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DOING RIGHT BY OUR ANIMAL COMPANIONS *

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ABSTRACT. The philosophical literature on the moral status of nonhuman animals, which is bounteous, diverse, and sophisticated, contains a glaring omission. There is little discussion of human responsibilities to companion animals, such as dogs and cats. The assumption seems to be that animals are an undifferentiated mass – that whatever responsibilities one has to *any* animal are had to *all* animals. It is significant that we do not think this way about humans. Most of us (all but extreme impartialists) acknowledge the existence of special responsibilities to humans. We believe, for instance, that our children, friends, and compatriots have special claims on our attention, time, energy, and resources. This is not at all incompatible (although it is sometimes thought to be) with the view that we have obligations to strangers. My aim in this essay is to fill the lacuna in the literature. I argue that the act of taking an animal into one's life or home, through purchase, gift, or adoption, generates responsibilities to it, the main one being to provide for its needs, which, in the case of dogs (for example), are many and varied. Since this thesis is shrouded in misconception, I devote part of the essay to clarifying it. I then diagnose its philosophical neglect, which stems from both practical concerns and theoretical commitments. I argue that the practical concerns are groundless and that the theoretical commitments do not have the implications they are thought to have.

KEY WORDS: animals, children, companions, needs, obligation, partialism, relationship, responsibility

Apart from the universal rights they possess in common with all intelligent beings, domestic animals have a special claim on man's courtesy and sense of fairness, inasmuch as they are not his fellow-creatures only, but his fellow-workers, his dependents, and in many cases the familiar associates and trusted inmates of his home.¹

* Nobody (aside from two anonymous reviewers late in the process) helped me with this essay, so I have nobody to thank, blame, flatter, or humiliate. It is dedicated to Sophie and Ginger, my beloved (and loving) canine companions – and to all non-human animals similarly situated. E-mail address: kbj@uta.edu; homepage: www.uta.edu/philosophy/faculty/burgess-jackson

¹ Henry S. Salt, *Animals' Rights Considered in Relation to Social Progress*, with a Preface by Peter Singer (Clarks Summit, PA: Society for Animal Rights, 1980), pp. 43–44. Salt's book was originally published in 1892.



The duties of a parent involve giving special weight to the interests and needs of his own children, precisely because they are his. And the same goes for our obligations to those others with whom we have a close and special relationship.²

Many of us live our lives in the company of animals³ – dogs, cats, birds, fish, and assorted reptiles and rodents. We share our homes with them. Depending on the species, we sleep with them, recreate with them, travel with them, care for them, play with them, teach them, learn from them, and in general consider their companionship a part of the good life. We are attuned to their material, psychic, and social needs. We worry when they are lost, ill, or injured; we take satisfaction in their growth and development; we exult when they prevail in a competition, learn a trick, or give birth; and we grieve, sometimes protractedly, when they die. For better or for worse, animals are caught up in the many comedies and tragedies of our lives – and we in theirs.⁴

The more thoughtful among us do not simply delight in the *fact* of companionship; we reflect on it. We wonder, sporadically or systematically, whether we are being responsive to the many and diverse needs of our animal companions.⁵ We do not regard them as having merely instrumental value to us but as having a worth, dignity, integrity, and well-being of their

² John Cottingham, "Ethics and Impartiality," *Philosophical Studies* 43 (1983), p. 97.

³ Throughout the essay I use "animals" as an abbreviation for "animals other than human." This is not unproblematic. See Tom Regan, "The Moral Basis of Vegetarianism," *Canadian Journal of Philosophy* 5 (1975), p. 184, n. 7 ("The fact that this is an ordinary use of the word ["animal"] for "animal other than human", despite the fact that humans *are* animals, suggests that this is a fact that we are likely (and perhaps eager) to forget. It may also help to account for our willingness to treat (mere) animals in certain ways that we would not countenance in the case of humans" [italics in original]). For an insightful essay on nomenclature, see Kenneth Shapiro, "Language: Referring to Animals Other Than Humans," *ISAZ [International Society for Anthrozoology] – The Newsletter* (November 1997), pp. 20–23.

⁴ The number of human-animal companionships is staggering. As of 1980, there were nearly half a *billion* (475.4 million) companion animals in the United States alone. This figure includes forty-eight million dogs (in thirty-two million households), 27.2 million cats, 25.2 million birds, 250 million fish, and 125 million other animals (including raccoons, hamsters, gerbils, rabbits, reptiles, rodents, and guinea pigs). See Alan M. Beck, "Animals in the City," in Aaron Honori Katcher and Alan M. Beck (eds.), *New Perspectives on Our Lives with Companion Animals* (Philadelphia: University of Pennsylvania Press, 1983), p. 238.

⁵ I prefer "animal companion" or "companion animal" to "pet" on grounds that the first and second of these terms, but not the third, imply (or at least do not preclude) equality and mutuality. Nothing substantive – that is, nothing in my argument – hinges on this terminological choice. For a different approach to the matter, see Carol J. Adams,

own – a well-being that we, through action or omission, in knowledge or ignorance, can thwart or promote. We know, as surely as we know anything, that matters can go well or poorly for our animal companions, and we wish them to go well.

This wonder, if allowed to grow (and certainly if cultivated), gives rise to a number of philosophical questions concerning the nature, basis, and extent of our obligations to animal companions. Just what do we owe them, and why? When one turns to the philosophical literature for edification and guidance, however, one finds . . . next to nothing. The great manifestoes of our age, *Animal Liberation*⁶ and *The Case for Animal Rights*,⁷ say little or nothing about companion animals. The issue of our responsibility to them is not even broached. The assumption seems to be that whatever obligations humans have to *any* animals are had to *all* animals, wild or domestic, stray or companion, chosen or unchosen. Animals are viewed as an undifferentiated mass.⁸

That assumption, plausible as it may seem to some, is woefully mistaken, and my aim is to show why. I argue that human beings have special responsibilities to the animals they voluntarily bring into their lives – precisely *because* they bring them into their lives.⁹ Before supporting this

“Bringing Peace Home: A Feminist Philosophical Perspective on the Abuse of Women, Children, and Pet Animals,” *Hypatia* 9 (1994), p. 64.

⁶ Peter Singer, *Animal Liberation* (New York: Avon Books, 1975; 2nd ed., 1990). All citations are to the second edition of this work.

⁷ Tom Regan, *The Case for Animal Rights* (Berkeley and Los Angeles: University of California Press, 1983).

⁸ One happy exception to this generalization is Bernard E. Rollin, *Animal Rights & Human Morality* (Buffalo: Prometheus Books, 1981; rev. ed., 1992). (All citations are to the revised edition of this work.) Rollin’s book is divided into four chapters: the first on moral theory; the second on rights; the third on research; and the fourth, amounting to twenty-eight pages, on “Morality and Pet Animals.” (Note that Rollin, like Adams, uses “pet” rather than “animal companion.”) Rollin is a pioneer of what has come to be known as “veterinary ethics.” He has also published an important work on animal pain. See Bernard E. Rollin, *The Unheeded Cry: Animal Consciousness, Animal Pain and Science*, with a Foreword by Jane Goodall (Oxford: Oxford University Press, 1989; paperback ed., 1990).

⁹ This is not a claim of or about legal responsibility. It is a moral claim. For the sake of simplicity (and with only a few exceptions) I omit the word “moral” throughout the essay. Nonetheless, the law illuminates the concept of special responsibility. Innkeepers are deemed by law to have special responsibilities toward their guests, lifeguards toward their charges, common carriers toward their passengers, and so on. These responsibilities go beyond the general duty (which everyone has) of reasonable care under the circumstances. See James A. Henderson, Jr., and Richard N. Pearson, *The Torts Process* (Boston: Little, Brown and Company, 1975), pp. 281, 369–396. Note that in each of these cases, the role is voluntarily assumed. Nobody is *required* to be an innkeeper, lifeguard, or common carrier. By the same token, nobody is *required* to assume the role of companion to an animal.

claim I want to clarify it, defend it against certain misconceptions, and diagnose its philosophical neglect, for the neglect is instructive. Since my conclusion is abstract, it will be useful to make the discussion concrete. In doing so, I focus on the case of dogs, which, among animal species, I know best.¹⁰ Needs vary by species, of course, and even by breed and individual within species.¹¹ I will ignore these complexities and describe what a typical dog needs in the way of basic care. What I say about dogs applies, *mutatis mutandis*, to other species.

There is one other issue that needs to be raised and set aside.¹² The question of what one owes to a particular animal that one voluntarily brings into one's life is separate from the question of whether one should bring that animal into one's life. Is it permissible, morally, to make a companion of a wild animal such as a boa constrictor, deer, or tiger? These are not domesticated species. Unlike dogs and cats, they have no history of living with and among human beings. *Given* that one makes a companion of a wild animal, one has responsibilities to it; but *it does not follow that doing so is or was permissible*. In fact, I believe it is almost always wrong to remove an animal from the wild (i.e., from its natural habitat), whether for companionship or for some other purpose. Only if one has harmed the animal and is confining it temporarily prior to releasing it into the wild may one deprive it of its liberty.¹³ In what follows, I bracket the primary

¹⁰ "The domestic dog is one of the most popular companion animals with an estimated population of 90 million in Western Europe and the USA. One in every four households in Western Europe owns a dog, and the figure rises to two in every five households in the USA." Chris Thorne, "Feeding Behaviour of Domestic Dogs and the Role of Experience," in James Serpell (ed.), *The Domestic Dog: Its Evolution, Behaviour, and Interactions with People* (Cambridge: Cambridge University Press, 1995), p. 104. The focus on dogs is appropriate for another, more troubling reason. "[H]umane society statistics reveal that dogs are by far the most common animal victims of human negligence and abuse." James Serpell, "From Paragon to Pariah: Some Reflections on Human Attitudes to Dogs," in James Serpell (ed.), *The Domestic Dog: Its Evolution, Behaviour, and Interactions with People* (Cambridge: Cambridge University Press, 1995), p. 252.

¹¹ On species-specificity, see Paul W. Taylor, *Respect for Nature: A Theory of Environmental Ethics* (Princeton: Princeton University Press, 1986), p. 68. With respect to diversity among dogs, it should be noted that there are 400 breeds in the world today, many of which are the product of selective breeding. See Juliet Clutton-Brock, "Origins of the Dog: Domestication and Early History," in James Serpell (ed.), *The Domestic Dog: Its Evolution, Behaviour, and Interactions with People* (Cambridge: Cambridge University Press, 1995), p. 16.

¹² I am indebted to an anonymous reviewer for raising this issue.

¹³ Here I agree with Paul Taylor, who argues for a "principle of restitutive justice" with respect to harmed organisms, species-populations, and biotic communities. See Taylor, *Respect for Nature*, pp. 186–192, 194–195, 196–197. This principle (he also calls it a rule) arises where "an agent has broken a valid moral rule and by doing so has upset the

question of whether one should bring an animal into one's life and focus on the secondary question of what responsibilities one has toward an animal *given that* one has brought it into one's life.

I

My thesis, as indicated, is that the act of bringing an animal into one's life – the act of forming a bond or relationship with a particular sentient being – generates a responsibility to care for its needs.¹⁴ I am not arguing for the different claim that because humans *collectively* have domesticated certain species of animal (dogs, for example),¹⁵ they (humans) are responsible for the well-being of those species. This argument is suggested by a passage from the zoologist Michael W. Fox:

balance of justice between himself or herself and a moral subject." Ibid., p. 186. Taylor's four rules of duty are nonmaleficence, noninterference, fidelity, and restitutive justice. See *ibid.*, chap. 4.

¹⁴ Stated differently, I am arguing for an acquired duty toward (certain) animals. For a discussion of the distinction between acquired and unacquired duties, see, e.g., Regan, *The Case for Animal Rights*, pp. 273–276. Regan, quoting John Rawls, says that unacquired duties (what Rawls calls "natural" duties) "apply to us without regard to our voluntary acts" and "irrespective of . . . institutional relationships." Acquired duties, in contrast, arise "because of our voluntary acts or our place in institutional arrangements." Ibid., p. 273 (the first two quotations are from John Rawls, *A Theory of Justice* [Cambridge: Harvard University Press, 1971], pp. 114–115). I do not argue (in this essay, at any rate) for the existence of institutional duties toward animals.

On an unrelated note, I have been criticized by an anonymous reviewer for using the pronouns "it" and "its" (possessive case) to refer to nonhuman animals. The criticism is that this objectifies animals, which (allegedly) undermines the thesis of the essay. I am not convinced by the criticism; but even if the use does objectify, it is interesting to observe that humans are also routinely objectified in this way – usually when the context is abstract, as it is here. Jane Flax, for example, writes that "The initial euphoria present in the discovery of the child's own powers and skills diminishes as *it* discovers the limitations as well as the possibilities of *its* developing skills. The child painfully learns that not only is *it* not omnipotent, but that the mother, too, is not all powerful." Jane Flax, "Political Philosophy and the Patriarchal Unconscious: A Psychoanalytic Perspective on Epistemology and Metaphysics," in *Discovering Reality: Feminist Perspectives on Epistemology, Metaphysics, Methodology, and Philosophy of Science*, ed. Sandra Harding and Merrill B. Hintikka (Dordrecht, Holland: D. Reidel Publishing Company, 1983), p. 252 (emphasis added). Bernard Rollin, who can hardly be accused of insensitivity to animals, also uses "it" to refer to particular animals where their sex is irrelevant. See Rollin, *Animal Rights & Human Morality*, p. 216.

¹⁵ According to Juliet Clutton-Brock, a zoologist, "the dog was the first species of animal to be domesticated." Clutton-Brock, "Origins of the Dog," p. 10.

Some may demean domesticated animals as being degenerate or inferior forms of their wild ancestors or counterparts. Others may see them as merely utilitarian “tools,” man-made to serve humanity, in order to satisfy and gratify our many and diverse needs. Yet do we fully understand our enormous obligation and debt to them, which is ethically far greater perhaps than our debt to wild forms? While the latter may be in our trust and we their stewards, the former are *our own creations*. Being so, what kind of creator are we, and are we to become? Our debt to them is unmeasurable, for we have learned and are still learning from them to become more fully human: responsible and compassionate. We can learn through them in countless ways about nature and about our own nature as well.¹⁶

This collective-responsibility argument (as I term it) is compatible with my argument, for one might claim that an individual human is responsible both *qua* individual (to dogs he or she takes in) and *qua* human (to dogs generally). But this argument creates additional challenges, such as spelling out the nature, ground, distribution, and limits of collective responsibility. These challenges may or may not be met. My claim, in contrast, is that *individual* humans, by acting in certain ways, incur responsibilities to *individual* animals.

Nor am I arguing that when a person takes an animal in, he or she is contracting with it, tacitly or otherwise. My argument is not, in other words, contractarian.¹⁷ If any legal doctrine applies here, it is promissory estoppel. This is the doctrine that one is bound by one’s unilateral (unreciprocated) promises that one has reason to believe will generate, and do in fact generate, detrimental reliance (through expectation).¹⁸ But I do not rest my conclusion on either expectations or reliance. I believe this fits our

¹⁶ Michael W. Fox, *The Dog: Its Domestication and Behavior* (New York and London: Garland STPM Press, 1978), p. 262 (emphasis added).

¹⁷ For a sketch of such an argument, see Bernard E. Rollin, “Morality and the Human-Animal Bond,” in Aaron Honori Katcher and Alan M. Beck (eds.), *New Perspectives on Our Lives with Companion Animals* (Philadelphia: University of Pennsylvania Press, 1983), p. 504 (“[P]et animals, at least, *do* stand in precisely this relationship to man, behaviorally [sic], biologically, and evolutionarily. There is a strong social contract between man and dog” [italics in original]). See also Rollin, *Animal Rights & Human Morality*, pp. 216–220. For doubts about the usefulness of a contractual model, see Carole Pateman, “The Sexual Contract and the Animals,” *Journal of Social Philosophy* 27 (1996), pp. 70–72 (arguing that since animals cannot refuse to enter into contracts, and since the possibility of refusal is “the basic criterion for the existence of a genuine practice of contract” [ibid., p. 72], animals cannot be contractors).

¹⁸ See, e.g., *Black’s Law Dictionary*, 5th ed. (St. Paul, MN: West Publishing Company, 1979), p. 1093 (s.v. “Promissory estoppel”) and John D. Calamari and Joseph M. Perillo, *The Law of Contracts*, 2nd ed. (St. Paul, MN: West Publishing Company, 1977), pp. 202–203. To estop is to stop, so estoppel is the act of stopping (i.e., preventing) someone from doing something. *Promissory estoppel* is the *doctrine* that one ought, legally, to be stopped or prevented from breaking one’s promise. For a gesture in this direction with respect to human obligations to animals, see Roslind Godlovitch, “Animals and Morals,” *Philosophy*

attitudes toward parental responsibility as well. As Annette Baier puts it, “Parental and filial responsibility does not rest on deals, actual or virtual, between parent and child.”¹⁹ The responsibility of a parent *qua* parent or of a sibling *qua* sibling has some other basis.

It might be objected that the very idea of a special responsibility or special obligation is misconceived. The objection is not that there *is* no special responsibility to companion animals, but that in the nature of things there *cannot* be, since judgments of responsibility and obligation, being moral judgments, must be universalizable, and those involving special responsibilities and special obligations are not universalizable.²⁰

The objection is confused. The judgment that one is responsible to beings who are related to one in a particular way is, contrary to the assertion, universalizable. Take the judgment that Jennifer is responsible for the welfare of Ginger, the dog she brought home from the pound. The universalized form of this judgment is that *anyone* (that is, anyone in Jennifer’s situation) who brings a dog home from the pound is responsible for the animal’s welfare (or, more generally, that anyone who takes in a dog, from whatever source, is responsible).²¹ I am not saying that the universalizability of the judgment *validates* it; I am saying that it insulates it from the criticism that it is nonuniversalizable, hence not a moral judgment. In other words, it passes the universalizability test. The problem with the objection

46 (1971), p. 25 (“The function of the practice of promising is to incur ‘special’ obligations ...”).

¹⁹ Annette C. Baier, *Moral Prejudices: Essays on Ethics* (Cambridge: Harvard University Press, 1995), p. 110.

²⁰ An anonymous reviewer has suggested that this is “something of a straw man objection,” since “Common moral practice, and most moral theory, certainly recognizes special obligations, e.g. to our loved ones, one’s own community, etc.” I agree that common moral practice recognizes special obligations, but I deny that the main moral theories do so. Consequentialists, for example, have a notoriously difficult time accommodating special obligations. See the discussion and references in Part III. It may be – and here I speculate – that this is why the main moral theories fail to resonate with ordinary people. I say this as someone who has taught practical and theoretical ethics for many years and who assumes that beginning students are “ordinary people.” For a discussion of where, in my view, moral theory goes bad, see Keith Burgess-Jackson, “The Problem with Contemporary Moral Theory,” *Hypatia* 8 (1993), pp. 160–166 (arguing that moral theory is unacceptably foundational).

²¹ Here I concur with Philip Pettit, who writes: “Considering the repeatable features of his situation, each parent must acknowledge, not just his duty to look after his child, but the duty on all parents to take like care of their progeny.” Philip Pettit, “Social Holism and Moral Theory: A Defence of Bradley’s Thesis,” *Proceedings of the Aristotelian Society*, n.s., 86 (1985/86), p. 183. See also Andrew Oldenquist, “Loyalties,” *The Journal of Philosophy* 79 (1982), p. 174.

is that it confuses generality and universality. There can be universalizable judgments about special (i.e., nongeneral) relationships.²²

Note also that by arguing for the existence of special responsibilities to the animals one takes in, I am not ruling out the possibility or existence of general responsibilities, by which I mean responsibilities to “stranger” animals. The two types of responsibility can co-exist, as most of us think they do in the case of humans. Most of us believe that we have responsibilities to human strangers, although there may well be disagreement concerning the nature and extent of that responsibility (i.e., what it entails). For example, some of us believe that we have affirmative responsibilities to strangers (to sustain their lives), while others maintain that our only responsibility is negative: not to harm them.²³ But everyone allows that there is an obligation (overridable perhaps) not to harm strangers.²⁴ This is the shared core of belief.

The same is true of animals. One can have a general (overridable) obligation not to harm animals at the same time that one has an affirmative responsibility to promote the interests of particular animals. Indeed, I can

²² See R. M. Hare, *Moral Thinking: Its Levels, Method, and Point* (Oxford: Clarendon Press, 1981), p. 41 (“[G]enerality is the opposite of specificity, whereas universality is compatible with specificity, and means merely the logical property of being governed by a universal quantifier and not containing individual constants”). I do not address the more fundamental question whether, in order for a judgment to *count* as a moral judgment, it must be universalizable. I assume so. For a discussion of this point, see *ibid.*, p. 55; see also Cottingham, “Ethics and Impartiality,” *passim*.

²³ Rawls addresses this point when he distinguishes two types of natural duty (the contrast being to nonnatural or acquired duty). Positive natural duties are duties “to do something good for another,” while negative natural duties “require us not to do something that is bad.” Rawls, *A Theory of Justice*, p. 114. Rawls finds it “plausible to hold that, when the distinction is clear, negative duties have more weight than positive ones.” *Ibid.* He does not, however, argue the point.

The two distinctions (natural/acquired and positive/negative) cut across one another, generating the following four types: (1) positive natural duties; (2) negative natural duties; (3) positive acquired duties; and (4) negative acquired duties. An example of a positive natural duty would be providing aid to a stranger (this is Rawls’s example). An example of a negative natural duty would be refraining from harming a stranger (also one of Rawls’s examples). An example of a positive acquired duty would be educating one’s child or keeping a promise. An example of a negative acquired duty would be not harming one’s child. My argument, cast in Rawlsian terminology, is that we have duties of type 3 *and* 4 with respect to companion animals. The voluntary act of taking an animal in generates both positive and negative duties toward it. This does *not* entail that we *lack* duties of type 1 or 2.

²⁴ Perhaps “everyone” is extreme. An ethical egoist, for example, might deny that there are natural duties (positive *or* negative) in Rawls’s sense. If one’s governing principle is the maximization of self-interest, as it is to a rational egoist, then in a particular case one may be *required* to harm others, whether stranger or nonstranger.

have both types of obligation with respect to the same animal. *Qua* dog, *qua* sentient being, or *qua* living organism, Sophie (my canine companion) has a right that I not harm her; *qua* animal that I have taken in, she has a right that I attend to her needs.²⁵ Those who reject affirmative obligations, whether to humans or to animals, typically do so not on grounds that such obligations are incoherent or incompatible with negative obligations, but for substantive reasons.²⁶ They believe, for example, that affirmative obligations unduly restrain liberty, or that they blur the line between the obligatory (justice) and the supererogatory (charity), or that they generate irresolvable coordination problems.

II

Having clarified my thesis, let me state its grounds. My argument is *ad hominem* in nature.²⁷ It is addressed to anyone who believes that responsibility can be voluntarily undertaken or assumed – that is, to anyone

²⁵ I use the language of rights loosely. It is not my aim to defend any kind of rights for animals in this essay. But by the same token, I do not deny their existence or possibility. In this regard I part ways with Paul Taylor, with whom I am otherwise in agreement. See Taylor, *Respect for Nature*, Chap. 5 (arguing that moral rights, strictly and properly conceived, are such that it is impossible for animals – or plants – to be bearers of moral rights, but conceding that there is an extended sense of “moral right” in which animals – as well as plants – may be said to have moral rights). My argument is about human responsibility and duty, which may or may not correlate with animal rights. Stated differently, I do not embrace the correlativity thesis, which maintains that every right entails a duty and every duty a right. For a formal statement and discussion of the correlativity thesis, see Keith Burgess-Jackson, “Duties, Rights, and Charity,” *Journal of Social Philosophy* 18 (1987), pp. 3–12.

²⁶ I say “typically” because there are exceptions. It has been argued, for example, that there are logical limits on the sorts of rights that might exist. See Hillel Steiner, “The Structure of a Set of Compossible Rights,” *The Journal of Philosophy* 74 (1977), pp. 767–775. I thank an anonymous reviewer for bringing this essay to my attention.

²⁷ By “*ad hominem*” I mean addressed to particular people with particular beliefs, values, ideals, principles, and commitments. This is the Lockean sense of the term. See John Locke, *An Essay Concerning Human Understanding*, ed. with a foreword by Peter H. Nidditch (Oxford: Clarendon Press, 1975; 1st ed., 1689), Bk. IV, Chap. XVII, Sec. 21, p. 686 (“A third way [to persuade] is, to press a Man with Consequences drawn from his own Principles, or Concessions. This is already known under the Name of *Argumentum ad Hominem*” [italics in original]). Joel Feinberg describes this method, which he employs throughout his tetralogy, as follows: “The appeal in [ad hominem] arguments is made directly ‘to the person’ of one’s interlocutor, to the convictions he or she is plausibly assumed to possess already. If the argument is successful, it shows to the person addressed that the judgment it supports coheres more smoothly than its rivals with the network of convictions he already possesses, so that if he rejects it, then he will have to abandon other judgments that he would be loath to relinquish.” Joel Feinberg, *The Moral Limits of the*

who believes that certain actions, in virtue of being the actions they are, with the consequences they have, generate responsibilities or obligations to others.²⁸ The basic idea, which I believe is widely shared, is that one is responsible for what one does, and what one does is at least partly specified by its foreseeable consequences. One is responsible, that is to say, for conditions one brings about through voluntary action. If I shoot my rifle into a crowd of people, I am responsible (answerable) for any resultant harm, even if strictly speaking the harm is unintended. What we say in such a case is that I *should have known* of the grave risk of harm I created. My action was reckless. A responsible agent is one whose actions are one's own, who can and must respond to others for what one does.

Animals, no less than humans, have needs, not all of which, in this human-made world, can be fulfilled naturally or on their own.²⁹ Among other things, animals need protection from human beings and from human activities (e.g., the spraying of pesticides and herbicides), projects (building construction, warfare, sporting events), and objects (nails, culverts, toxic chemicals, automobiles).³⁰ Human beings who take custody of animals – who make companions of them – close off opportunities for those animals to fulfill their needs in any other way (as by being taken in by another human). This closing off of opportunities makes the animals

Criminal Law, vol. 1: *Harm to Others* (New York: Oxford University Press, 1984), p. 18. This sort of *ad hominem* argument should not be confused with the fallacious sort. There is a difference, however one marks it, between (1) dismissing a person's argument on the basis of irrelevant personal characteristics (attack *on* the person) and (2) drawing out the consequences of someone's beliefs, values, ideals, principles, or commitments (appeal *to* the person). Only the first of these is fallacious.

²⁸ I agree with Christina Hoff Sommers that "The contemporary philosopher is, on the whole, actively unsympathetic to the idea that we have *any* duties defined by relationships that we have not voluntarily entered into." Christina Hoff Sommers, "Philosophers Against the Family," in George Graham and Hugh LaFollette (eds.), *Person to Person* (Philadelphia: Temple University Press, 1989), p. 82 (italics in original). The prevailing idea seems to be that all duties are self-imposed. I do not share this belief, but that is neither here nor there as far as my argument in this essay is concerned. My argument is addressed to those who *have* this belief. I try to show them that their principles commit them to acknowledging duties to companion animals.

²⁹ According to Beck, "Most companion animals . . . are domesticated or captive-born species that thrive better in captivity than when free of human care." Beck, "Animals in the City," p. 240. Note that this is a comparative judgment. Beck is not saying that *all* companion animals thrive. If he were, and if he were correct, there would be no need to write this essay. He is making a claim about species, not specimens.

³⁰ "[T]here is evidence that loose [unconstrained] dogs account for more than 6 percent of all automobile accidents . . ." *Ibid.*, p. 241. This is not to blame the animals who cause such accidents but to suggest the degree of danger to which they are exposed. Beck advocates leash laws as a way to minimize this loss. See *ibid.*

vulnerable and dependent,³¹ which, I maintain, generates a responsibility in its producer. The vulnerability is a direct consequence of what one does.

The situation is analogous to having or adopting a child, a fact that I exploit for argumentative purposes.³² Why are parents responsible for, and to, their children? Because the voluntary actions of the parents brought the child – a helpless, dependent, vulnerable being – into existence.³³ Of course, while I am responsible *for* everything I bring into existence, I am not responsible *to* everything I bring into existence. If I bake a cake, I do not thereby incur responsibility to the cake (for its welfare). But that is because the cake *has* no welfare; it makes no sense to say, of a cake, that things are going well or poorly for it. The cake is not sentient; it has no interests; nothing matters to it. But dogs and other animals are sentient; they have interests.³⁴ Things can go well or poorly for them in the same sense and in many of the same ways in which things can go well or poorly for you, me, or a human infant. Baier alludes to this parallel between animals and human infants when she says that

we need a morality to guide us in our dealings with those who either cannot or should not achieve equality of power (animals, the ill, the dying, children while still young) with those with whom they have unavoidable and often intimate relationships.³⁵

³¹ See, e.g., Harlan B. Miller, "Introduction: 'Platonists' and 'Aristotelians,'" in Harlan B. Miller and William H. Williams (eds.), *Ethics and Animals* (Clifton, NJ: Humana Press, 1983), p. 10.

³² I am not the first to notice or draw the analogy. See Leslie Pickering Francis and Richard Norman, "Some Animals Are More Equal Than Others," *Philosophy* 53 (1978), p. 523 ("[H]uman beings can be something like the voluntary parents of animals – their pets. However, . . . the human role in such cases will normally be 'parental' only in the sense of being a protective and nurturing one; the distinctive developmental features which we have stressed in the human parent-child relation will be present to a very small degree, if at all, in the relations between human beings and their pets. Even so, such relations may be treated as bearing some moral resemblance to the parent-child relationship; a pet owner would not be blamed for rescuing his/her pet rather than someone else's"). Francis and Norman are not here concerned to deny the possibility of special responsibilities to animals. What they claim is that not all animals are so related to humans. Rollin has also made the adoption comparison. See Rollin, *Animal Rights & Human Morality*, p. 230 ("[A]cquiring an animal is morally more like adopting a child than it is like buying a wheelbarrow").

³³ See, e.g., Jeffrey Blustein, "Procreation and Parental Responsibility," *Journal of Social Philosophy* 28 (1997), pp. 79–86.

³⁴ See Rollin, "Morality and the Human-Animal Bond," pp. 500–501; Taylor, *Respect for Nature*, p. 17. There may be nonsentient animals – insects and mollusks, for example – but these are not likely to be human companions.

³⁵ Baier, *Moral Prejudices*, p. 116.

It is the *fact* of vulnerability, therefore, conjoined with causal responsibility for that condition, that generates moral responsibility.³⁶ It is not, I hasten to add, that parents contract with their children to respond to their children's needs, for infants and children are incapable of contracting. Nor is it that the parent is related to the child genetically, for we would (and do) say the same about the responsibility of those who adopt children as about those who conceive and bear their own. Simply put: If you believe that a parent is responsible for his or her children, then, by parity of reasoning, you should believe that humans are responsible for the animals they bring into their lives.³⁷ If you do *not* believe that a parent is

³⁶ Here I deviate from my announced practice of using the unadorned "responsibility," but only to distinguish it from causal responsibility, which, in and of itself, has no normative or evaluative significance. For a discussion of the psychic dependency of dogs on their human companions, see Fox, *The Dog*, pp. 250–257. See generally Rollin, *Animal Rights & Human Morality*, p. 217 ("The dog in its current form is essentially dependent upon humans for its physical existence, behavioral needs, and for fulfillment of its social nature").

³⁷ James Rachels examines three arguments in favor of what he calls "the Compromise View," which is the "idea that one's own children have a superior claim [vis-à-vis other children] to one's care." James Rachels, "Morality, Parents, and Children," in George Graham and Hugh LaFollette (eds.), *Person to Person* (Philadelphia: Temple University Press, 1989), p. 50. The first argument asserts that parenthood is a role and that certain responsibilities and obligations (as well as rights) inhere in roles. Since one occupies the parental role only in relation to one's own children, one has responsibilities and obligations only to them. The second argument maintains that parents have special responsibility to their own children (as opposed to the children of others) because they (the parents) are "better situated to look after their own." *Ibid.*, p. 53 (italics omitted). The third argument maintains that love is a personal good of great importance and that, without special relationships, it would be unrealizable. As Rachels puts it, "An ethic that required absolute impartiality would therefore require forgoing a great personal good." *Ibid.*, p. 54.

None of these arguments captures what I take to be the basis of our responsibility to companion animals. I have not argued for the existence of a social role involving companion animals, much less tried to give content to such a role. Thus, I do not use the term "special responsibility" in the way Philip Pettit (for example) uses "special duty." Pettit defines "special duties" as "those that belong to the occupants of certain social roles." Pettit, "Social Holism and Moral Theory," p. 173. Some – but not all – special responsibilities derive from roles (elsewhere in his essay Pettit uses the term "special duties" more broadly. See *ibid.*, p. 180. I am arguing for special duties in that broader sense).

Nor is it my contention that we have special responsibilities to companion animals because we are best situated (spatiotemporally or otherwise) to provide for their needs. This may be true in many or most cases, but it is not the basis of my argument. Finally, I do not rest my case for responsibility on emotions such as love, however good and valuable they may be. While there is undoubtedly genuine affection (perhaps amounting to love) between many humans and their companion animals, this is not the basis of the responsibility humans have toward them. Rather, the responsibility flows from the act of acquisition and the fact of vulnerability. Oddly, Rachels does not consider this possibility.

responsible for his or her children, then my argument will not persuade you.

III

Why have philosophers neglected the line of argument I just advanced?³⁸ Why does the literature of animal rights/welfare/liberation, which is now extensive, say so little about human responsibility to companion animals (as opposed to animals *per se*)? I believe there are several explanations for the lacuna.³⁹ The first is a fear (by those who have written on the moral status of animals) of negative practical repercussions. We know that there is a lively debate among moral philosophers and moralists concerning the extent of one's responsibility to other humans. So-called impartialists maintain that our responsibility to others is vast and unlimited; that if we have affirmative obligations to anyone, we have affirmative obligations to everyone, even strangers. These individuals argue that it is misguided, if not irrational, to think that one can have special responsibilities to particular humans or groups of humans. This is thought to be an arbitrary and

When he compares his own children to other children, he finds no relevant differences. One morally relevant difference is that he, Rachels, has brought some of these children (but not others) into existence. See Oldenquist, "Loyalties," p. 186.

³⁸ A computerized search of *The Philosopher's Index* for the years 1940 through March 1998 (inclusive) turned up only ten references to the conjunction of "companion" and "animal" (or variants thereof), ten references to "pet(s)," and sixty-five references to "dog(s)." Many of the references to dogs concern their cognitive and linguistic abilities rather than questions of moral status. Only a handful of the eighty-five items address the subject of this essay, and will, accordingly, be discussed herein. One of the best-known anthologies in the field, published in 1983, contains twenty-six essays arrayed in eight sections. Seventeen of the contributors are listed as philosophers. Not *one* of the essays, or even a section of an essay, is devoted to companion animals, let alone to human responsibilities to companion animals. See Harlan B. Miller and William H. Williams (eds.), *Ethics and Animals* (Clifton, NJ: Humana Press, 1983). The second edition of another widely used anthology contains thirty-nine essays arrayed in nine sections. At least twenty-three of the contributors, by my count, are philosophers. Again, not one section of one essay is devoted to companion animals. See Tom Regan and Peter Singer (eds.), *Animal Rights and Human Obligations*, 2nd ed. (Englewood Cliffs, NJ: Prentice Hall, 1989; 1st ed., 1976).

³⁹ I am pleased to report that since the completion of this essay I discovered a brief but serious discussion, by a philosopher, of the morality of keeping companion animals. David DeGrazia argues for a principle (one of fifteen he sets out) to the following effect: "Provide for the basic physical and psychological needs of your pet, and ensure that she has a comparably good life to what she would likely have if she were not a pet." David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge: Cambridge University Press, 1996), p. 280. One hopes that other, more detailed studies follow.

indefensible preference.⁴⁰ Partialists, on the other hand, deny this claim, insisting that it is neither misguided nor irrational to believe that one has special responsibilities. Partialists believe that one can and does have special responsibilities to friends, relatives, colleagues, compatriots, and so forth, and that this is not arbitrary.⁴¹

The impartialist fear seems to be that, by acknowledging the existence of *special* responsibilities, we dilute the more general responsibilities of (and to) humanity. The temptation would be to ignore or devalue those to whom one does not stand in a special relation. We ask only how our family, friends, neighbors, and compatriots are doing (perhaps how members of our race, sex, or religion are doing) rather than how people in general are doing. We exhibit tribalism. Strategically, impartialists believe, it is better to treat everyone the same, whether lover, friend, acquaintance, or stranger. Humans are humans. They have the same needs, interests, capacities, desires, and character. Humans are morally, if not materially, indistinguishable.⁴² In economic terms, they are fungible.

It so happens that those who have been most active in defense of animals – Peter Singer and Tom Regan – are impartialists.⁴³ I believe they have the fears just described and that they project those fears onto human attitudes toward animals. The fear is that, if we acknowledge special responsibilities of the sort I advocate in this essay, so-called stranger animals, animals whom no human has taken in, or to whom no human is affectively related (perhaps because they lack “cuddliness”), will be ignored and devalued – will fall outside the moral community. We humans

⁴⁰ The term “impartialist” is Cottingham’s. See Cottingham, “Ethics and Impartiality,” *passim*. Impartialists are so called because they embrace the impartiality thesis, which “implies that when we are making moral decisions (e.g. about how to allocate goods and resources), we ought not to give any special weight to our own desires and interests; instead of giving preferential treatment to ourselves, or to members of our own particular social group, we should try to adopt a neutral standpoint, detaching ourselves as far as possible from our own special desires and involvements.” *Ibid.*, p. 83. Cottingham’s essay is a sustained argument *against* the impartiality thesis.

⁴¹ For another and more recent critique of impartialism (and therefore a partial defense of partialism), see Stephen R.L. Clark, “Enlarging the Community: Companion Animals,” in Brenda Almond (ed.), *Introducing Applied Ethics* (Oxford and Cambridge, MA: Blackwell Publishers, 1995), pp. 318–330. Despite his title, Clark says very little about companion animals.

⁴² This, I believe, is the thrust of Thomas Jefferson’s immortal phrase “all men are created equal” (from the Declaration of Independence). See Brian L. Blakeley and Jacquelin Collins, *Documents in English History: Early Times to the Present* (New York: John Wiley & Sons, 1975), p. 271. Jefferson is saying that in spite of obvious material differences, humans are morally alike.

⁴³ Singer, not surprisingly, is one of Cottingham’s targets. See Cottingham, “Ethics and Impartiality,” pp. 83–84.

will divide the animal kingdom into two mutually exclusive and exhaustive categories, conferring moral status on members of one category but not on members of the other. The fear, in short, is that we will treat noncompanion animals – rats, pigs, cows, wolves, chimpanzees – as badly as, perhaps worse than, we treat human strangers.⁴⁴

Another (by no means incompatible) explanation of the philosophical neglect of companion animals has to do with a metaphysical assumption rather than a strategic imperative. It is thought that responsibility to a being must – *logically* must – rest on some intrinsic property of the being rather than on, say, a relation between it and a responsible agent.⁴⁵ Despite their substantive differences, which are many and profound, Singer and Regan share this assumption.⁴⁶ Singer argues that the morally salient fact about

⁴⁴ This fear pervades *Animal Liberation*, where Singer insists that rats (for example) are “as capable of suffering as dogs are.” Singer, *Animal Liberation*, p. 30. He then speculates about why dogs and rats are viewed differently: “People tend to care about dogs because they generally have more experience with dogs as companions.” *Ibid.*; see also *ibid.*, pp. 214, 218–219. Singer is worried that we will limit our moral attention to familiar, friendly, or cuddly animals, of which dogs are an exemplar. What Singer ignores is the possibility that the greater care and concern for dogs than for rats is a function of greater *responsibility* for the former, which in turn stems from having taken them in. In other words, the difference is moral, not psychological. One wonders whether people care more about feral or stray dogs than about rats. I suspect not.

⁴⁵ The same mindlessness, if I may call it that, attends the abortion debate. Until recently, when radical (as opposed to liberal) feminists began to address the subject, it was assumed that the moral status of a fetus must be a function of its intrinsic properties rather than of its relation to the woman in whom it develops (or to other humans). The only question was *which* properties were relevant to this status. For a pioneering discussion of this issue, see Lynn M. Morgan, “Fetal Relationality in Feminist Philosophy: An Anthropological Critique,” *Hypatia* 11 (1996), pp. 47–70.

⁴⁶ I am by no means the first to point this out. Twenty years ago Cora Diamond criticized a line of argument that she called, revealingly, “the Singer-Regan approach.” Cora Diamond, “Eating Meat and Eating People,” *Philosophy* 53 (1978), p. 467. Diamond writes: “It is a mark of the shallowness of these discussions of vegetarianism that the only tool used in them to explain what differences in treatment are justified is the appeal to the *capacities* of the beings in question.” *Ibid.*, p. 468 (emphasis added); see also *ibid.*, p. 479. This *sounds* like a critique of what I am calling “intrinsicism.” Diamond does not, however, emphasize relationships, as I do. Instead, she stresses the fact that other animals are “fellow creatures.” *Ibid.*, p. 474. But even wild (i.e., nondomesticated) animals such as songbirds (her example is a titmouse) turn out to be fellow creatures, so she is not concerned, after all, with those particular animals with whom we form relationships.

For a more recent and slightly different critique of Singer and Regan, see Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate* (Ithaca, NY: Cornell University Press, 1993), p. 213 (“I can now state my chief doubt about the two principal modern theories [those of Singer and Regan], and that is that they take only one main consideration into account: preference satisfaction (supplemented by pleasure and pain equations) or inherent value. But there are so many other considerations”). If

animals (or certain animals) is their sentience, which he defines as “the capacity to suffer and/or experience enjoyment.”⁴⁷ Regan claims that the morally salient fact about (certain) animals is that they are “subjects of a life,” which he defines as a being who has

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; preference- and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them, logically independently of their utility for others and logically independently of their being the object of anyone else’s interests.⁴⁸

Both sentience (Singer) and subjecthood (to abbreviate Regan’s phrase) are intrinsic properties; neither is dependent on how the being in question is related to others. A particular animal either has or lacks the property, and this is unaffected by its relations to others. If an animal has the property, then, according to these theorists, it has moral status.⁴⁹

I understand him correctly, Sorabji’s complaint is that Singer and Regan are *monists*. This is brought out by the title of the chapter in which he discusses their work: “The one-dimensionality of ethical theories.”

In an important essay, Mary Anne Warren has urged rejection of “two common assumptions about the theoretical foundations of moral rights,” namely, “the intrinsic-properties assumption” and “the single-criterion assumption.” Mary Anne Warren, “The Moral Significance of Birth,” *Hypatia* 4 (1989), p. 47. The former “is the view that the only facts that can justify the ascription of basic moral rights or moral standing to individuals are facts about *the intrinsic properties of those individuals*.” Ibid. (citations omitted; italics in original). The latter “is the view that there is some single property, the presence or absence of which divides the world into those things which have moral rights or moral standing, and those things which do not.” Ibid. I agree with Warren not only that these assumptions are widespread, but that they should be rejected.

⁴⁷ Singer, *Animal Liberation*, pp. 8–9. In an early critique of Singer’s arguments for vegetarianism, Francis and Norman point out that he is, in my terms, an intrinsicist: “What is notable is that the properties he [Singer] considers as likely candidates [for distinguishing between humans and other animals] are all *non-relational*: possessing reason, being able to feel pain, having interests. We suggest that what are important are the *relations* in which human beings stand to one another, and that with few exceptions they do not stand in the same relations to animals.” Francis and Norman, “Some Animals Are More Equal Than Others,” p. 518 (italics in original). The exceptions, of course, are crucial, for my argument is that we have special responsibilities to those animals we voluntarily bring into our lives and homes.

⁴⁸ Regan, *The Case for Animal Rights*, p. 243.

⁴⁹ Two points. First, according to Regan, being a subject of a life is not a matter of degree. “One either *is* a subject of a life, in the sense explained, or one *is not*. All those who are, are so equally. The subject-of-a-life criterion thus demarcates a categorical status shared by all moral agents and those moral patients with whom we are concerned.” Ibid., p. 245 (italics in original). Second, being a subject of a life is (for Regan) sufficient but not

It will come as no surprise to the reader that philosophers disagree about what the relevant intrinsic properties are – as well as which extant beings have them.⁵⁰ My point is simply that there is a reigning assumption to the effect that moral status *is* supervenient on some such property. Robert Nozick summarizes the situation as follows:

The traditional proposals for the important individuating characteristic connected with moral constraints [moral status] are the following: sentient and self-conscious; rational (capable of using abstract concepts, not tied to responses to immediate stimuli); possessing free will; being a moral agent capable of guiding its behavior by moral principles and capable of engaging in mutual limitation of conduct; having a soul.⁵¹

Much philosophical ink has been spilled in arguing for or against a particular property as being the morally salient one. As soon as we relax the metaphysical assumption about intrinsic properties, however, we see the importance of the many and varied relations in which humans stand to animals. The fact that I stand in such-and-such a relation to animal, *A*, may itself give rise to an obligation on my part – an obligation that effectively elevates *A*'s moral status. (To be the beneficiary of an obligation, I assume, is to have moral status – to count morally, to take up moral space.)⁵²

Let us apply this thinking to the case of companion animals. Two dogs alike in all intrinsic properties can stand in different relations to me, with

necessary for having moral status (what he calls “inherent value”). Ibid., pp. 245–246. But see Deborah Slicer, “Your Daughter or Your Dog? A Feminist Assessment of the Animal Research Issue,” *Hypatia* 6 (1991), p. 110, who maintains that for Regan, “the possession of preference interests [is] a necessary condition” for “being owed moral consideration.” Singer, in contrast, makes sentience both necessary and sufficient for having interests. See Singer, *Animal Liberation*, p. 8. Presumably, for Singer, all and only beings with interests have moral status.

⁵⁰ See, e.g., Francis and Norman, “Some Animals Are More Equal Than Others,” pp. 513–518, who take issue with Singer and Regan both individually and collectively.

⁵¹ Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 48.

⁵² Regan devotes several paragraphs of his book to analyzing the case of the lifeboat, which goes as follows. Four humans and one dog (of the same size and weight) are in a lifeboat that can hold only four individuals. Someone – a human or the dog – must be thrown overboard if any of them are to survive. Who should it be? Regan says it should be the dog (although not *because* it is a dog). See Regan, *The Case for Animal Rights*, p. 324. At no point in his discussion does Regan consider the relation of the dog to any of its lifeboat companions, or, more specifically, whether any of the humans has undertaken responsibility for the dog's welfare. One wonders whether Regan would ignore this relational aspect if the dog were a mildly retarded *human being* who happened to be the child of one of the others in the lifeboat. Would the fact that the parent is responsible to/for the child make a difference to his assessment? *If so*, then why should it *not* make a difference to his assessment of the dog case? I am not saying that the relational aspect is dispositive; I am saying that it is relevant.

the result that I can have a responsibility to one of them that I do not have to the other. There is nothing logically suspect about this.⁵³ Nor is it particularly odd from a moral point of view, for, as we saw, most of us believe that one is responsible to/for one's own child but not to/for someone else's child *even though the children are alike in all relevant respects* – that is, even though they have the same intrinsic properties. The relation itself is thought to have moral significance. Indeed, it is an essential part of the explanation of why one has the obligations one has.⁵⁴

Consider the following chart:

| | | Beneficiary of Obligation | |
|---------------------|--------------------------------------|---------------------------|--------|
| | | Human | Animal |
| Basis of obligation | Intrinsic properties of beneficiary | 1 | 2 |
| | Relational properties of beneficiary | 3 | 4 |

⁵³ Cottingham puts it nicely: “The maxim that a person should give preference to those who stand in some specific relationship with him is, from the logical point of view, a perfectly coherent one. There is nothing ‘magical’ about relational properties, nor is there anything necessarily irrational about maxims which refer to them.” Cottingham, “Ethics and Impartiality,” p. 89.

⁵⁴ Impartialists find this puzzling. Rachels, for instance, says that, “Like everyone else, I have a deep feeling, that I cannot shake, that my responsibilities to my own children are special. If I have to choose between feeding my own children, and giving the food to starving orphans, I am going to feed my own.” James Rachels, “Moral Philosophy as a Subversive Activity,” in Earl R. Winkler and Jerrold R. Coombs (eds.), *Applied Ethics: A Reader* (Oxford and Cambridge, MA: Blackwell Publishers, 1993), p. 114. But Rachels has qualms. “[M]y children were merely lucky to have been born into a relatively affluent family, while the orphans, who have the same needs and are equally deserving, were unlucky to have gotten stuck with their situation. Why should the just distribution of life's goods, right down to food itself, be determined in this way?” *Ibid.*, p. 115.

Rachels's puzzlement is puzzling. It appears to stem from his unarticulated assumption that only intrinsic properties of individuals are relevant to other people's responsibility to/for them. Notice how he emphasizes “the same needs” of the children, as well as the fact that they are “equally deserving.” These are intrinsic properties. What he fails to notice is that there is a morally relevant difference between the children, namely, their relations to *him*. Rachels assumed responsibility for his children when he brought them into existence (or into his life). He performed no such act with respect to the orphans, however needy and however deserving they may be. This relational asymmetry is sufficient to explain his “deep feeling . . . that [his] responsibilities to [his] own children are special.”

Category 1 represents obligations to humans based on their intrinsic properties. Category 2 represents obligations to animals based on their intrinsic properties. Category 3 represents obligations to humans based on their relation to the person obligated. Category 4 represents obligations to animals based on their relation to the person obligated.

In his well-known and much-discussed essay “Famine, Affluence, and Morality,”⁵⁵ Singer argues that we have obligations of Type 1 – that Category 1 is not empty. Human beings who are unknown to us (i.e., to whom we stand in no special relationship) but who are suffering and dying from lack of food, fuel, shelter, and medical care, are relevantly similar to human beings who are known/related to us and are in the same condition. Their interests are the same. So if we have obligations to the latter, as most of us believe, then we have obligations to the former. Rational consistency pushes us from Category 3 to Category 1. That is, if Category 3 has members, so does Category 1.

In *Animal Liberation*, Singer argues for obligations of Type 2. Animals, he says, are no less sentient than humans, which means that both animals and humans have an interest in not suffering. This intrinsic property of animals – their sentience, their capacity to suffer as well as experience pleasure and happiness – must be taken into account in our deliberations. To do otherwise would be to violate the principle of equal consideration of interests.⁵⁶ Singer’s aim here, unlike before, is to push us from Category 1 to Category 2. Animals matter morally (he says) because of the kind of beings they are, not because they are related to humans (or to particular humans) in certain ways.

What I am arguing in *this* essay is that there are obligations of Type 4, obligations that do not rest on (although they may well presuppose the existence of) intrinsic properties of animals. I am trying to push the reader from Category 3 to Category 4. Singer, interestingly, does not address this argument, perhaps for one or more of the reasons adumbrated.⁵⁷ Notice,

⁵⁵ Peter Singer, “Famine, Affluence, and Morality,” *Philosophy & Public Affairs* 1 (1972), pp. 229–243.

⁵⁶ See Singer, *Animal Liberation*, p. 2. Singer takes pains, and rightly so, to distinguish equal treatment and equal consideration. “The basic principle of equality does not require equal or identical *treatment*; it requires equal consideration. Equal consideration for different beings may lead to different treatment and different rights.” *Ibid.* (italics in original).

⁵⁷ I said that one explanation of the philosophical neglect of companion animals is a fear that if special responsibilities to animals are acknowledged, a person may be more likely to reject general responsibilities to humans, which Singer (for one) believes to be unacceptable. We can see this strategic move graphically. The fear is that by acknowledging obligations of Type 4, we increase the likelihood of not (or no longer) acknowledging

incidentally, that there is no incompatibility in arguing for obligations of all four types. In fact, I believe there *are* obligations of all four types. We are responsible to both humans and animals because of the sorts of beings they are; but we are also responsible to humans and animals in virtue of the relations in which we stand to them. Unfortunately, most philosophical work to date has focused on obligations of Types 1, 2, and 3. My essay is designed to fill this lacuna in the literature by arguing for obligations of Type 4.⁵⁸

obligations of type 1. In other words, we come to see all obligations – even obligations to humans – as being based on relational properties. Singer, it would appear, consciously risks losing 4 in order not to lose 1.

I should mention in passing a third explanation of the philosophical neglect of companion animals. It may reflect an assumption that animals are “other” – that the lives of animals and humans are distinct and independent. This may in turn reflect an assumption that animals, but not humans, are part of nature. On one side (so the thinking goes) there are humans and the culture they produce; on the other side there are animals and nature. It is tempting, when laboring under this assumption, to view the moral status of animals as but one aspect of the larger question of the moral status of the natural world (or of human responsibilities thereto). This would explain why philosophical anthologies tend to lump the subjects together. See, e.g., James P. Sterba, ed., *Morality in Practice*, 5th ed. (Belmont, CA: Wadsworth Publishing Company, 1997), the eleventh chapter of which is entitled “Animal Liberation and Environmental Justice.”

This is an egregious category mistake. The lives of many animals – especially dogs and cats – are interwoven with the lives of human beings. Dogs and cats are not misplaced, pitiable wild creatures, longing for some imagined freedom; they are urban and suburban denizens like their human companions. See, e.g., Rollin, *Animal Rights & Human Morality*, p. 227. This point is ignored by certain writers, such as Lori Gruen, who says that “When humans bring animals into their homes, the animals are forced to conform to the rituals and practices of the human’s [sic] that live there. Cats and dogs are often denied full expression of their natural urges when their ‘owners’ keep them indoors or put bells around cats’ necks to prevent them from hunting or forbid dogs from scavenging for food.” Lori Gruen, “On the Oppression of Women and Animals,” *Environmental Ethics* 18 (1996), p. 443. I do not know whether Gruen believes that every human-animal relationship is of this sort. It seems clear to me that some, perhaps many, are not, and that only those that are *of this sort* are objectionable.

If dogs and cats are to be viewed as unauthentic or infantile versions of their wild cousins, then, for the sake of consistency, human beings should be viewed as unauthentic or infantile versions of the primates from which *they* descended and to whom *they* are presently related. Dogs, cats, and other companion animals are viable and contributing members of *human* culture. If we are to make sense of this fact, as Rosemary Rodd notes, we must refuse to see animals as just “part of the environment.” See Rosemary Rodd, *Biology, Ethics, and Animals* (Oxford: Clarendon Press, 1990), p. 105.

⁵⁸ Unlike Singer and others, I do not fear the backsliding effect described in a previous note. I do not fear that by arguing for obligations of Type 4, I risk undermining people’s belief that there are obligations of Type 1. In part this is because people tend to compartmentalize their beliefs about humans and animals. I see potential for a Pareto-superior move (for an explication and discussion of this and related concepts, such as Pareto-

IV

If what I have argued is correct, then the proposition that we are responsible to (and for) the animals we take in is not only coherent but plausible. It makes sense and there is reason to accept it. The next set of questions concerns the nature, scope, and content of that responsibility, so let us turn to those matters. There are, in general, two types of responsibility, and both apply here. The first is what I call “meta-responsibility,” which is responsibility in the undertaking and discharge of responsibilities. The objects of meta-responsibility are themselves responsibilities. The second is what I call “primary responsibility.” Our primary responsibility to companion animals is to provide for their needs (about which more in a moment). Thus, there are responsibilities both before and after one takes in an animal (just as there are in the case of children). These responsibilities are mutually reinforcing and derive from the same source – namely, our voluntarily acts.

What do dogs need? In what ways are they vulnerable to harm? Dogs need many of the same things humans need, such as ample, nutritious food;⁵⁹ clean, fresh water and air; shelter from the elements (excessive heat and cold, precipitation, wind, noise, and so forth); medical care for injuries, bruises, abrasions, and disease;⁶⁰ and vigorous, regular exercise.⁶¹

optimality, see Jules L. Coleman, *Markets, Morals and the Law* [Cambridge: Cambridge University Press, 1988], Chaps. 3 and 4). We can secure obligations of Type 4 for animals without risking the loss of obligations to anyone else, human or animal. In saying this, I rely on the fact that most people acknowledge obligations of Type 3. My argument, recall, is analogical. Why should relationships with particular humans give rise to obligations when relationships with particular animals do *not* give rise to obligations?

⁵⁹ See National Research Council, *Nutrient Requirements of Dogs*, rev. ed. (Washington, DC: National Academy Press, 1985).

⁶⁰ Some medical care is made necessary by human ignorance or neglect. See Rollin, *Animal Rights & Human Morality*, p. 226 (“Our lack of understanding of the animals’ nutritional and biological needs results in myriad medical problems that arise out of bad diet, overfeeding, and lack of exercise”). Ignorance is particularly problematic. “To put it bluntly, the average person is either ignorant or misinformed about dog and cat behavior, training, biology, nutrition, in short, about the animal’s nature.” *Ibid.*, p. 223.

⁶¹ Dogs, like humans, suffer from obesity, which is causally linked to other health problems (such as diabetes and heart, kidney, and liver disease). It has been estimated that “one-third of the British population of pet dogs is obese.” Roger A. Mugford, “Canine Behavioural Therapy,” in James Serpell (ed.), *The Domestic Dog: Its Evolution, Behaviour, and Interactions with People* (Cambridge: Cambridge University Press, 1995), p. 150; see also Robert Hubrecht, “The Welfare of Dogs in Human Care,” in James Serpell (ed.), *The Domestic Dog: Its Evolution, Behaviour, and Interactions with People* (Cambridge: Cambridge University Press, 1995), p. 180. Veterinarian Ron Epps of Bedford, Texas, says that “About 60 percent of dogs are overweight.” Stacy Ann Thomas, “Free Weight Checks

They need protection against parasites and pests (including, but not limited to, fleas, ticks, and worms);⁶² immunization against the many diseases to which canines are subject (rabies, distemper, leukemia); treatment of allergies; plenty of sleep and rest (in the form of naps, for example); and regular bathing, trimming, and grooming. These may be considered the material, physical, or biological needs of dogs.

In addition, dogs, like humans, have a variety of psychic and social needs (although these tend to be ignored).⁶³ Dogs need the sort of stimulation that humans refer to as attention, entertainment, or recreation.⁶⁴ Dogs need to be rubbed, scratched, petted, and hugged (forms of tactile stimulation);⁶⁵ they need to be engaged in various forms of play (structured or unstructured) with their human companions; they need to develop and

Stick to the Ribs," *The Dallas Morning News* 148 (8 June 1997), p. 40A. It may be – and here I speculate – that obesity is more of a problem for dogs in affluent nations than for dogs in nonaffluent nations.

⁶² Dogs suffer from many types of worms, the most common of which are ringworms, roundworms, hookworms, tapeworms, whipworms, and heartworms. All are internal parasites, which, if allowed to grow, can cause severe illness and even death to the host.

⁶³ For a discussion of various animal needs, see Regan, *The Case for Animal Rights*, pp. 88–94. Under "psychological and social needs," Regan lists "companionship, security and liberty." *Ibid.*, p. 90. According to Michael W. Fox, dogs are similar to human infants in their emotional needs: "The dog has basically the same limbic or emotional structures capable of generating specific feelings or affects reflected in overt emotional reactions and also in changes in sympathetic and parasympathetic activity which are linked with psychosomatic and emotional disorders." Fox, *The Dog*, p. 258. This structural parallel between humans and dogs explains why dogs suffer from some of the same behavioral disorders as humans. These disorders range from "psychogenic epilepsy to asthma-like conditions, compulsive eating, sympathy lameness, hypermotility of the intestines with hemorrhagic gastroenteritis, possibly ulcerative colitis, not to mention sibling rivalry, extreme jealousy, aggression, depression, and refusal to eat food (anorexia nervosa)." *Ibid.*, p. 259. Dogs also suffer from stress, which, as in the case of humans, can produce gastric ulcers, heart conditions, impairment of the immune system, and reproductive and growth problems. See Hubrecht, "The Welfare of Dogs in Human Care," p. 184.

⁶⁴ "All too often, a veterinarian is asked to kill a dog, sometimes a puppy, but more often an older dog, that is tearing up the house or urinating on the bed. The owners have tried beating, yelling, caging; nothing has worked. They are shocked to learn that the dog, as a social animal, is lonely. Often the older dog has been played with every day for years by children who have now gone to college. Often the dog has been accustomed to extraordinary attention from his mistress, a divorcee, who suddenly has a new boyfriend and has forgotten the dog's needs. Often the dog has been a child substitute for a young couple who now have a new baby, and the dog is being ignored and is jealous." Rollin, *Animal Rights & Human Morality*, p. 224.

⁶⁵ See Fox, *The Dog*, pp. 183–184; see also James Serpell, *In the Company of Animals: A Study of Human–Animal Relationships*, rev. and updated ed. (Cambridge: Cambridge University Press, 1996), p. 131. For my review of Serpell's book, see *Ethics and the Environment* 3 (1998), pp. 105–110. Hubrecht writes that "human social contact is important for

use their senses; and most importantly, they need to interact with other dogs.⁶⁶ Dogs are social beings. They are no less social than humans are, and while it is *possible* for a human or a dog to survive without interaction (think of a human being in solitary confinement), no human would count it an adequate existence, let alone a fulfilled one. It is a sad fact about our world that many dogs are kept penned or chained in back yards with no chance of seeing, much less sniffing, touching, or playing with, other canines.⁶⁷

Not every human need is a dog need, obviously. We must not be mindless or anthropomorphic about it. Annette Baier has compiled a list of goods that human parents are responsible for providing to their children:

The goods which a trustworthy parent takes care of for as long as the child is unable to take care of them alone, or continues to welcome the parent's help in caring for them, are such things as nutrition, shelter, clothing, health, education, privacy, and loving attachment to others.⁶⁸

Of these items, clothing, education, and privacy (at least as normally understood) are inapplicable to dogs. There are, however, analogues. Dogs do not need clothing, but they need protection from the elements, which (among other things) is what clothing is designed to provide. They do not need education, but they need guidance and instruction in dealing with human and other risks (they need to be acculturated). Dogs do not need privacy, at least in the informational sense, but they need space of their own in which to relax, nap, eat, recreate, and care for their young. They need to be given room to breathe and choices to make. They need to be free of unwanted intrusion and domination.

The other "goods" on Baier's list – nutrition, shelter, health, and loving attachment to others – transfer quite readily from human children to dogs, so I will say little about them. Just as a responsible parent attends to the varied needs of his or her child, with the aim of making that child's life

dog welfare, possibly even more important than canine contact." Hubrecht, "The Welfare of Dogs in Human Care," p. 192.

⁶⁶ According to one longtime observer, the thing dogs most want is . . . to be around other dogs. See Elizabeth Marshall Thomas, *The Hidden Life of Dogs* (New York: Pocket Books, 1993), pp. 111, 134.

⁶⁷ This state of affairs is both intrinsically and instrumentally bad – bad because of what it is and bad because of what it does (causes). Among other things, "Long periods of daily social isolation or abandonment by the owner may . . . provoke adult separation problems and excessive barking." James Serpell and J. A. Jagoe, "Early Experience and the Development of Behaviour," in James Serpell (ed.), *The Domestic Dog: Its Evolution, Behaviour, and Interactions with People* (Cambridge: Cambridge University Press, 1995), p. 98.

⁶⁸ Baier, *Moral Prejudices*, p. 108.

flourish, a responsible human attends to the needs of his or her canine companion(s).⁶⁹

One further comment. The needs of children are not to be confused with either their wants or their inclinations. One can need something without wanting or being inclined toward it – and conversely (put differently, not everything a child is interested in is in its interest⁷⁰). This is where parental wisdom, vision, and authority come into play: to protect and promote the child's interests. Paternalism is objectionable only when the person being paternalized is an autonomous adult (who, as such, is presumed to know his or her interests and be able to protect and pursue them). No adult appreciates being treated like a child. When the state rather than an individual does the paternalizing, it is particularly demeaning.

But children are children. As such, they lack the capacities constitutive of autonomy. A parent would be irresponsible *not* to paternalize his or her child. A child may wish to stay up past midnight, carry or shoot a gun, drive a motor vehicle, or eat nothing but junk food day after day. A wise parent knows that these activities are not in the child's interest, so restriction is necessary (and, unless excessive, justified). The same is true of one's companion animals.⁷¹ Dogs may in some sense want to run free through a neighborhood (or more widely), to eat chicken bones without

⁶⁹ Throughout the essay I have been concerned with what I call the *needs* of companion animals. I have argued that human companions are responsible for fulfilling those needs. Most of us, however, make a distinction between needs (necessities) and mere wants (luxuries). I have not argued – indeed, I deny – that one has an obligation to go beyond a companion animal's needs. Rachels argues (convincingly, in my opinion) that one “may provide the necessities for [one's] own children first, but [one is] not justified in providing them luxuries while other children lack necessities.” Rachels, “Morality, Parents, and Children,” p. 60. The same is true, *mutatis mutandis*, with respect to one's companion animals. Our responsibility to them is to provide fully for their *needs*, which are, as I have shown, many and varied. Once we reach that point we must turn our attention to other animals (or to humans). For examples of the lengths to which some humans go to “pamper” their animal companions, see Serpell, *In the Company of Animals*, pp. 28–30, 54–55. Rollin says that he is “morally certain that much of this money is spent to assuage the guilty consciences of animal owners [sic] who deny the animals something far more precious: time, love, and personal interaction.” Rollin, *Animal Rights & Human Morality*, p. 219.

⁷⁰ For a discussion of this difference, see Regan, *The Case for Animal Rights*, pp. 87–88.

⁷¹ Regan has a valuable discussion of paternalism toward animals in *ibid.*, Sec. 3.6. I agree with Regan as against certain of his critics that the concept of paternalism applies (literally) to animals. I find it odd, however, that Regan's *example* of paternalism toward animals is that of frightening a hungry raccoon away from a leghold trap. See *ibid.*, pp. 104, 108. There would seem to be many and better examples drawn from our lives with companion animals. Perhaps Regan intended to show that paternalism is justified *even* in cases where one has no special relation to the beneficiary. If so, then *a fortiori* paternalism is justified in cases where one stands in a special relation (for example, to one's children or friends). For a brief discussion of paternalism toward animals, see Beth A. Dixon, “The

supervision, or to ride in the bed of a pickup truck, but these activities are not in their interest. A responsible human companion restrains a dog's impulses – limits its liberty, frustrates its will – in order to protect it from known or foreseeable dangers. Exactly which rules and restrictions are appropriate for guarding against various dangers must be determined on a case-by-case basis.⁷² My point is a theoretical one.⁷³

How exactly does one incur or undertake responsibility for a companion animal? Is there more than one way to “take a dog in?” The most common way in which one incurs responsibility is by purchasing a dog from another individual (or accepting the dog as a gift). It makes no difference to one's responsibility whether the dog is old or young at the time of acquisition, although the dog's needs (therefore the content of one's responsibility) may well depend on the animal's age (as well as its other characteristics). Another way is by adopting a stray, either through a formal adoption procedure (such as going to a local pound or Humane Society office) or by taking the animal off the street. A third way is by allowing one's dog to procreate. The puppies so generated have been “taken in” just as if they had been purchased or adopted.

Procreation raises an interesting set of problems that I cannot deal with in this essay. But let me say this: If one is to avoid responsibility for the offspring of one's canine companions, one must ensure that the companions do not reproduce. One way (although not the only way) to do this is to

Feminist Connection Between Women and Animals,” *Environmental Ethics* 18 (1996), p. 188.

⁷² Let me cite one example – to my mind a clear case – of irresponsibility. Elizabeth Marshall Thomas allowed dogs in her care to run free in an urban area (Cambridge, Massachusetts). She admits that the traffic in this area was dangerous and marvels at how one particular dog, Misha, avoided injury during his many nocturnal excursions. Thomas estimates that Misha had “a home range of approximately 130 square miles,” a range that subsequently “expanded considerably.” Thomas, *The Hidden Life of Dogs*, p. 2.

⁷³ I am *not* saying that all paternalism of companion animals is justified. Like Regan and Taylor, I believe that there can be unjustified infringements of animal liberty or autonomy. See Regan, *The Case for Animal Rights*, pp. 91–92; Taylor, *Respect for Nature*, pp. 173–179. The autonomy of animals may be of a different or lesser sort than that of humans, however. Regan calls it “preference autonomy,” which he defines as the ability “to initiate action to satisfy [one's] desires and preferences.” Regan, *The Case for Animal Rights*, p. 92.

As in the case of humans, there is a danger of overpaternalism. Dogs, like children, can suffer in various ways from being indulged and protected (“smothered”). The main way they suffer is by becoming excessively dependent on their “mother” or “father,” which can result in behavioral problems such as depression, aggression, and separation anxiety. See Fox, *The Dog*, pp. 259–261. A wise person (parent) finds the right mix of paternalism and autonomy for his or her animal companion (child).

have the dogs spayed or neutered.⁷⁴ I do not believe, nor do I argue here, that there is a general obligation to spay or neuter one's dogs (or other companion animals). One's responsibility, rather, is to ensure that *if* one's dog reproduces, the needs of the resultant puppies are fulfilled. This is but an application of the aforementioned meta-responsibility. Canine reproduction by its nature produces additional dogs for which – and to which – one is responsible. One has a meta-responsibility not to allow this state of affairs to obtain if one cannot (or in all likelihood will not) be able to assume primary responsibility for the offspring.⁷⁵

Unfortunately, circumstances arise in which one can no longer care for one's companion animals, or cannot provide them with certain types of essential care. A person who has become physically impaired may be unable to exercise his or her canine companions. In this case the person must arrange for someone else to do so. Suppose I learn that I am allergic to dogs (or to a particular dog) to the point where my own health is endangered by continuing to live with my canine companion. I have an obligation in such a case to find another home for the animal, and not just someone who will take the dog in. My responsibility is to find someone who will fulfill the dog's primary needs *just as I would, if I could*. The meta-responsibility is to see that the primary responsibility is adequately discharged.

What is to be done when a person dies, leaving one or more animal companions? If there is another human in the household, there may be no problem, provided he or she can and will discharge the relevant responsibilities.⁷⁶ But what if the human companion lived alone? Each of us must reflect on this possibility and take steps to see that our animal companions receive adequate care in the event of our demise. We must see to it that the fulfillment of their needs is not contingent on our continued existence or good health. This, I hasten to point out, is not

⁷⁴ One incidental benefit of spaying and neutering (sterilization) is that "Sterilized animals . . . tend to live longer and less restricted lives than intact animals." Hubrecht, "The Welfare of Dogs in Human Care," p. 182. While this does not by itself justify the procedure – any more than it would in the case of humans – it is a relevant consideration.

⁷⁵ Another example of meta-irresponsibility is the taking in of more animals than can be properly cared for. James Serpell reports that "So-called 'animal collectors' – people with a compulsion to adopt stray animals in such numbers that they eventually overwhelm the person's ability to provide them with adequate care – are an increasingly common problem in Europe and North America." Serpell, *In the Company of Animals*, p. 32.

⁷⁶ This raises the question of joint responsibility for companion animals. If a family of two or more individuals adopts a dog, is each member responsible for and to it? Perhaps the moral analogue of the legal doctrine of joint and several responsibility applies here, meaning that each individual is severally (i.e., individually) responsible for the animal and that the set of people is jointly responsible. I cannot pursue this matter here.

a radical idea. Human parents are expected to make arrangements for the care of dependent children when they (the parents) die; why should humans be any less responsible for the posthumous care of their animal companions?⁷⁷ Doing right by them requires no less.

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⁷⁷ Children are provided for by means of trusts, inheritance (wills and intestacy), and insurance proceeds. There is no reason, legally or morally, why these instruments cannot be used for the benefit of companion animals. If the laws do not currently allow it, then reform is necessary. I hope that this essay goes some way toward effecting such reform.