

The Internal Confrontation of Kant's Moral Philosophy on the Issue of Animal Status

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Abstract

In the field of animal ethics, "animal welfare theory" has been dominant. But with people's increasing awareness of animal protection, "animal rights theory movement" has become a hot issue and a counterweight to "animal welfare theory". Nonetheless, Kant's moral philosophy is the theoretical basis of the two factions in which the "pure practical reason" and "deontology" are mainly used. While animal welfare theorists, focus on "pure reason" to reject animals' moral and legal positions. Animal rights theorists seek a theoretical path for converting moral rights to legal rights by advancing Kant's moral philosophy in order to improve the existing poor state of animal protection in the ecological environment area. Consequently, there are not only multiplex theories, but also two opposing theories within the same moral system. And the focus of this article is on this multifaceted conflict.

Keywords

Kant's Moral Philosophy; Animal Ethics; Animal Welfare; Animal Moral Rights.

1. Debate on the Legal Status of Animals

1.1. The Legislative Practice of Civil Codes in Civil Law Systems

In jurisprudence, the animal status cannot be separated from the "subject-object" theory of civil law and the debate between "legal personality" and "legal objectivity". The issue of animal status is mainly regulated by national civil codes. On March 10, 1988, Austria passed a federal law on the legal status of animals, which marked a significant change in its position[1]. This law replaced Article 285 of the Civil Code with Article 285a, which reads as follows: "Animals aren't objects. They are safeguarded by special legislation. Only in the absence of additional conditions do the provisions on goods apply to animals"... "If an animal is harmed, the real expenses of saving or seeking to rescue the animal shall exceed its worth, provided that a reasonable keeper of the animal would have expended such expenditures under the circumstances of the damage," according to new article 1332a. Scholars who support the "legal personality" of animals mainly cite the new Article 90 and Article 903 of the German Civil Code in 1990. Article 903 on "Competence of the owner" adds a new subparagraph: "In exercising their rights, the owner of an animal shall pay attention to the special provisions concerning the protection of the animal". And the second half was a German initiative. Since then, laws of numerous countries, such as the Russian Civil Code and the Swiss Basic Provisions on Animals, have been amended to stress the legal position of animals even more.

1.2. Development of Animal Ethics Theory

This topic was originally studied in ethics in the West, first by "animal instrumentalism," then by "animal compassion theory". "Animal welfare theory," "animal liberation theory," and "animal rights theory" have all been advanced in recent decades. The "animal welfare theory" is now widely accepted by academics with people increasing awareness of animal protection, while other genres gradually faded from the scene. Simultaneously, the animal rights movement is gaining traction and posing a threat to animal welfare.

It is generally accepted that the field of animal status is one where ethics and legal philosophy collide. And the ethical viewpoint's main legal foundation is the German Civil Code's 1990 modification. The essential ideas of Kant's moral philosophy system apply to both ethics and philosophy of law, and China's civil subject system is largely derived from German civil law. Thus, this article uses Kant's moral philosophy as a theoretical foundation before examining how the topic of animal status presents theoretical plurality and confrontation within this framework.

2. The Specific Application of Kant's Moral Philosophy to Animal Status

2.1. Basic Categories of Kant's Moral Philosophy on Animal Issues

On the issue of animal ethics, "pure practical reason" and "deontology" are two fundamental categories of Kant's moral philosophy. First of all, "pure practical reason" is relative to "general practical reason". It means that the rational person is completely free from any sensual factors and places himself completely under the constraints of moral rules. The application of this pure reason generates the free will to obey moral principles. The moral duty of the intellectual creature, the ethical subject, is based on this will. The application of this pure reason results in the free will to obey moral principles. Thus, the moral duty of the intellectual creature, the ethical subject, is based on this will. In other words, one can only become a subject of morality and law if they possess pure practical reason. Secondly, in the "*The Metaphysics of Morals*", the concept of "duty" or "obligation" is directly linked to morality. Moral standards, according to Kant, are a "categorical imperative" necessitating the limitation of free will. Moral standards are useless without a legal norm to match them, therefore, it is difficult to form a moral community made up of people undertaking no moral duty.

2.2. Combination with Animal Welfare

The concept of "animal welfare" was first formally introduced by Hughes in 1976. And the moral philosopher Peter Singer, who is classified as an "animal emancipationist," also used utilitarianism to defend the concept of animal welfare. Currently, animal welfare is broadly defined as a state of well-being in which the basic needs of animals are met and suffering is minimized. What is internationally accepted is the "five freedoms" principle proposed by the British Farm Animal Welfare Council and outlined by Colin Spedding in *Animal Welfare*, namely freedom from hunger and thirst, comfort, pain, injury and disease, freedom from fear and sorrow, and freedom to express one's nature[2].

In Kant's philosophy, the argumentation model of animal welfare theorists is rooted in his personalism. They take "pure practical reason" as a criterion for distinguishing "persons from objects". Thereby they saw animals as having no intrinsic value if they lacked reason, but rather as tools. Animals cannot acquire the normative status of "person" as rational human beings, so the claim that they have rights is unfounded. Concurrently, they asserted that rational human beings have rights and obligations toward animals and proposed the idea of "animal welfare" for ethical and ecological reasons. In Kant's moral philosophy, this "animal welfare" emphasizes an incomplete obligation to animals without requiring a response to rights and derives many humanitarian rules.

2.3. Innovative Combination with "Animal Rights Theory"

This article focuses on the new arguments of recent years by Tom Regan, a representative of "strong animal rights theory," and Christine M. Korsgaard, a firm believer in Kantian moral philosophy.

1. Tom Regan's Moral Rights Dimension

Tom Regan's primary beliefs as a leading figure in the contemporary animal rights movement are as follows.

To begin with, Kant's notion that "man is not an instrument" is extended to the moral standards for any action. He endorses two ideas of Kant's moral philosophy. First, the individual has inherent value. Second, there is a responsibility to respect others. Consequently, he argued that all human beings have equal natural value and deserve to be respected. So everyone has at least a moral right in the negative sense. Accordingly, he proposed the "rights theory."

Then, applying Kant's theory critically, Regan proposes the core category of his theory, "subject-of-a-life". Regan contends that the topic of rights is the "subject-of-a-life," criticizing Kant's philosophy of pure practical reason for failing to offer moral rights to people who lack reason. A "subject-of-a-life," he suggested, is a being with wishes, feelings, and ideas that are psychologically united, that has memory and consciousness of the future, and that has its own welfare and can experience it[3]. In a nutshell, Regan's process of argumentation including three steps: the discussion of the importance of the right, the assumption of the inherent value, the seeking of the subject-of-a-life criterion.

2. Korsgaard's reinterpretation of "Kantian theory"

Kant's moral philosophy argues for the conversion of moral rights to legal rights through the "categorical imperative". Korsgaard reinterprets Kant's moral philosophy. She reckons that the theories of "moral rights" and "legal rights" are isomorphic so both can be applied to animal rights.

Initially, the normative status of the morality and law of animals is constructed. She establishes a link between the natural concept of reason and the normative concept of personhood by using Kant's "practical reason" as a transitional assertion. This argument retreats from Kant's position of rational autonomy to the existential perception of absolute good and evil (unrelated to well-being). She claims that man establishes legislative authority through a system of value judgments based on perceptions of good and evil in objects. And this perception is solely based on man's animal nature and does not involve the use of logic. This being the case, animals have a normative status as beings with a perception of absolute good and evil, even if they do not possess reason.

Secondly, Korsgaard constructs the rights shared by animals and humans in terms of animality. She uses the same idea as Kant's argument for the "contract theory". Through the analysis of the practical reason of rights, it is argued that rights are enforceable and that moral rights are meaningless if they cannot be defended by force. In society, only legal rights have such coercive power. Since morality should be practiced, "moral rights" and "legal rights" should have some degree of isomorphism[4]. On this basis, Korsgaard does not adopt the social contract theory in order to circumvent the "reason" factor. Animals should partake in our "human" status and rights as rightful residents of the land, she says, through a practical understanding of "original appropriation" of the world's resources by beings, even if they cannot participate in the process of human lawmaking.

3. Improvement ' and Internal Confrontation in Kant 's Moral Philosophy

Kant's moral philosophy itself has a high degree of suitability for the animal problem, and it is generally accepted that Kant was an uncompromising animal welfare theorist. However, it is easy to find that the "animal rights theory" has emerged from within Kant's moral philosophy under the refinement of many scholars. It demonstrates that Kant's moral philosophy is very inclusive. Not only did two competing schools of thought emerge within the same philosophical framework, but each school's application of Kant's moral theory was also significantly distinct. The animal problem is a catalyst for the "adaptive improvement" of the theory, and such changes and conflicts deserve theoretical attention.

3.1. The Crux of the Confrontation between the Two Camps

Firstly, from the perspective of civil law, it should be subject to the traditional "subject-object" dualism. Both schools agree that there should be a certain system of legal protection for animals, but most "welfare theorists" believe that animals can only be objects of law and belong to the concept of "things", which are the objects of ownership. They even believe that even though it is morally unjust to abuse pets and unowned animals, others and the law have no right to interfere. Rights theorists, on the other hand, support the idea that "animals are not things" and seek a normative (moral/legal) status for animals. The leading figure, Regan, created the concept of a "subject-of-a-life". In addition, the scholar Korsgaard has also made an innovative attempt to break this traditional dualism for constructing a legal status for animals. All in all, both start with the basic idea of "moral rights" and build a bridge to "legal rights".

Furthermore, the crux of the question from the standpoint of Kantian moral philosophy, which is the emphasis of this study, is the word "reason," which is like a chasm separating two schools of thought. Both sides agree that animals are not rational, which provides natural support for the animal welfare theory. On the contrary, if animal rights theorists want to gain a place in the Kantian philosophical context, they have to try to break the Kantian philosophical reason-centrism barrier. However, Regan criticized the norm of reason for its inability to encompass illogical people, while Korsgaard was divorcing Kant's reason from autonomy. It is true that the argument of Tom Regan lacks consistency in Kant's philosophy, and that it tears apart Kant's "man is not an instrument" from "pure reason", which is not logically coherent and thorough. Meanwhile, Regan broadens Kant's "subject-of-a-life" beyond humans to animals, neglecting the fact that Kant's internal logic cannot lead to the conclusion of animals' ethical standing. His logic is a rudimentary extension of Kant's theory as well. Korsgaard's argument, on the other hand, somehow closes the logical gap in Regan's argument by proposing a lower level of animal autonomy, which is essentially a negative existential moral right. This kind of autonomy does not protect animals' rights of freedom, but only from unjust and arbitrary human domination, which perfectly echoes the rejection of Regan's atrophy argument by animal welfare theorists. Without departing from Kant's philosophical thought, Korsgaard opens a channel for its acceptance of the animal rights theory. But the enforcement at the heart of her reinterpretation of rights is not yet highly convincing in the theoretical community.

3.2. The Choice of Confrontation

Recently, there has been a lot of news about the hunting and killing of wild animals, the destruction of animal habitats, and even "animal cruelty". In order to achieve true harmony and coexistence, I personally prefer the "animal rights theory". Animal welfare is founded on the benefit that animals provide to humans, and it is ultimately dependent on people's good deeds and values. The rights theory emphasizes the interests of the animals themselves and pursues a real justice for animals, which provides a real and effective institutional guarantee for animal protection. However, it is undeniable that the "animal rights theory" does have theoretical imperfections.

Despite significant scholarly opposition in metaphysical and purely theoretical arguments, the "animal rights theory" has become relevant in light of recent social changes. To summarize the views of many scholars, I think we can focus on the following two aspects.

The first is the delineation of a circle for animals. Treating animals differently in terms of enclosures can resolve questions about their rights and obligations to each other. And it also makes "animal rights" more practical. With humans as the center of the circle, there are three broad circles based on the degree of interaction between animals and humans in the physical space. In the outermost circle, animals are virtually isolated from human life, such as bacteria and single-celled life. Or animals that live in no-man's land in extreme survival environments, where rights are not a concern. In the middle one, there are mainly protected wild animals and

ones that live in the human living sphere. They do not live closely with humans, but are often killed indiscriminately by humans because of their value, and we should set up a negative right to live free from arbitrary human control. At the innermost level, they are seen by humans as tradable property dependent on human life. They have not only a negative right to survival, but also a positive right to proper care and assistance.

Second, it is likely to develop an interim idea of "animal rights and interests". This interest is somewhat similar to the personal interests such as personal information in the Chinese civil law. It is a compulsory interest, not a right, and it is meant to provide legal status to the moral obligations that individuals have to animals. In the perspective of Kant's *Practical rational criticism*, which emphasizes the absolute good, we might draw a contrast between "good" and "blessing". It would be a more thorough argument that animals also end in themselves, not means, and that they have a kind of "dignity". It may also be possible to make a reasonable expansion of Kant's concept of "negative citizenship" and change the traditional civil law concept of "animal" that remains in the "material frame. In this way, we can deal with the current situation that animals in the middle circle and especially in the core circle, are not strongly protected.

4. Conclusion

The debate between the "animal rights theory" and the "animal welfare theory" continues and it will remain inconclusive in the current society for a long time. This article is written to show the inclusive and innovative development of Kant's moral philosophy and to explore possible theoretical paths to deal with the current animal incident. Even though the controversy continues, I believe with the development of society and theories, the moral rights of animals can be regulated as a further approach to legal justice, which may also be a kind of absolute good in Kant. However, the law's balance will ultimately be determined by where the morality of the human heart leads the animal.

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