, parts, motion, and progress of animals, and if there is any religious sense in this undertaking, it is fully subordinated to the aim of understanding. Other than in the ten books of the *History of Animals*, Aristotle's animals have nothing to do with the animals of fables and allegories: what is natural and beautiful in the parts of animals is interesting in its own right, not in view of what it enables one to say about human beings. Aristotle is thinking about animals, not with animals.

In large part for this reason, although Aristotle is without question the greatest zoologist in antiquity, others who are not nearly so great are in many ways better able to communicate common ideas about the intellectual and behavioral capacities of animals, and about the nature of the human-animal relationship. The 3rd-century historian Claudius Aelianus, also known as Aelian, devotes much of his multi-book treatise *On Animals* to reciting anecdotes about animals that are capable of planning for the future, feeling emotional attachment, outsmarting humans, and so on. But the capabilities he attributes to them already show that these are exceptional, and thus worthy of being communicated. Consider this rich, and very typical, passage:

Here again I may as well speak of the peculiarities of animals... Baboons and goats are lecherous, and it is even said that the latter have intercourse with women-- a fact which Pindar also appears to marvel at. And even hounds are said to have assaulted women, and indeed it is reported that a woman in Rome was accused by her husband of adultery, and the adulterer in the case was stated to be a hound. And I have heard that baboons have fallen madly in love with girls and have even raped them, being more wanton than the little boys in the all-night revels of Menander. The partridge is extremely lecherous and given to adultery... The hog is implacable and devoid of justice; at any rate these creatures eat one another's dead bodies. And the majority of fishes do the same. But the most impious of all is the hippopotamus, for it even eats its own father (*On Animals* VII, 19).

One noteworthy feature of Aelian's observations here is that the animals are described in normative, and thus human terms, but at the same time their praiseworthy or blameworthy actions are supposed to flow from their very natures, and thus to pertain to a given kind universally. Thus *the* hippopotamus eats its father, which is to say hippopotamuses just are patriphagous. But if this is just what animals of this kind do, then how can it possibly be impious? We will return below to the curious way animals are often spoken of, in which a species as a whole becomes the moral and ontological equivalent of a single human individual. For now it is sufficient to comment that Aelian's mixture of registers --human-like psychology with animal necessity, the moral with the natural, the exceptional with the universal-- was, Aristotle's major contribution aside, the standard way of speaking about animals until the early modern period, and one of the available ways of speaking about animals long after the early modern period.

Dennis Des Chene notes that in the modern period "[t]he concept animal is charged not only with designating a class of creatures, real and imagined, but also with supplying a contrast to the human" (Des Chene 2006, 216). Animals came to be conceptualized as

humanity's contrast class, as the inversion of what a human being was thought to be. But what did this inversion look like?

We are of course familiar with the model of the animal-machine associated with Descartes and the rise of mechanical philosophy in the early 17th century. To some extent, certainly, the mechanization of nature in the early modern period, and of animal generation, development, structure, and motion along with it, served to intensify human exceptionalism. Yet we might have reason to doubt that this part of the story, though so often emphasized, is the one that really tells us about transformations in human conceptualization of animals in the modern period. After all, Descartes believed that human bodies are machines as well; the difference between humans and animals was for him that the human being is itself not a body at all, but a soul, while animals are entirely body. But the machine model had to do with explaining the motion of natural bodies, not 'objectifying' animals. There is simply no evidence from the early modern period that philosophers who believed that animals are machines were any more eager to objectify animals through scientific experiment than were the philosophers who continued to adhere to the old model, according to which animals have their own animal souls. G. W. Leibniz, for example, was a staunch opponent of the Cartesian doctrine of the animal-machine, yet in at least one early text, the *Directiones ad rem medicam pertinentes* of 1671, we find the philosopher arguing that dogs are more useful for studying the inner workings of the body than are humans, since, he explains "we can cut them open how and when we please" (Smith 2010, Appendix 1).

In this text Leibniz is also very enthused about some of the experimental work being done in the London meeting hall of the Royal Philosophical Society. Most intriguing was the work of a certain Richard Lower, a Cornish physician who in 1669 had published a *Tractatus de corde* [*Treatise on the Heart*]. Lower was not working alone, and indeed he appears to have been encouraged in his experiments by other members (many of higher rank than he) of the Royal Society. Thus we learn from the society's journal, the *Philosophical Transactions of the Royal Society* about "[t]ryals Proposed by Mr. [Robert] Boyle to Dr. Lower, to Be Made by Him for the Improvement of Transfusing Blood Out

of One Live Animal into Another." Boyle goes on to enunciate a list 'Queries' for Lower to answer:

- Whether a fierce dog, by being quite new stocked with the blood of a cowardly dog, may not become more tame or vice versa?
- Whether a transfused dog will recognize his master?
- Whether characteristics peculiar to a breed (e.g., the scent of bloodhounds) will be abolished or impaired if a spaniel's blood is transfused into a bloodhound?
- Whether rejuvenation will occur if an old, feeble dog is given the blood of a young, vigorous one?

We know from the text of the *Tractatus de corde* that Lower took Boyle up on many of these suggestions. The most active period of animal experimentation in the Royal Society seems to have peaked in the 1660s, when researchers were concerned mostly with questions about respiration and the circulation of the blood, areas in which, it could easily be presumed, not much differed from species to species. William Harvey, with his discovery of the blood's circulation, did not settle the question once for all as to why it circulates and of what vital functions it sees to. Next to those performed with the air pump, experiments involving transfusion were among the most common of those performed by the Royal Society (and it is worth noting as well that many of the air-pump experiments on animals were also concerned with blood-- namely, with the oxygenation of the blood through respiration).

Before a transfixed public at Gresham College, in 1666 Lower performed dog-to-dog transfusions, in which two dogs were connected together by means of tubes, and blood was made to flow out of one, into the other, and back again. The record shows that of all the members of the audience at the experiment on transfusion, only the legendary diarist John Evelyn registered any squeamishness. A few years later, in 1670, Evelyn writes in his diary of being "forc'd to accompanie some friends to the Beare-garden" in London, to watch a dog-fight. "[T]he Irish Wolfe dog exceeded," he relates, "which was a tall Gray-hound, a stately creature in deede, who beat a cruell Mastife." Evelyn goes on: "One of

the Bulls tossed a dog full into a Ladys lap as she sate in one of the boxes at a Considerable height from the Arena: there were two poore dogs killed; & so all ended with the Ape on horse-back, & I most heartily weary, of the rude & dirty pasetime, which I had not seene I think in twenty years before" (5 June, 1670; Evelyn 1995, 175).

Was the Royal Society just another scene of rude and dirty pastimes? One thing that the historian of animal experimentation cannot help but notice is that the dog was often taken as the ideal test subject not just because of the relative similarity of its internal anatomy to ours, but also because its expressions of pain or displeasure are for us so easy to read and understand. Who after all really knows whether the parakeet in the vacuum chamber is suffering from lack of oxygen, or just flapping its wings as some mechanical response? Far from it being the case that the famous new animal-machine doctrine of the 17th century made vivisection permissible, it is rather precisely because the vivisectionists knew that dogs *do* have feelings that they were such useful *Ersätze* in experiments known to involve suffering. Dogs were moreover useful because they were so forgiving: they can be put through the same torture over and over again without growing resentful. Thus Lower tells of one test subject who, "once its jugular vein was sewn up and its binding shackles cast off, promptly jumped down from the table and, apparently oblivious of its hurts, soon began to fondle its master, and to roll on the grass to clean itself of blood" (Lower 1669).

What is thus more revealing than studying the way philosophers changed their metaphysical models of animals, perhaps, is a consideration of the way in society as a whole changed the way it related towards animals, not just the animals that served in scientific experiment, but also farm animals, food animals, vermin. Noëlie Vialles highlights some important changes in the late 18th and early 19th centuries in her *Animal to Edible*, an ethnographic study of the slaughterhouses of southern France:

While [the relocation of slaughtering to the town limits] certainly had to do with a town-planning policy concerned about public hygiene, exiling the abattoir was also, through that very policy, an expression of the profound shift in sensibilities

with regard to such realities as death (human or animal), suffering, violence, waste and disease, miasmas', and finally animals themselves (Vialles 1994, 19).

Vialles notes that private slaughtering by butchers in their central shops was prohibited in France under Napoleon, and that this brought about an effective "dissociation of slaughtering and butchering." The butcher does not have blood on his hands; he simply deals with a commodity that, by the time it reaches his shop, has been thoroughly de-animalized. The blood-stained hands now belong to the abattoir laborer, an unseen, abstract figure beyond the city limits, who certainly will never make it into any illustrated children's book about our town, its buildings and people.

With this in mind, we might suppose that the greatest shift in the perception of animals over the course of the modern period had to do with the fact that a great many animals that have a direct impact on human lives, as nutriment, ceased to be perceived at all. They did not have to be reconceptualized as animal-machines in order for this to happen; they had to stop being conceptualized as animals of any sort, but instead as commodities. As for the animal-machines objectified in scientific experiments from the mid-17th century on, the machine model was certainly conducive to the advancement of scientific discovery, but it does not appear to have been necessary to presuppose this model in order to justify the experimentation morally. Compared to the secret slaughter in the abattoirs, the experiments of the Royal Society have more in common with religious sacrifice than with pure objectification. The animals were offered up to science *because* they were animals, whether conceived on the machine model or otherwise, and qua animals they were worthy of interest as 'something natural and something wonderful', even if this involved killing where Aristotle was content to remain at the level of non-interventionist observation.

Here, indeed, in contrast with what has been said above about the shift from hunting to pastoralism, it is much more to a change in the mode of production, and to a consequent change in the ecology of modern human life, than to any shift in the scientific elite's conceptual model of animal bodies, that we should look in trying to understand one of the

most remarkable features of our current, seemingly inconsistent relationship to different kinds of animal: some are protected, while billions of others are brought into being, made to suffer, and then slaughtered every year so that they may be consumed like any other commodity. There is no thanks given to them, no reverence. They are not part of our social world at all (a social world that is no longer socio-natural), let alone the center of the cosmos. One common exclamation at the sight of the horrible treatment of human beings by other human beings (say, deportation in cattle cars) has it that 'they are being treated like animals'. In fact the animals implicated in the system of factory farming are not even being treated like animals, if we understand animals to be a certain kind of other, different from us yet phenomenally salient, occupying a place in our ecologies and in our minds.

4.

At the same time as certain animals were deanimalized over the course of the modern period, to the extent that they were reconceptualized simply as a food commodity in an earlier stage of production, candidacy for protection came to be understood, increasingly, in terms of the ability of a given creature to perform feats generally associated with the human sphere of interests. The ability to perform these feats came to be associated with 'intelligence'. Such a conception of intelligence, and by implication of moral worth, has been articulately criticized by Elizabeth Costello, J. M. Coetzee's fictional defender of animals in his novel, *The Lives of Animals* (1999). Costello takes Kafka's fable of an ape's report to a scientific academy as an illustration of her views about the vain search for a test of animal intelligence. The ape in the story, now a cultivated, language-endowed gentleman, reminisces about his earlier, merely animal stage, shortly after his capture in Africa. He tells how he was subjected to various experiments in which, for example, scientists hung a banana from the ceiling in order to see whether he had the requisite 'intelligence' to stack blocks together and climb up them to reach his reward. This sort of experiment takes a number of things for granted. Among other things, although it purports to be testing for something human-like, it does not allow for the possibility of individual whim; it does not allow for the possibility of a response such as Zira's, the

fictional chimpanzee in the film *Escape from the Planet of the Apes* (1971), who cannot help but exclaim, when the human scientists try a similar experiment on her, "but I simply loathe bananas!" The fact that experiments such as these *require* a certain course of action in order for the creature to be deemed intelligent suggests that what is being tested for is not really intelligence in any meaningful, human sense --since humans are permitted to have arbitrary whims and individual tastes-- but rather a certain automatism that reproduces the kind of action of which a human being is capable, e.g., stacking blocks, but in the pursuit of a species-specific goal, a goal that a creature must have simply in view of the kind of creature it is, and that for that reason is not the result of a human-like willing, e.g., the will to obtain a banana.

If 'being intelligent' is defined as 'being like us', we may anticipate in advance that non-human animals are doomed to fail any possible intelligence test. We may also predict that the more distant a creature is from *homo sapiens* in its evolution, the greater will be its challenge in demonstrating to human researchers that it, too, is intelligent. A parallel problem has been confronted by researchers attempting to conceptualize what extraterrestrial intelligence might look like. What if, for example, an alien race has evolved that communicates by means of electrical signals? What if, now, we are already surrounded by such species? What if a species of electrical eels has its own Beethovens and Kurt Gödels, communicating their beautiful compositions or penetrating discoveries through media we have not yet even thought to investigate as potential reflections of intelligence? Even if this is a foolish example, it reveals a real problem: as long as it is human beings who are designing the intelligence tests, non-humans are predetermined to come up short.

Recent scientific research is, thankfully, starting to overturn the old criteria for the measurement of the richness of internal life, and instead of asking of animals that they show us their ability to solve puzzles we design for them, researchers are instead focusing on the way different species relate to members of their own group in the pursuit of species-specific ends. One thing that has become apparent is that, in our own species, much intelligence is in fact social intelligence: the ability to interact with other humans in

subtle and complex ways. But we also know, now, that the mechanisms underlying human social relations are just the same endocrinologically, and much the same neurologically, as those that cause walrus, say, to prefer to live in groups rather than to live alone. Thus one study on social relationships in rodents concludes that while extrapolation to humans and other primates must be made with caution, "the neural systems and chemicals responsible for social behavior [in rodents] depend on conserved neuroendocrine systems and thus may be highly relevant to behavior in other species" (Carter et al. 2009, 136).

Still, the old habit of standardized testing dies hard, and an important question remains as to what constituency, exactly, an individual animal represent when it takes an intelligence test. When a child takes an IQ test, it is clear that she stands alone, that the results will be considered only as a measure of her intelligence, but not as a measure of humanity. An individual animal, in contrast, when it takes a test involving blocks and bananas, is held up as a representative of its entire kind. Sometimes, individual animals are even held up as representatives of the animal kingdom as a whole. Consider the BBC News item of 9 March, 2009, concerning a chimpanzee in a zoo in Sweden that had stockpiled rocks as part of a plan to throw them later on at the zoo's visitors. "There has been scant evidence" until now, the article observes, "that animals can plan for future events." One chimp in a zoo in Sweden is made to tell us something about 'animals' in general, while a child prodigy, or for that matter a child dullard, tells us in her exceptional or mediocre test results only about herself.

Of course, the Swedish chimp tells us nothing at all about 'animals': its ability to plan for the future says nothing about whether fruit flies or tapeworms are able to do the same. What is meant by 'animals' here, we may suppose, is actually 'some non-humans'. If capacities that are jealously guarded as the exclusive property of human beings are found to occur anywhere beyond the human species, the thought seems to be, then they may as well occur everywhere. In the end, however, no amount of experimental evidence will suffice to convince those with an *a priori* conviction that animals cannot plan for the future, or entertain a concept of the self, or absence, or the like, that they were in fact

mistaken. Anything a non-human animal does can always be explained, if one chooses, in terms of 'instinct'. Take planning. Of course we all already knew that squirrels, bees, and countless other species go about their business in a way that appears to anticipate future states. Why does this not count as "planning for future events"? The answer is that in squirrels and bees this activity is only instinctive, which is to say programmed into them simply in virtue of what they are, and not requiring any conscious agency in order to execute it. The chimp's stone storage is of interest because it is thought to be rare; if all chimps did it it would reveal nothing at all. This, again, means that in an important sense it is *a priori* impossible to detect the existence of other intelligent species, since intelligence is taken as something that can only show up exceptionally. And yet, again, while whatever is universal is taken to be merely instinctive and so not indicative of intelligence, what is not universal but exceptional, such as the storage of stones, is taken to say something about 'animals' as a whole.

What is going on here? It seems that in general humans hope to be able to explain everything animals do in terms of automatism or instinct, and that journalists regularly hope to create a sensation by providing evidence to the contrary. But what this scenario leaves out is the possibility that different creatures will manifest different capacities, in part in view of the kind of creatures they are, in part in view of the opportunities and challenges their environments present to them. This scenario leaves out, moreover, the possibility that there is simply no such thing as 'animals', conceived as a discrete class of entities that lies between the vegetable and the human in the same way that the human was long thought to lie between the animal and the angelic. 'Animal', on the reading I am suggesting, is an uninformative umbrella term, one that fails to pick out a set of kinds of creature with similar internal natures and capabilities.

5.

One striking difference between the way we tend to conceptualize human beings and the way we tend to conceptualize animals is that, in the latter case, a species as a whole may be represented by one individual. Thus Aelian tells of the impious hippopotamus, just as

folk legends often tell of 'the bear' or 'the crow', as if there were only one, or rather, as if any one representative will do just as well as any other. This is a habit that continues in story-telling about animals today. Thus in Roald Dahl's children's story *Fantastic Mr. Fox* (1970), 'fox' seems to function as a surname for the vulpine protagonist, while his human enemies are not, for their part, 'Mr. Man'. There can be no Mr. Man, even in a children's story, because men are always individuals, each with his or her own irreducible uniqueness, while individual animals are instantiations of a kind that itself seems to be on an ontological and moral par with the individual human being. Thus in traditional sayings an animal kind will have a psychological profile that might match that of a single individual human (Mr. Jones might be sly as a fox, but Mr. Brown would never be only as swift as a given individual hare, and a given individual dog would certainly never be, say, as lazy as Mr. Smith). Correlatively, when conservationists speak about the loss of biodiversity, it is generally implicit that it is the animal species as a whole that is the morally relevant entity: individual zebras can be culled from a population, just as long as the population itself continues to thrive; every human being, in contrast, has protected status, and culling is out of the question, at least as an explicit policy.

The one circumstance in which culling of human populations becomes possible (even if we still would not call it that), arises when a foreign ethnic group has been conceptualized in the way that animals are conceptualized in fables, not as irreducible individuals, but as, e.g., the Jap or the Hun. In a controversial article, Francisco Gil-White (2001) has argued that human beings are innately disposed to cognize other racial groups by means of the same module responsible for folk-biological taxonomizing of animal species. On this line of thinking, the default mode of cognition of Japanese people (for anyone who is not Japanese, that is), is as 'the Jap', just as the default mode of cognition of foxes is through their imagined representative, 'Mr. Fox'. Now what moral universalism is supposed to do is to ensure that we not think in this way about the members of other human groups, while in contrast *Fantastic Mr. Fox* is still a harmless entertainment. But it is no secret that moral universalism can easily be suspended under circumstances of demographic and ecological competition (a competition often

conceptualized as 'political'). When this happens, does it not seem to be a *reversion* to a more basic way of cognizing, rather than a perversion of our natural or regular way?

More than one prominent theory of the origins of the religious life sees it as rooted in an attempt to absolve the guilt that arises from aggression and violence. We are religious because we are violent, and we are violent simply because it is in our natures. According to Walter Burkert in his influential work, *Homo necans*, for most of human history social solidarity was achieved through "through a sacred crime [hunting and war] with due reparation [the rituals associated with these]" (Burkert 1983, xiv; see also Girard 1979). He argues that "[s]acrificial killing is the basic experience of the 'sacred'. *Homo religiosus* acts and attains self-awareness as *homo necans*. Indeed, this is what it means 'to act', *rezein*, *operari* (whence 'sacrifice' is *Opfer* in German)- the name merely covers up the heart of the action with a euphemism" (Burkert 1983, 3). In this respect, for Burkert those progressive social scientists are mistaken who "attempt to locate the roots of the evil" of violence while setting out from "short-sighted assumptions, as though the failure of our upbringing or the faulty development of a particular national tradition or economic system were to blame" (Burkert 1983, 1).

I do not wish either to defend or to refute Burkert's specific thesis here. It is enough to draw inspiration from his suggestion that both war and hunting are part of the same complex of human behaviors, a complex that required the creation of a counter-complex, that of ritual, religion, and, eventually, morality, in order to repair for the transgression of the originating complex. If this is the case, then one thing that becomes clear is that there is a knowable mechanism at work in the periodic dehumanization of human groups, a dehumanization that functions almost as a precondition of being able to go to war against them. It is a dehumanization in the sense just considered, that from being a group of sundry irreducible individuals they are now conceived, in the way in which we regularly conceive animals, as interchangeable instances of the same kind. We might in this sense modify Aristotle's claim above by saying that war is a form of hunting, and that it is made possible by the rescinding of the irreducible moral status of individual human beings, and its replacement with the default perspective humans take on animals: as Mr. Fox, or as

Brer Rabbit, or 'that filthy varmint'. The rescinding of moral status is possible, indeed easy, along Burkert's lines, because the war/hunting complex comes first in the order of things, and the morality/religion complex was only erected subsequently in order to modulate or regulate an existence that is fundamentally defined by the first of these.

6.

I have been suggesting that, whatever our moral theory tells us about the way moral status flows from the internal nature of a being, in fact our attribution of this status to some creatures, and our withholding of it from others, has much more to do with the way these creatures show up in our ecology, or fail to show up there. The theory of animals that enables the system of factory farming is not the Cartesian animal-machine model, or anything of the sort. The theory, such as it is, is much sooner the one that has always been available to anyone capable of understanding an allegorical fable: individual creatures are reduced ontologically to interchangeable instances of a kind, and this kind in turn is conceptualized as having a unique property or end (what Leibniz would have called the *officium* of a species).

At its most anodyne, this conception of animals permits us to see entire species as manifesting a single psychological trait of the sort we would ordinarily ascribe to individual human beings (e.g., slyness, laziness), but it is fundamentally no different than the conception that enables us to see cattle as 'beef on the hoof'. In this latter case, the very *raison d'être* of the creature is to provide meat to humans; if the meat is temporarily stored as part of the body of an 'individual' living creature, this does not change the creature's ultimate *telos* or end-towards-which. The Stoic philosopher Chrysippus already dared to say in the 3rd century BCE that a pig's soul functions in the pig's body no differently than salt in cured ham. The reason pigs exist at all is to be eaten by human beings, he thought. For a while their meat is held together by a soul, later it is held together by salt. Thus Cicero ponders in his 1st-century BCE work *On the Nature of the Gods*: "And the pig? What else is it but food? It has a soul, Chrysippus says, in order to keep it from rotting; the soul takes the place of salt, for it is destined to serve as

nourishment for man” (*De natura deorum* II, 64), It makes no difference that, in English as in Latin, 'meat' is a mass noun (that is, we speak of 'some meat', but not, ordinarily, 'the meats'), while 'pig' is a count noun. In fact, one of the most usual ways of performing the conceptual transformation that deanimalizes animals --that is, that takes them out of the ecology of reciprocal obligations and places them in the economy of commodity production-- is by shifting to a mass noun in speaking of an ensemble of otherwise individual animals. Think of 'cattle'.

That the system of factory farming requires deanimalization --the rescinding of the status of individual creature from the animals involved, a status that in traditional hunting and pastoralist societies was not rescinded, but indeed all that much more present in the moment of killing-- shows that if hunting was a form of war, and if the current system of meat production bears some ancestral link to hunting, then what we have today is a form of war that could not have been imagined in earlier societies. It is a war that costs the victors nothing, and in which the losers are already vanquished simply in virtue of being born.

The purpose here, anyway, is not to decry the current state of things, but only to seek to understand how it came to be. I have been trying to show that the range of things one may or may not do to another creature does not really flow from that creature's species affiliation, or even from a consideration of where it lies in the supposedly fundamental division between humans and animals. After all, humans *are* in fact capable of doing horrible things to other humans. The presumption I have been questioning, that the range of what we may or may not do to animals flows from a theory of their internal natures, seems related to a corollary presumption, that the range of things we *must not* do to other humans flows from an awareness of their internal natures, or of their possession of something we call 'moral status'. But if we accept Burkert's advice that we should not interpret breakdowns in the force field that moral status is supposed to uphold as mere "faulty developments in particular economic or national traditions," then we quickly see that there is a different, and deeper, system of rules that governs what may or may not be done to other creatures, a system that does not take the question whether those other

creatures are humans or animals to be the most salient one. In this system, it is the way the other creature shows up in the ecology of our lives, and the way different courses of action towards it are thought to influence the balance and well-being of the socio-natural theater in which we act, that determines what may or may not be done to it. With Nietzsche and Williams, I suspect that the difficulty we have in discerning this deeper system has something to do with the invention of morality, a thing supposed to be shared by all and only human beings, and with the idea that it is from this that our actions towards other human beings, but not towards other animals, flows.

List of Works Cited

Giorgio Agamben, *Homo sacer: Sovereign Power and Bare Life*, Stanford University Press, 1998.

Walter Burkert, *Homo necans: The Anthropology of Ancient Greek Sacrificial Ritual and Myth*, tr. Peter Bing, University of California Press, 1983.

C. Sue Carter, Ericka Boone, Angela J. Grippo, Michael Ruscio, and Karen L. Bales, "The Endocrinology of Social Relationships in Rodents," in Peter T. Ellison and Peter B. Gray (Eds.), *The Endocrinology of Social Relationships*, Harvard University Press, 2009, 121-137.

J. M. Coetzee, *The Lives of Animals*, Princeton University Press, 1999.

Dennis Des Chene, "'Animal' as Category: Bayle's *Rorarius*," in Justin E. H. Smith (Ed.), *The Problem of Animal Generation in Early Modern Philosophy*, Cambridge University Press, 2006, 215-231.

Emile Durkheim, "De quelques formes primitives de classification. Contribution à l'étude des représentations collectives," in *Année sociologique* 6 (1902).

E. E. Evans-Pritchard, *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People*, Oxford University Press, 1940.

John Evelyn, *The Diary of John Evelyn*, ed. Guy de la Bédoyère, London, The Boydell Press, 1995.

Michel Foucault, *Surveiller et punir. Naissance de la prison*, Paris, Gallimard, 1975.

Francisco Gil-White, "Are Ethnic Groups Biological 'Species' to the Human Brain?: Essentialism in our Cognition of Some Social Categories," in *Current Anthropology* 42 (2001): 515-554.

René Girard, *Violence and the Sacred*, Johns Hopkins University Press, 1979.

Maurice Godelier, *The Mental and the Material: Thought, Economy and Society*, Verso, 1986.

Tim Ingold, "Growing Plants and Raising Animals: An Anthropological Perspective on Domestication," in David R. Harris (Ed.), *The Origins and Spread of Agriculture and Pastoralism in Eurasia*. Washington, Smithsonian Institution Press, 1995, 12-24.

Daniel Lord Smail, *On Deep History and the Brain*, University of California Press, 2007.

Friedrich Nietzsche, *Zur Genealogie der Moral* [1887], in *Werke: kritische Gesamtausgabe*. Ed. Giorgio Colli and Mazzino Montinari. De Gruyter, 1985.

Justin E. H. Smith, *Divine Machines: Leibniz and the Sciences of Life*, Princeton University Press, 2010.

Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate*, Cornell University Press, 1995.

Cass R. Sunstein, "Introduction: What Are Animal Rights?," in Cass R. Sunstein and Martha C. Nussbaum (Eds.), *Animal Rights: Current Debates and New Directions*, Oxford University Press, 2004, 3-18.

Noëlie Vialles, *Animal to Edible*, Cambridge University Press, 1994.

Bernard Williams, *Shame and Necessity*, University of California Press, 1994.