**‘Utilitarianism for Animals; Deontology for Humans’ and The Doing/Allowing Distinction**

Fiona Woollard

f.woollard@soton.ac.uk

**Abstract**

It is tempting to think that kittens, goats, lions, and similar animals matter morally, but not in quite the same way people do. This might lead us to adopt a hybrid view of animal ethics such as ‘Utilitarianism for Animals; Deontology for People’. One of the core commitments of deontology is the Doctrine of Doing and Allowing (DDA): the view that doing harm is harder to justify than merely allowing harm. Indeed, I have argued elsewhere that any theory that aims to have genuinely non-consequentialist implications must recognise a distinction between doing and allowing. In this paper, I will explore how this core tenant of deontology applies to non-human animals and whether hybrid views of animal ethics can accept it. In doing so, I aim to achieve three things. First, to show that my defence of the DDA can solve some serious problems surrounding our duties to wild animals, identified by Alison Hills, while making only minimal claims about non-human animal moral status. Second, to argue that we should recognise deontological constraints on the treatment of non-human animals, but also see those constraints as importantly different from the constraints against doing harm to persons. Third, to get clearer on how we should understand Utilitarianism for Animals and hybrid approaches to animal ethics.

**I. Introduction**

If anything at all is obvious, it is obvious that it is wrong to torture kittens for fun. It is also, I think, obvious that the main reason that it is wrong for me to torture a kitten is because of the badness *for the kitten* of my torturing her. Kittens – and many other non-human[[1]](#footnote-1) animals – are morally considerable in their own right and for their own sake. They have moral status. Nonetheless, it may seem equally obvious that non-human animals (henceforth animals) do not have quite the same moral status as you or I. There are lots of things that it would be clearly impermissible to do to humans which seem to many to be permissible when it comes to animals: it seems to many to be permissible to keep animals in zoos for reasons of education, entertainment or conservation, so long as this does not interfere with their wellbeing; it seems to many to be permissible to perform painful and invasive experiments on animals if this contributes to medical research that will save many human lives.

 The fact that animals clearly have some moral status but seem not to have the same moral status as persons may lead us to adopt what is known as a hybrid view of animal ethics. A hybrid view of animal ethics holds that one ethical theory or approach to ethics is correct when it comes to humans, but that a different ethical theory or approach to ethics is correct when it comes to animals. Thinking about the examples above, we might be led to think that what really matters when it comes to animals is overall welfare. This might lead us to the most well-known hybrid view of animal ethics, pithily described (but not endorsed) by Robert Nozick as “Utilitarianism for animals, Kantianism for people” (Nozick 1977, 39). In what follows, I rephrase this to include the many deontologists who don’t see themselves as following in Kant’s footsteps: “Utilitarianism for animals, Deontology for people.”

 One of the core commitments of deontology is the Doctrine of Doing and Allowing (DDA): the view that doing harm is harder to justify than merely allowing harm. Indeed, I have argued elsewhere that any theory that aims to have genuinely non-consequentialist implications must recognise a distinction between doing and allowing (Woollard 2017). In this paper, I will explore how this core tenant of deontology applies to animals and the implications of considering the DDA for hybrid views of animal ethics. I have defended the DDA elsewhere (Woollard 2015). I will show that my defence of the DDA straightforwardly implies that there is at least some moral difference between doing harm to animals and merely allowing harm to animals. Doing harm to animals is harder to justify *by appeal to the avoidance cost to the agent* than merely allowing harm to animals. I show that this result is important because it allows us to avoid highly counterintuitive implications about our duties to save wild animals with only minimal claims about animal moral status. However, I show that this Minimal DDA does not include constraints against doing harm to animals. It thus does not leave doing harm to animals harder to justify *by appeal to the greater good* than merely allowing harm to animals.

In the next section, I explore whether we should endorse the Minimal DDA for animals or a Full Blown DDA which recognises constraints against doing harm to animals. On my account, we should endorse a Full Blown DDA for some animals if and only if those animals’ bodies belong to them in a morally significant way. I will argue that we should endorse a Full Blown DDA for some animals, but one that is weaker than the DDA for humans: we should recognise constraints against doing harm to some animals, but understand those constraints as importantly different from – and in many ways weaker than- the constraints against doing harm to humans. This position is both the most theoretically defensible position and has the most intuitively plausible implications about cases.

 In the final section, I explore what consideration of the DDA implies for Utilitarianism for Animals. I show that my discussion of the Minimal DDA suggests that we should reject Nozick’s original understanding of Utilitarianism for Animals. I propose a way of understanding Act-Utilitarianism for Animals which leaves the theory more plausible. Nonetheless, I argue that we should reject even this form of Act-Utilitarianism for Animals. This leaves room for an Indirect-Utilitarianism for Animals which endorses a moderate Full Blown DDA for animals. However, such a view is either hard to motivate or only minimally a hybrid approach to animals.

 I focus on my own defence of the DDA. However, as I argue, the discussion also has wider significance. My discussion can be seen as a model for other structurally similar defences of the doing/allowing distinction.

**II. My Defence of the DDA**

I defend the Doctrine of Doing and Allowing by arguing that it is necessary for anything to genuinely belong to anyone, even their own body. Genuine belonging requires protection against being imposed on. This includes protection against causal imposition (where the behaviour of others intrudes on what belongs to me, making substantial changes to what belongs to me without my consent). This means that for my body and other resources to genuinely belong to me I need there to be constraints against doing harm (Woollard 2013; 2015).

But protection against causal imposition is not enough. A resource does not genuinely belong to me if I am required to put it at the use of others whenever this would benefit them more than it would cost me. For my body and resources to genuinely belong to me, I also need protection against normative imposition (where the needs of others intrude on what belongs to me, requiring me to put what belongs to me at the use of another). Protection against normative imposition requires permissions to allow harm. (Woollard 2013; 2015).

On this view the Doctrine of Doing and Allowing is made up of two elements: (1) Constraints against doing harm which respect that the potential victim’s body and other resources belong to them; (2) Permissions to allow harm which respect that the agent’s body and other resources belong to them. There is also a third element in the background: (3) Reasons to reduce harm and to help others which respond to a general concern for the good of creatures.

One way of recognising the third element is to note that the constraints and permissions provided by the Doctrine of Doing and Allowing are not absolute. Almost no one thinks that it is always impermissible to do harm, no matter how small the harm and how large the cost of avoidance. Almost no one thinks that it is always permissible to allow harm, no matter how large the harm and how small the cost of avoidance. Any plausible version of the Doctrine of Doing and Allowing will provide strong protection against very harmful imposition and weaker protection against less harmful impositions. This is why the Doctrine of Doing and Allowing can be understood as the claim that, other things equal, doing harm is harder to justify than merely allowing harm. This version of the Doctrine of Doing and Allowing recognises that our authority over what belongs to us does not always override concern for the good of creatures.

More than this, the protection against normative imposition only really makes sense under the assumption of a background of standing reasons to reduce harm and to help others. The whole point of the permissions to allow harm is that they limit the demands that the needs of others make on the agent, preventing those demands from undermining her authority over what belongs to her. Unless we have a background in which the needs of others do place demands on us, there is nothing to limit.

**III. Application to Animals: A Straightforward Answer**

So, on my view, the Doctrine of Doing and Allowing is best understood as a principle governing the interactions of these three morally relevant factors: the authority of the potential victim over their body; the authority of the agent over their body and the good of creatures. But, aside from a short footnote (Woollard 2015, footnote 17, p 108), my previous work defending the Doctrine of Doing and Allowing focused on cases in which both the agent and the potential victim(s) of harm were persons. What happens when we consider the ethics of our interactions with animals? Does my defence of the Doctrine of the Doing and Allowing extend to cases where a human could countenance (either do or merely allow) harm to animals?

I think it follows straightforwardly from my account that the Doctrine of Doing and Allowing at least partially applies to humans’ countenancing harm to sentient animals. If we have a human agent and an animal potential victim, then we have at least two of the three elements of the Doctrine of Doing and Allowing. First, the human agent’s body and other resources belong to them. This means they need protection against normative imposition. Second, the animal potential victim is the type of creature that can be harmed or benefitted in a morally relevant way. This means we have standing reasons based on the good of creatures to reduce harm to the animal and to help them.

These two elements are enough to give rise to a moral distinction between doing harm to animals and merely allowing harm to animals. Agents have standing reasons based on the good of creatures not to allow harm to animals. However, requirements to avoid allowing harm to animals are strictly limited. This is because requirements to avoid allowing harm to animals normatively impose on the agent: they place the agent’s body and other resources at the use of another. Permissions to allow harm are needed to respect that the agent’s body and other resources belong to them. Agents also have standing reasons based on the good of creatures not to do harm to animals. Requirements to avoid doing harm do not (as such) impose on the agent. Thus requirements to avoid doing harm are not limited in the same way by the need to respect that the agent’s body and other resources belong to them. This means that doing harm to an animal is harder to justify than merely allowing harm to an animal.

**IV. Hill’s Problem**

This is an important result because it avoids a serious problem in animal ethics. Alison Hills has argued that once we take wild animals into account, what we might call Universal Utilitarianism – Utilitarianism for *both* people and animals - becomes implausibly demanding (Hill 2010). Before we get into the details of Hills’ argument, a caveat is necessary. Hills uses the term ‘Utilitarianism’ to pick out her opponent’s view. However, as we shall see, Hills’ argument depends on the claim that Utilitarians do not recognise a morally relevant distinction between doing and allowing harm. Indirect forms of Utilitarianism such as Rule-Utilitarianism, can endorse the doing/allowing distinction.[[2]](#footnote-2) So, Hills’ argument only really works for Direct Utilitarianism. In most of the discussion, I will follow Hills in using Utilitarianism to refer to a form of Direct Utilitarianism. In the final section, I will briefly discuss Indirect Utilitarianism for Animals.

There are currently millions of wild animals that are at risk of starving, suffering from diseases, being maimed either by accident or by attempts at predation. Utilitarianism seems to demand that we intervene, if not to save the wild animals, at least to reduce their suffering.[[3]](#footnote-3) As Hills argues, wild animals present a permanent emergency situation which, unlike the human suffering caused by global poverty, cannot be blamed on unjust social structures. “It is difficult, and probably impossible, to devise any kind of political system or institution to solve the problems of animals without our constant supervision and intervention. Our duties to animals are more demanding, not in the sense that they are more urgent than our obligations to humans (they are not), but in the sense that it is even more difficult to discharge them. The impact on our life will be almost as great, and, realistically, will never be over. Our personal projects will be in constant conflict with these demands: our integrity will be permanently compromised” (Hill 2010, 237).

Hills shows that Utilitarians cannot avoid this result by discounting animal pain. The problem, as Hills notes, is that Utilitarians do not recognise any moral distinction between doing and allowing harm. Suppose that, for example, the Utilitarian wants to show that I am not required to give up my career to prevent zebras being devoured alive by lions. So they argue that although zebra pain matters morally, it doesn’t matter as much as my career. I am permitted to allow hundreds of zebras to be eaten alive in order to purse my personal projects. Because the Utilitarian doesn’t recognise a distinction between doing and allowing harm, it follows that I would be permitted to bestow the same kind of pain on hundreds of zebras for my personal projects. Most Utilitarians don’t want to accept this.[[4]](#footnote-4) There are similar problems for other moves that the Utilitarian might want to make. If they adopt a satisficing or scalar Utilitarianism which implies that preventing the zebras’ pain is morally optimal but not required, then they end up forced to say that it is optimal but not required to avoid inflicting hideous pain on zebras in order to pursue my personal projects. I’ll refer to this as Hills’ Problem.

Hills’ Problem is not just a problem for Utilitarians. It is a problem for any account which does not recognise a distinction between doing harm to animals and merely allowing harm to animals. In fact, Hills’ Problem may be even *more* pressing for hybrid theories which recognise a distinction between doing and allowing harm to people but not to animals – for such theories would have the highly counterintuitive implication that our duties to wild animals are more demanding than our duties to people.[[5]](#footnote-5)

This means my defence of the DDA is helpful. It allows us to recognise a moral difference between doing harm to animals and merely allowing harm to animals with fairly minimal commitments concerning animal status: all that is needed is the claim that (a) the human agent’s body and other resources belong to them and (b) the animal potential victim is the type of creature that can be harmed or benefitted in a morally relevant way. We can thus avoid Hills’ Problem when it comes to animals without making controversial claims about animal moral status.

**V. Minimal Versus Full Blown DDA**

The agent’s authority over their body and resources and the moral relevance of harms and benefits to the animal don’t give rise to the same full-blown Doctrine of Doing and Allowing that applies to persons. These only provide the second and third elements of the Doctrine of Doing and Allowing: (2) Permissions to allow harm which respect that the agent’s body and other resources belong to them; (3) Reasons to reduce harm and to help others which respond to a general concern for the good of creatures. We don’t yet have the first (and some might think most important) element of the Doctrine of Doing and Allowing: (1) constraints against doing harm springing from the need to respect that the potential victim’s body and resources belong to them.

I will call the version of the Doctrine of Doing and Allowing produced by the second and third elements, the Minimal Doctrine of Doing and Allowing and the stronger version, made up of all elements, the Full-Blown Doctrine of Doing and Allowing. The Minimal DDA is a Doctrine of Doing and Allowing in an important way: it implies that doing harm to animals is harder to justify than merely allowing harm to animals. However, it is weaker than the Full-Blown Doctrine of Doing and Allowing in two other important ways. First, although there are reasons not to do harm to animals based on a standing concern for the good of creatures, these may not be very strong. They are certainly a lot weaker than the constraints against doing harm to persons based on respect for a person’s authority over their body. So, it may be possible to justify doing harm to animals based on fairly weak costs to the agent of avoiding doing harm. Secondly, the moral difference between doing and allowing harm appeals purely to the need for permissions for the agent to allow harm. Thus, while it implies that doing harm to animals is harder to justify *by appeal to costs to the agent* than merely allowing harm to animals, it does not imply that doing harm to animals is harder to justify *by appeal to the greater good* than merely allowing harm to animals. The Minimal Doctrine of Doing and Allowing is compatible with the permissibility of killing one zebra to save two zebras.

**VI. Minimal or Full Blown DDA?**

On my account, a Full-Blown DDA for (at least some) animals can be defended if and only if we can hold that (at least some) animals’ bodies (and perhaps other resources) genuinely belong to them, in a way that gives rise to constraints on imposing on their bodies and other resources.

In my defence of the DDA for persons, I call the claim that a person’s body genuinely belongs to them, the Body Claim (Woollard 2015, 187). For this paper, let us distinguish between the Human Body Claim (a human’s body genuinely belongs to them) and the Animal Body Claim (some animal’s bodies genuinely belong to them). Before we explore the defences of the Human Body Claim and the Animal Body Claim, we should get clear on what it means to say that a creature’s body genuinely belongs to them. We’ll also address concerns about whether these claims make sense: this will include both concerns about whether it makes sense in general to claim that a creature’s body belongs to them and whether it makes sense to claim that something belongs to an animal.

Let’s start with the Human Body Claim. In *Doing and Allowing Harm*, I explain how my understanding of what it is for a person’s body to belong to that person draws on Jeremy Waldron’s account of the concept of private property.

According to Waldron, the concept of a property system is the concept of a system of rules governing access to and control of material resources (Waldron 1988, 31). A property system provides an answer to the problem of allocation: the problem of determining peacefully and reasonably predictably who is to have access to which resources for what purposes and when (Waldron 1988, 32). In a (pure) private property system, the allocation problem is solved by assigning resources to individuals. ‘Imagine that the material resources available for use in a society have been divided into discrete parcels (call each parcel an object) and that each object has the name of an individual member of the society attached to it... In a private property system, a rule is laid down that, in the case of each object, the individual person whose name is attached to that object is to determine how the object shall be used and by whom’ (Waldron 1988, 38-9).

Waldron’s image of individual names attached to parcels of resources illustrates nicely what I mean when I talk about a resource belonging to a person. A resource belongs to a person when there is a relationship between the person and the resource in virtue of which the resource is allocated to that person: it is his or hers in a way that gives the person a privileged status over the use of that resource. This privileged status gives the person a prima facie authority to make decisions over what happens to that resource based primarily on his or her own interests and desires. The Body Claim states that each person’s body must belong to him or her. It must be recognized as his or hers in a way that gives the person a prima facie authority to make decisions over what happens to it based on his or her own interests and desires (Woollard 2015, 187-186).

As I argue in *Doing and Allowing Harm*, this way of explaining the Body Claim should put pay to a common concern about whether it makes sense to speak of someone’s body belonging to them. According to this concern, because my relationship to my body is so intimate, so unlike my relationship to any external object, it just does not make sense to describe my body as belonging to me. But if we think of belonging in terms of the allocation of a resource, we see that this objection is misguided. However special my relationship to my body is, my body is still a resource. As I argue:

The state of my body, and the things that it does and that are done to it, can affect the welfare of myself and others. It can be used to achieve ends—either my ends or the ends of others. Moreover, either I or another may take my body being in a certain state as an end. Finally, others can affect it in ways that diminish its usefulness or its value. We thus face the allocation problem with respect to my body: on what basis should decisions be made about what happens to it? A sensible answer to this question (indeed I think the only plausible answer) is that I should have prima facie authority to make decisions about what happens to my body on the basis of my interests and desires. If this answer makes sense, the claim that my body belongs to me makes sense (Woollard 2015, 188).

 The bodies of animals are also resources. It makes sense to ask on what basis decisions about the use of those resources should be made. So just as it makes sense to speak of a human’s body belonging to someone, it should make sense to speak of the bodies of animals belonging to someone. However, in the case of the Animal Body Claim, there is an additional concern. Suppose we agree that the bodies of animals are the kinds of things that can belong to someone. Are animals the kinds of creatures to which things can belong?

 My understanding of belonging for persons has two parts: first, that the person has the authority to decide what happens to the resource; second, that they are entitled to do so based on their own interests and desires. Does it make sense to speak of an animal having authority to decide what happens to their body? Shelly Kagan argues that many animals have at least some autonomy. He argues: “Animals still make choices, after all, even if less grand than some of the choices that we make. A dog, for example, may decide between chasing its tail and chasing after a squirrel. That may be a less impressive and far reaching choice than your choice of career, but it is still a choice for all that. Nor should we think autonomy is only involved when deliberating about one’s life as a whole: your autonomy is also made manifest when you are doing nothing more important or significant than deciding whether to have the chocolate cake or the apple pie for dessert” (Kagan 2019, 198). This reminder not to overlook the ways in which animals make decisions is important. It also seems as if such choices by animals can make a difference to the application of deontological distinctions like the DDA. There are many stories of dogs, for example, apparently choosing, with some understanding of what they are choosing, to sacrifice themselves for their human owners. Such sacrifice seems different from simply using the dog to save the humans. This seems to be because the dog has in some way exercised its authority over its own body. Nonetheless, there are likely to be many cases where the decisions about what should happen to an animal’s body rest on considerations which it is not capable of grasping. Often these will be the cases where decisions have the most far reaching consequences and thus seem most important. We might think that on balance, it does not make to see an animal as having authority to make decisions about what happens to its body.

 Luckily, we can make sense of an animal’s body belonging to it even if it cannot have authority to make decisions about what happens to its body. For creatures that are capable of making such decisions, the authority to make such decisions is an important part of something genuinely belonging to you. But if a creature is not able to make such decisions, then we can understand a resource as belonging to it when decisions about what happens to the resource are to be decided on the basis of that creature’s interests and desires (Fiona Woollard 2015, footnote 17, p. 108). Many animals have interests and desires. Thus the Animal Body Claim makes sense.

 Now we’re clear on what the Human and Animal Body claims are and have responded to worries that these claims don’t make sense, we’re ready to look at whether these claims are true. I make two core arguments in defence of the Human Body Claim. Both these arguments appeal to three features of a person’s relationship to their body that make up the body’s unique role in the person’s interaction with the world. First, the body is the locus of my agency: it is through my body that I act on the world. Second, the body is the main locus of patience: with a few possible exceptions[[6]](#footnote-6), it is through my body that the world acts on me. Third, my body is a major locus of interest for me: what is happening to my body is a significant part of how well or badly things are going for me.

 All these features mean that my body is identified with me in a way no other object is. Remember Waldron’s image of names attached to parcels of resources. My body is the paradigm example of a resource that comes with a name already attached. In my first core defence of the Human Body Claim, I argue that this connection between myself and my body is vital to my understanding of myself and my relationship to the external world. Any moral code which does not give me sufficient authority over my body does not take this connection to be normatively significant. It thus treats as insignificant a fact that is central to my self-understanding (Woollard 2015,193).[[7]](#footnote-7)  Adoption of such a code undermines my relationships with others, by permitting others to treat me as if a significant fact were not true, such rules may prevent me from forming relationships with others that stand on an appropriate footing. It undermines my self-conception, for it says that these important facts about me are not worth recognition (Woollard 2015, 195).

 My second core argument in defence of the Human Body Claim argues that the Body Claim is necessary for a valuable kind of agency, which I call Full-fledged Agency. Imposition on my authority over my body is not necessary incompatible

with agency. Requirements to use my body to meet the needs of others do not

prevent me from acting. They not only require me to act, but they require me to act in accordance with good reasons. Nonetheless, such requirements can conflict with an important type of agency, which I call ‘full-fledged agency’. “Full-fledged agency involves not simply acting but selecting one’s own ends and adopting a settled course of action in accordance with those ends. By adopting a settled course of action, I mean setting a plan with a genuine intention of pursuing that plan to completion” (Woollard 2015, 196). Requirements to put my body at the use of others conflicts with full-fledged agency by preventing me from choosing my own ends: my body is co-opted to the ends of others or to a moral end of impartial goodness. They also prevent me from forming the genuine intention of pursuing a plan to completion, for they require me to hold myself ready to give over the use of my body, the locus of my agency, whenever someone else needs it more than I do.

 Do these defences of the Human Body Claim transfer across to the Animal Body Claim? I think that some aspects of these defences do apply to many animals. Many animals, like humans, have a special connection to their bodies. The body of a animal is the locus of the animal’s agency (insofar as the animal is an agent): animals that act on the world do so through their bodies; it is the locus of the animal’s patience: it is through animals’ bodies that the world acts on them; it is the major locus of their interests: insofar as things can be said to go well or badly for an animal, what is happening to the animal’s body is a significant part of how well or badly things are going for it. Although failure of a moral code to recognise this relationship will not undermine the animal’s self-conception, it may be seen as disrespectful, as putting relationships with others on an inappropriate footing.

 A little bit more needs to be said about when an animal has a special connection to its body such that failure to recognise this is disrespectful. I suggest that the key question will be (a) whether (and to what extent) the animal acts, suffers, and has interests *in a morally significant way* and (b) whether (and to what extent) the animal acts, suffers and has interests, in these morally significant ways, *as an individual*. Suppose a very primitive creature moves about, or is changed by its environment, and that some of these changes can increase or decrease its likelihood of fulfilling some function. It might then make sense to talk of the creature acting or being acted on or of things going well or badly for it. Nonetheless, we might not think it acts, suffers or had interests in any morally significant way. In such cases, it cannot be morally significant that the body is the locus of this semi-metaphorical agency, patience and interest. Similarly, we can imagine creatures that act or suffer or have interests in morally significant ways, but only as a kind of cell of a larger collective. Such collective agency and interests cannot generate a morally significant connection between the individual creature and its body.

 Many animals do seem to act, suffer and have interests in a morally significant way as individuals. This seems to be clearly true of, for example, a cow. The cow has a special connection to its body as the locus of its agency, patience and interests. To fail to recognise this special connection, to treat the cow’s body as if it were an unallocated resource, fails to respect something important about the cow.

 Nonetheless, there are important differences in the way in which a person’s body belongs to her and the way in which a cow’s body belongs to it. Respecting the way in which my body belongs to me involves respecting *both* my authority to make decisions about what happens to my body *and* my entitlement to make those decisions based on my own interests and desires. Respect for my authority to make decisions about my body is intimately connected to respect for my autonomy. If cows have autonomy at all, it is much less powerful than human autonomy. Similarly, if a moral code fails to recognise my special relationship to my body this means it does not give me appropriate moral standing, threatening to undermine my self-conception and my relationships with others. These harms of moral standing/ self-conception are far more of a concern for humans than for cows. Finally, because cows are not moral agents, and thus not subject to moral requirements, normative imposition cannot undermine a cow’s full-fledged agency and thereby threaten the cow’s ability to choose its own ends or its understanding of itself as a unified agent through time.[[8]](#footnote-8)

 All this suggests that we should accept a *weak* version of the Animal Body Claim: for some animals, that animal’s body genuinely belongs to it, but the strength of an animals’ claims over its body are weaker than a human’s claim over their body. This leads to acceptance of a *weak* full blown DDA for non-human animals: there are constraints against doing harm to animals, but these constraints are weaker than the constraints against doing harm to humans.

 This seems to me to be not only the most theoretically defensible position, but also the view that has the most intuitively plausible implications for cases. Completely rejecting constraints against doing harm to animals seems to give peculiar results.[[9]](#footnote-9) On the Minimal DDA, it is permissible to kill one cow in order to save another cow from death, even if there will be no increase in utility. You can kill one cow to save another simply because you prefer the colour of its coat. This strikes me as implausible. Of course, one might follow Kant here and argue that this is wrong simply because it will make you yourself callous and cruel. Again, that strikes me as implausible. To kill one cow to save another cow, with no increase in utility, seems to me to wrong the cow that you kill. [[10]](#footnote-10)

Nonetheless, it seems as if intuitively the constraints against doing harm to animals are weaker than the constraints against doing harm to humans. Intuitively, it can be permissible to sacrifice one animal to save a greater number of other animals of the same type when it would not be permissible to sacrifice one human to save the same number of humans. For example, if a deadly disease is threatening a large population of giraffes, it seems permissible to deliberately infect a small number of giraffes with the disease in order to produce a vaccine. It is not intuitively permissible to deliberately infect humans to produce vaccines.[[11]](#footnote-11)

Animals also interact differently with other factors such as species preservation and ecological diversity. Consider Project Isabella, a multi-agency project launched in 1997 to address goats in the Galapagos Islands.[[12]](#footnote-12) Goats are an invasive species in the Galapagos Islands, introduced by fishermen in the 1950s. Lacking natural predators, the goat population rapidly spread and caused significant damage to the delicate ecosystem. Project Isabella aimed to eradicate all goats, shooting them and leaving the bodies to rot to return the precious nutrients to the soil. Although Project Isabella involved slaughter on an immense scale, it is widely seen as acceptable.

The ethics of Project Isabella are complex. One aspect is that the intervention is not seen as a simple case of doing harm to the goats. Instead, this is seen as a more complicated type of agency relating to harm resulting from previous human action. If both the original fishermen and those taking part in Project Isabella are thought of as representatives of humanity, this can be seeing as a case of undoing harm ‘we’ ourselves have done or even as preventing ‘ourselves’ from doing harm.[[13]](#footnote-13) Moreover, the goats, as a species, are portrayed as threats and the project is seen as defending both the famous Galapagos Tortoises and the ecological diversity of the islands from these threats. Nonetheless, at least part of this complexity is a result of treating constraints against doing harm to animals differently than we treat constraints against doing harm to humans. It involves treating goats as a species rather than as individuals in a way we would not accept if killing humans were under discussion.

**VII. Minimal and Full Blown DDA and Hybrid Views of Animal Ethics**

I now return to the hybrid approach to Animal Ethics discussed in the introduction: Utilitarianism for Animals; Deontology for Persons. What are the implications of the above discussion for this approach? Is Utilitarianism for Animals compatible with the Minimal DDA and my suggested response to Hills’ Problem? Is Utilitarianism for Animals compatible with the moderate Full Blown DDA that I endorse? Does consideration of the DDA help us to decide whether to accept or reject a hybrid approach to animal ethics. It will turn out that the answer to these questions depends on what is meant by a hybrid approach to Animal Ethics and what is meant by Utilitarianism for Animals.

Nozick introduces ‘Utilitarianism for Animals, Kantianism for People’ by stating: “It says: (1) maximise the total happiness for all living beings; (2) place stringent side constraints on what one may do to human beings” (Nozick 1977, 39).

Both the Minimal DDA and the Full Blown DDA are clearly incompatible with this maximising act-utilitarian version of the Utilitarianism for Animals. Both versions of the DDA recognise permissions to allow harm to animals even when this is not optimific.

The Minimal DDA and the Full Blown DDA are also both incompatible with analogous satisficing act-utilitarian views on which we are required to produce a ‘good enough’ outcome for animal and human welfare unless doing so violates side constraints on the treatment of humans. On such views, non-optimific allowing of harm to animals would only be permitted if the consequences were good enough – and, if everything else were equal, doing harm to animals would also be permitted in such cases. Both versions of the DDA entail that it may be permissible to allow harm when it would not be permissible to do the same harm with everything else held equal.

I think that the arguments in Section III and IV show that we should reject Utilitarianism for Animals so understood. First, this approach faces Hill’s problem and thus has deeply counterintuitive results. Moreover, if we are really to be Deontologists for People, if we are to recognise the moral relevance of persons as potential victims it seems that we should also recognise the moral relevance of persons as agents. If we allow the moral features of persons as potential victims to give rise to side-constraints on maximising (or satisficing) utility, we should allow the moral features of persons as agents to give rise to permissions not to maximise (or satisfice) utility.

So it would be better to understand Maximising Act-Utilitarianism for Animals as implying that animals themselves do not give rise to either constraints on maximising utility or permissions not to maximise utility. This allows us to recognise both deontological constraints that protect human patients and deontological permissions that protect human agents – and thus to be proper Deontologists for People. Moreover, this view is compatible with the Minimal DDA, which appeals only to the need for permissions to allow harm to avoid normative imposition on the agent. It is thus able to avoid Hill’s Problems. The Minimal DDA (and my solution to Hill’s Problem) is also compatible with the Satisficing Act-Utilitarian version of this way of understanding Utilitarianism for Animals. Both the Maximising and the Satisficing Act-Utilitarian versions of this way of understanding Utilitarianism for Animals are much more plausible than Nozick’s original version.

Of course, some might find this conclusion worrying. It seems odd to characterise as Maximising Act Utilitarianism for Animals a view on which doing harm to animals to avoid a certain cost may be impermissible while merely allowing harm to avoid the same cost would be permissible.[[14]](#footnote-14) Someone who claims to be a Utilitarian for Animals may think of themselves as holding that the practical implications of the correct ethical theory are Utilitarian. We are supposed to treat animals *in a Utilitarian way*. Perhaps they think that most of our treatment of animals should be determined by something like one of the familiar Act-Utilitarian decision procedures. They may think that a version of Utilitarianism for Animals which includes a DDA (even a Minimal one) is against the spirit of the proposal. While I have sympathy for this reaction, I think that if we insist that Utilitarianism for Animals means no difference between doing harm to animals and allowing harm to animals, then the conclusion must be that Utilitarianism for Animals, Deontology for People is incoherent. Deontology for People must include permissions for agents to allow harm.

 So the most coherent version of Maximising Act-Utilitarianism for Animals states that animals themselves do not give rise to either constraints on maximising utility or permissions not to maximise utility – but that people do. Although some of the practical implications of this approach do not look Act-Utilitarian, I think it still deserves to be seen as an Act Utilitarianism for Animals and a genuine hybrid approach to animal ethics. It is genuinely Act-Utilitarianism for Animals because the only moral restrictions on our treatment of animals that come from animals themselves are considerations about how to maximise animal welfare. It is a genuine hybrid approach to animal ethics because humans are treated strikingly different from animals in that they generate deontological constraints and permissions.

Nonetheless, I think we should also reject these versions of Act-Utilitarianism for Animals. As I argue above, (at least some) animals’ bodies do genuinely belong to them, in a way that gives rise to constraints on doing harm to them. We should reject the key idea of Act-Utilitarianism for Animals that animals themselves do not give rise to constraints on maximising utility.

Does this mean that we should reject all forms of Utilitarianism for Animals, Deontology for Humans? I noted earlier that Hills’ argument referred to Utilitarianism but actually only applied to Direct Utilitarianism. Similarly, Nozick’s elaboration seem to assume that Utilitarianism for Animals means Act-Utilitarianism for Animals. But not all Utilitarians are Act-Utilitarians. Some are Indirect Utilitarians who pick some indirect determinant of action (rules, motives etc), find the set of these indirect determinants that would optimise utility and require us to act in accordance with that optimal set. As there may be versions of Indirect Utilitarianism that endorse the doctrine of doing and allowing, it looks as if we could have forms of Indirect Utilitarianism for Animals which recognise that some animal’s bodies belongs to them in a way that gives rise to constraints against doing harm to them.[[15]](#footnote-15)

However, it is not clear whether such forms of Indirect Utilitarianism for Animals can give rise to a genuine Hybrid Approach to Animals Ethics or what could motivate such a Hybrid Approach. One might perhaps adopt a general Rule-Consequentialism, but hold that there is a significant distinction between humans and animals: perhaps the only way in which animals affect which rules (or motives) are optimal is through their wellbeing[[16]](#footnote-16), but that other considerations are relevant for humans. This would seem like a very minimally hybrid approach, given that the overall framework is universal but that animals and humans only differ in how they affect our assessment of which rules (or motives) are optimal. Alternatively, we might hold that we should be Indirect Utilitarians for animals, but adopt a classic Deontological ethical theory for humans. Such an approach would be a genuine hybrid, but might be tricky to motivate. Universal Indirect Utilitarianism is often seen as attractive because it combines plausible implications about particular cases with theoretical simplicity (see e.g. Hooker 1996). The main reasons to reject Universal Indirect Utilitarianism are either that you think that its implications for particular are not as plausible as initially appears or that you think there is a problem with the theoretical framework. It’s not clear that someone who endorses a form of Indirect Utilitarianism for Animals which includes a Full Blown DDA can accept either of those claims. So it seems as if they should be Universal Indirect Utilitarians, not Hybrid Theorists.

**Conclusion**

My aims in this paper were to unpick the implications of my defence of the DDA for animal ethics generally and for hybrid approaches to animals ethics in particular. I also wanted to show that my account has the extremely useful implication that we can avoid Hills’ Problem with only minimal commitments about the moral status of animals.

I’ve shown that my account allows us to defend a Minimal DDA by claiming (a) that the human agents have authority over what belonging to them which requires permission to allow harm; (b) that the animal potential victim can be harmed in a morally relevant way which gives rise to a standing reason to avoid such harm. This Minimal DDA entails a moral distinction between doing and allowing which is enough to avoid Hills’ Problem.

However, for a Full Blown DDA which recognises constraints against doing harm to animals, we need to make more substantial claims about animal moral status: we need to claim that (at least some) animals’ bodies and other resources belong to them in a morally relevant way. I have shown that some aspects of my defence of the Human Body Claim transfer to many animals. Nonetheless, my arguments suggest that human’s claims over their bodies are stronger than the claims of animals. This supports a Full Blown DDA for animals which is weaker than the DDA for humans. The DDA for animals should include constraints against doing harm to animals, but these constraints should be weaker than the constraints against doing harm to humans. I argue that this position also has the most plausible implications for particular cases.

Utilitarianism for Animals, Deontology for Humans as originally conceived by Nozick is not compatible with the Minimal DDA for Animals or with my solution to Hills’ problem. I have argued that we should reject this version of Utilitarianism for Animals, Deontology for Humans. By failing to recognise permissions to allow harm to animals, it does not make room for an important element of Deontology for Humans. The most plausible form of Act-Utilitarianism for Animals is the view that animals themselves do not give rise to either constraints on maximising utility or permissions not to maximise (or satisfice) utility – but that people do. This form of Act-Utilitarianism for Animals is compatible with the Minimal DDA and thus with my solution to Hills’ problem. Nonetheless, I suggest that we should still reject even this form of Act-Utilitarianism: as I argued earlier, animals’ bodies do belong to them in a way that gives rise to constraints against doing harm. This leaves us with Indirect forms of Utilitarianism for Animals. I suggest that there may be forms of Indirect Utilitarianism for Animals which can endorse my moderate Full Blown DDA for animals. However, some versions of Indirect Utilitarianism for Animals only count as hybrid approaches in a very minimal way. Others are genuinely hybrid but may be tricky to motivate.

As noted in the introduction, I have focused on my own defence of the DDA. In order to work out how – and to what extent – the DDA applies to animals, we need to engage with the details of a proposed defence of the DDA. As should be unsurprising, how – and to what extent- the DDA applies to animals will depend on *why* the DDA applies to humans. Nonetheless, we can draw several conclusions that are of wider interest.

First, any defence of the DDA that has the same structure as my defence will have structurally similar implications when it comes to animals – including the ability to avoid Hill’s Problem. A defence of the DDA has the same structure as mine if it recognises: (1) constraints against doing harm based on some feature of the potential victim; (2) permissions to allow harm based on some feature of the agent; (3) a reason to help creatures and prevent harm. Any such defence will recognise permissions to allow harm to animals and thus should be able to avoid Hills’ Problem with only minimal commitments about animal status. Whether each such defence recognises a Full Blown DDA with constraints against doing harm to animals – and how strong these constraints are – will depend on whether animals are taken to have the features that defence appeals to. Any defence which appeals to a feature that animals have to some degree, but not as fully as humans, will have the kind of moderate Full Blown DDA for animals I endorse above.[[17]](#footnote-17) As this position has the most intuitively plausible implications for cases, I take this to be a significant advantage of such accounts over either purely victim-focused or purely agent-focuses defences of the DDA.

Second, the two elements of my defence can be taken separately. Someone might be convinced by my arguments that constraints against doing harm are necessary to recognise that the potential victim’s body genuinely belongs to them. Another person might endorse a different defence of the DDA which links the DDA to whether one’s body belongs to one or to similar issues such as self-ownership. Someone in either of these two positions may be convinced that whether the Full Blown DDA applies to animals will depend upon whether animal’s bodies (or selves) belong to them in a morally significant way. A rigorous defence of the claim that some animals’ bodies weakly belong to them needs to engage with the details of why a human’s body belongs to them. Nonetheless, we might find this position independently plausible. Thus someone could accept my overall position without accepting the details of my defence of the Body Claim.

**Reference List**

Hanna, J. (2015a). Doing, Allowing, and the Moral Relevance of the Past. *Journal of Moral Philosophy* 12 (6): 677–698.

Hanna, J. (2015b). Enabling Harm, Doing Harm, and Undoing One’s Own Behavior. *Ethics* 126 (1): 68–90. https://doi.org/10.1086/682190.

Hills, A. (2010). Utilitarianism, Contractualism and Demandingness. *The Philosophical Quarterly* 66 (239): 225-242.

Hooker, B. (1996). Ross-Style Pluralism Versus Rule-Consequentialism. *Mind*, 105 (420): 531–552.

Kagan, S. (2019). *How to Count Animals, More or Less*. Oxford: Oxford University Press.

Killoren, D. & Streiffer, R. (2018). Utilitarianism about animals and the moral significance of use, *Philosophical Studies,* <https://doi.org/10.1007/s11098-018-01229-1>,

Mill, J S. (1863). *Utilitarianism*. London: Parker, Son, and Bourn.

Nozick, R. (1997). *Anarchy, State, and Utopia*. New York: Basic Books.

Persson, I. (2013). *From Morality to the End of Reason: An Essay on Rights, Reasons, and Responsibility*. Oxford: Oxford University Press.

Waldron, J. (1988). *The Right to Private Property*. Oxford: Oxford University Press.

Woollard, F. (2013). If This Is My Body… A Defence of the Doctrine of Doing and Allowing. *Pacific Philosophical Quarterly*, 94 (3): 315-341. doi: 10.1111/papq.12002.

Woollard, F. (2015) *Doing and Allowing Harm.* Oxford: Oxford University Press.

Woollard, F.(2017). Double effect, doing and allowing, and the relaxed nonconsequentialist. *Philosophical Explorations*, *20* (Sup. 2) 2017, 142-158. DOI: 10.1080/13869795.2017.1356355

1. Following Killoren and Streiffer, I understand Hybrid Theories of Animal Ethics to focus on the distinction between humans and non-human animals rather than between persons and non-person animals (Killoren and Streiffer 2018, 2). Nonetheless, it does seem that there are non-human animals who are persons. We can certainly imagine non-human persons. My defence of the doing/allowing distinction was originally focused on persons and what I say there would apply to non-human persons. I leave these complications aside in this paper. [↑](#footnote-ref-1)
2. I thank Tyler John for pressing me on this. [↑](#footnote-ref-2)
3. As Hills argues there may be concerns that intervening to reduce the deaths of wild animals will lead to worse consequences overall. Hills argues that in this case, we are required to intervene to prevent fruitless suffering (Hills 2010, p. 236). [↑](#footnote-ref-3)
4. Hills makes this point (Hills 2010, 234), but the zebra example is my own. [↑](#footnote-ref-4)
5. I thank Anna Folland for pointing this out to me. [↑](#footnote-ref-5)
6. This qualification is to allow for the possibility that we see people as being acted on in the relevant sense in cases like the following: Someone lies about me behind my back. I never find out and no one treats me differently as a result, but a significant number of people who I do not interact with view me as a morally abhorrent person. [↑](#footnote-ref-6)
7. See also Warren Quinn’s argument that because a person is ‘constituted by’ his or her body and mind any arrangement that denied the person authority over them would be ‘a grave indignity’. Warren Quinn, ‘Action, Intentions, Consequences: The Doctrine of Doing and Allowing’, *The Philosophical Review,* Vol. 98, No. 3, (July 1989), p. 309. [↑](#footnote-ref-7)
8. For discussion of how normative imposition can undermine a person’s ability to choose their own ends or their understanding of themselves as a unified agent through time, see Woollard (2015, 198). [↑](#footnote-ref-8)
9. For similar argument see Nozick (1977, 40-42). [↑](#footnote-ref-9)
10. For similar argument see Nozick (1977, 41) [↑](#footnote-ref-10)
11. Shelly Kagan argues that holding that constraints against harming animals are as strong as constraints against harming humans has unacceptable implications for castaway cases. He argues that such constraints imply that it is impermissible for a human to kill and eat most animals in order to save their life when stranded on a deserted island. (Kagan 2019, Chapter 7). I have some concerns about Kagan’s calculations so I use cases involving sacrificing animals to save the same type of animal. [↑](#footnote-ref-11)
12. I thank Clare Palmer for raising this case. [↑](#footnote-ref-12)
13. For discussion of letting oneself do harm see Persson 2013; Hanna 2015a, 2015b. [↑](#footnote-ref-13)
14. Killoren and Streiffer have a similar, but much longer, discussion exploring whether certain principles which could explain special obligations to animals are compatible with the commitments of Utilitarianism for Animals. They note that their preferred principle, the Strengthening Principle, “is incompatible with one more commitment that we might expect to be widely (though not universally) shared by those who hold a Hybrid View” (Killoren and Streiffer 2018, 11). They note that: “utilitarianism is usually understood to be an expression of the Moorean idea that the deontic supervenes on the evaluative, i.e., there can be no difference in the obligations faced by agents in two cases without a difference in the value of the consequences of the actions available to the agents” (Killoren and Streiffer 2018, 11). They note that their Strengthening Principle is incompatible with what they call *Restricted Supervenience*: the principle that there must be no difference in obligations in any two cases where the agent must decide whether to perform an action, performing the action affects animals but not humans in morally significant ways, and there is no difference in the intrinsic value of the consequences of the action. The Minimal DDA does not conflict with Restricted Supervenience as stated by Killoren and Streiffer – because performing the action does affect the agent in a morally significant way – but it does conflict with a suitably modified version of the principle which includes cases where the cost to the human agent of performing the action is equal and this cost to the agent is the only way in which the whether the action is performed affects humans in morally significant ways. [↑](#footnote-ref-14)
15. See Woollard 2015, Chapter 9. See also e.g. Mill 1863, Chapter 5. I thank Tyler John for pressing me on this. [↑](#footnote-ref-15)
16. Killoren & Streiffer argue that all Utilitarians for Animals should endorse Animal Welfarism: (a) animal states are intrinsically good (bad) only if they constitute positive (negative) welfare; (b) an animal’s welfare is either constituted by or determined by its mental states (Killoren and Streiffer 2018, 9). They argue that this principle is needed for a view to count as Utilitarian rather than merely consequentialist. They argue that Utilitarians for Animals should also endorse two other principles which result from restricting to the animal domain the consequentialist principle that it is never wrong to act optimifically. These, when combined, boil down to the claim that optimific acts can only be wrong in virtue of a relation between the act and those humans who will be affected by it. But Killoren & Streiffer explicitly exclude indirect forms of utilitarianism. To include all forms of utilitarianism, I suggest we should understand utilitarianism for animals as requiring a utilitarian theory of the good for animals plus some form of consequentialist theory of the right (possibly restricted to animals). [↑](#footnote-ref-16)
17. See Kagan 2019, Chapters 8 and 9, for argument that any plausible candidate feature for deontological constraints should have this feature. [↑](#footnote-ref-17)