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DIGNITY AND ITS VIOLATION EXAMINED WITHIN THE CONTEXT OF ANIMAL ETHICS

ABSTRACT

In this paper I aim to analyse the concept of 'dignity' in relation to other than human animals and to examine how this concept might be of use in informing us of actions that may harm such animals. In doing so, I will firstly outline some of the characteristic features of actions that may be said to violate dignity before proceeding to analyse the idea that one can degrade a being by treating it in a way that is excessively instrumental and further to examine an ontological explanation for why some actions that harm nonhuman animals can be thought of as a violation of dignity. Some of the relevant issues arising from an examination of dignity and its violation involve reflection on notions

such flourishing, consent and autonomy. Such linking issues will be considered in relation to the application of the concept of dignity to nonhuman beings.

HUMAN DIGNITY AND ANIMALS

The word ‘dignity’ may be used in a presentational sense (Meyer 1989, 522), for example, one might say “she presents herself with dignity”, or in a social sense (Szawarski 1986, 193), for example, one might say “she fulfilled her duty with dignity, or honour”. However, in this paper I will not be using ‘dignity’ in either of these senses.

Rather, the sense of dignity I will be concerned with is one that is related to ideas about the value or worth of a being. This latter sense of dignity has a long history, and tends to be a concept that is thought to be applicable to human animals only, and more specifically to human persons—moral agents, capable of rationality, of directing their own lives, and of formulating their own goals and plans for the future. Most notably, the Kantian principle regarding respect for the dignity of persons is based on considerations of the value of humanity ‘insofar as it is capable of morality’:

[T]hat which constitutes the condition under which alone something can be an end in itself has not merely a relative value, that is, a price, but an inner value, that is, *dignity*... Morality, and humanity insofar as it is capable of morality, is that which alone has dignity... [T]he lawgiver itself, which determines all worth, must for that very reason have a dignity, that is, an unconditional... worth; and the word *respect* alone provides a becoming expression for the estimate of it that a rational being must give. Autonomy is... the ground of the dignity of human

nature and of every rational nature' (Kant 1996 [1785], 4:435-436, pp.84-85).

Human persons, being endowed with reasoning capabilities which enable them to exercise their autonomy and to be guided by moral imperatives, are to be treated as ends in themselves, never merely as a means to ends:

I say that the human being and in general every rational being *exists* as an end in itself, *not merely as a means* to be used by this or that will at its discretion; instead he must in all his actions... always be regarded *at the same time as an end* (ibid, 4: 428, p.79).

Immanuel Kant's principle of the respect for the dignity of persons applies to rational, moral agents only. Accordingly, humans alone have the qualities or characteristics which make them worthy of direct moral respect.

In spite of sceptical arguments regarding the usefulness of dignity as a concept (see Macklin 2003, 1419-1420), as well as concerns related to the vagueness of the concept (see Caulfield and Chapman 2005, 736-738), and difficulties arising from consideration of its content (see Birnbacher 1996, 107-121; and Cochrane 2010, 234-241), the Kantian understanding of dignity has left a lasting legacy and has a firm foothold in ethics and law today (see Hailer and Ritschl 1996, 98-102); aspects of it can be found in, for example, the United Nations' *Universal Declaration of Human Rights* according to which 'All human beings are born free, equal in dignity and human rights. They are endowed with reason and conscience and should act towards one another in the spirit of brotherhood' (United Nations General Assembly 1948, Article 1).

Moreover, the claim that dignity as a concept is applicable to humans only (see; Rolston 2008, 129-153; Lee and George 2008, 409-433; and Gaylin 1984, 18-22) re-affirms the perceived and overestimated gulf between humans (who tend to be considered as 'special 'in the light of what are thought to be their distinctive rational capacities) and other animals (who are viewed and often treated as if they have lesser mental powers in comparison to humans), as if maintaining such a gulf provides us with a reason to accord humans a higher moral status than animals. I say 'as if' for even if we assumed for argument's sake that there is indeed such a gulf, and that humans are different in kind from other animals, this in and of itself does not make it permissible to treat animals as we please or to use them as a means to an end only, or even to accord them a lower status than humans.

In spite of this, animals' supposed lack of reason is often appealed to as an attempted justification for our exploitation and objectification of animals in modern-day practices (particularly factory farming and animal experimentation). But it would be worth remembering that just as appeals to a lack of reason and moral agency have been used as an attempted justification for our use of animals in often painful and lethal experiments, so too have such appeals been used in the past as attempted justifications for experimenting on those humans who lacked such characteristics. Such humans included the insane, prisoners, and children. Experimenting on such people was not always seen as a moral problem.¹

Moreover, it should be said here that there are, of course, many human beings who lack certain mental capacities, and yet if the concept of dignity is applicable only to beings that possess certain rational powers which accord them with a special status then it

would appear that many humans would be excluded from having such a status. However, for those who have a human-centred conception of dignity, the concept is often explicated as related to humans as members of the species *Homo sapiens*; it is claimed, for example, that it is being a member of this species and this species alone that makes humans ‘special’ (Gaylin 1984, 18-22) and unique (Rolston 2008, 129-153). On such a view, the concept of dignity is a concept which in some sense reflects the ‘specialness’ of human beings and the differences between humans and other animals.

But as Lisa Bortolotti and John Harris plausibly argue, the claim that all and only humans have dignity purely on the basis of their species membership is a form of discrimination (specifically, speciesism) comparable to that of sexism and racism. In relation to stem cell research and to a discussion of specific Kantian and utilitarian interpretations of the principle of human dignity they claim the following:

Notice that... the objection [against stem cell research] relies on dignity being an attribute of *human* life as such. But there is nothing intrinsically valuable about belonging to the species *Homo sapiens*. Granting rights and interests on the basis of species membership alone seems totally arbitrary and it is comparable, as a practice, to granting rights and interests on the basis of race or sex (2005, 74).

Indeed, what is intrinsically valuable about human beings is not their species membership per se, but rather the flourishing or development of their essential capacities in a way that furthers their own good where, as Robin Attfield, claims ‘[c]apacities may be defined as essential capacities of a species, if and only if a species would forego its current identity

in the absence of any of these capacities from most of its members' (1995, 48).

The same applies to animals; that is, what is intrinsically valuable about animals is the flourishing of their capacities in a way that furthers their own good.

To summarise two issues arising from the aforementioned conceptions of dignity, if the concept of dignity is grounded in specific mental faculties of human beings (such as their rational powers) then, in order to be consistent, it would seem that animals that possess such mental abilities would qualify as beings to which the concept is applicable, while humans that lack such abilities would not qualify. But if the concept is applied to humans purely on the basis of species membership, then such an understanding runs the risk of being speciesist, based as it is on an arbitrary favouring of human beings as over and above all other species.

DIGNITY AND ITS VIOLATION

Despite criticism regarding the nature of the concept of dignity (see Macklin 2003, 1419-1420; Caulfield and Chapman 2005, 736-738; Birnbacher 1996, 107-121; and Cochrane 2010, 234-241), we frequently talk of dignity in relation to humans, and such talk appears to be a mainstay in discourses on ethics. This is not altogether surprising for, granting that the concept is difficult to explain, the word 'dignity' and phrases referring to its loss often seem to capture what we want to express in certain discussions in ethics; most notably in discussions relating to dying, a human's loss of particular capacities, and to issues regarding bodily and mental health. Perhaps, as Philip Johnson notes, 'The use of dignity seems to be a sort of uncertain attempt to find the right word or concept' (1998, 342). Johnson's analysis of 'dignity' is one which focuses on 'the factor of humanness'

(ibid, 324) as an essential element of what dignity means. But if dignity does have a use, as many people (laypersons and professional ethicists included) seem to think it does, then in order to avoid charges of speciesism and inconsistency it is worth examining whether it can be applied to animals and in doing so evaluate some further reasons why animals are not usually considered to be beings to which the concept can be applied, for while the word 'dignity' is not one that is readily used in relation to animals, it seems that use of the term 'dignity' could well be appropriately used in a range of circumstances in which we find animals and for which we seek 'to find the right word or concept'.

One further possible reason why we do not usually apply such a concept to animals and their lives is because we are tempted to assume that whomever we attach the concept to must understand the concept, and recognise how their dignity can be infringed or violated. However, we do use the concept of dignity to refer to the degradation of human subjects who do not necessarily understand the concept or know what constitutes degradation. So it is not obvious that it cannot be applied to animals.

Our understanding of the concept seems to depend upon an understanding of its opposite; an understanding of how a being can be degraded. When we say that someone's dignity has been infringed we usually mean that that person has been degraded or humiliated in some way or another. As such, reflection on the characteristic features of actions that could possibly violate dignity may shed light on whether the concept of dignity can be appropriately applied to animals.

We sometimes speak of "dignity remaining intact", "a violation of dignity", or we say, "She has had her dignity taken away from her". Thus the concept of dignity is connected to, among other things (which will be discussed below), ideas about the

wholeness of a being, and to a being remaining intact, physically and mentally. When we speak of a violation of dignity we are speaking of an act, actions or circumstances that infringe the wholeness of a being without that being's consent. That wholeness may be violated through, for example, injury, confinement, disease or illness. However, talking of only the wholeness of a being with reference to consent is, admittedly, too general to explain the concept of dignity, since the 'wholeness' of one's body may be purposely infringed upon, without consent, but without that infringement constituting a violation of dignity. For example, performing an operation on an infant to remove an infectious or diseased part of the body (and part of the body that has the potential to further severely harm or kill that infant) would (usually) not be seen as a violation of dignity. So it does seem that dignity is not just connected to ideas concerning the wholeness of a being and a lack of consent. Indeed, when we speak of a violation of dignity we are usually saying that a being's consciousness, feelings or capacities are being undermined in a way that we consider to be morally unacceptable. So here the concept of dignity needs further explanation.

Some characteristic features of actions that violate a subject's dignity seem to be that such actions are carried out without the subject's consent, the subject's mental and / or physical being is manipulated or disrupted in some way or another, the intervention is unwanted, and the actions do not purposefully aim to benefit the subject.² It does seem that actions that violate dignity not only cause harm and are done without consent, but also show a lack of consideration for a being's interests. (There may, however, be exceptional cases where actions may violate a being's dignity, yet may be done with that being's consent. An example of such a case may be of a disabled human persuaded to

take part in a freak show, but one should bear in mind that in a case such as this autonomy may well be compromised and, as such, it may not be entirely correct to say that the relevant person is a fully consenting one.) Indeed, some actions may injure or disable a being in some way or another without that being's consent, but cannot be said to violate a being since they are done to directly benefit the creature being harmed and to prevent further harm or to increase quality of life. In such circumstances such actions do not violate dignity since they show consideration for the interests of the creature concerned. An action may constitute a violation of dignity if it is an action that not only harms a being, but is done without consent *and* is not carried out in order to directly benefit the being that is harmed.

There is then a difference between those actions that harm a being, without consent, yet take into account relevant interests and are carried out to directly benefit that being (actions of this sort cannot be said to be a violation of dignity), and those that, likewise, harm a being without consent, but are significantly different in that they do *not* take into account relevant interests and are *not* carried out to directly benefit that being (actions of this sort may violate dignity). Not all actions then that are not consented to and cause harm can be said to constitute a violation of dignity. (There may be other cases in which actions that cause harm to a being (by disabling or injuring that being in some way or another) do not constitute a violation of dignity, since it may be that the actions are done to a being with that being's consent. Such actions include, for example, giving freely chosen inoculations and tattoos. A person may choose to be harmed for some reason or other. She may choose to harm herself or may consent to someone else harming her. Such actions, since consented to, may possibly not be said to constitute a violation of

dignity.)

If the features of actions that violate dignity are thought of in the way that has been outlined above then it is far from clear that there are no instances in which we can appropriately apply the concept of dignity to animals. In many practices, animals are treated in ways that do not benefit them, yet cause them substantial mental and / or physical suffering. Further, it is reasonable to suppose that such treatment is unwanted and that it is carried out without the animals' consent. Of course, it could be argued that it makes no sense to talk of consent in relation to animals since, lacking language, they are not the sort of beings to which the notion of consent applies. However, one should be aware that there are different ways in which a being may be said to be a non-consenting one. A being may be deemed to be a non-consenting one either when it is not able to express consent (perhaps because of the circumstances it is forced to endure or because it lacks certain capacities), or when it expresses (through, for example, speech, vocalisation or body language) that the relevant action is unwanted. Animals could be seen to be non-consenting in either of these ways.

Nevertheless, it does seem that there is more to the concept 'dignity' than has been indicated above, and it has to be said that the concept often invokes ideas about the value of human life as over and above that of other beings. However, animal life and its flourishing has value too and, as such, it is still far from clear that the notion of dignity and its violation—as concepts that relate to ideas about the value or worth of a being—cannot be used with respect to animals and their lives.

THE CRITERION OF EXCESSIVE INSTRUMENTALISATION

While the concept of dignity is usually applied exclusively to humans, its application to animals (in the context of animal experimentation and gene technology) is a crucial part of the Swiss constitution's animal protection law. In attempting to provide a more concrete definition of dignity with regards to animals and in relation to Swiss law, the Swiss Ethics Committee on Non Human Gene Technology (ECNH) and the Swiss Committee on Animal Experiments (SCAE) produced a position paper entitled 'The Dignity of Animals' in which they stated that violation to dignity can be caused through (1) intervention in appearance (which includes changing animals' capacities), (2) humiliation or (3) excessive instrumentalisation (2005).

(That one can violate an animal's dignity through using an animal in a way that can be deemed excessively instrumental has connections to Kant's idea that one should never treat a person merely as a means, but also as an end. In 'The Dignity of Animals' the ECNH and SCAE do not give a definition of excessive instrumentalisation, but it does seem that it means being treated *merely* as a means to an end, and something like objectification. They provide examples of different treatment and usage of animals that seem to be suggestive of excessively instrumental treatment in that the animals' interests are disregarded to the extent that they are treated as objects for human use, rather than as beings with interests of their own. One such example is that of hairless cats: 'Hairless cats are bred as domestic animals. Their ability to retain warmth is impaired, and they often suffer from sunburn and other injuries. Comfort behaviour such as licking, as well as their sense of touch and orientation, are restricted. The argument in favour of breeding and keeping hairless cats is that their lack of hair allows people who suffer from allergies to keep a cat. This argument is of minor relevance, given the existence of other domestic

animals which do not cause allergies. Moreover, the damage and injury to the animals' interests is significant' (ibid, 2005). The existence of these cats is indicative of cats being used and seen as objects that can be manipulated for our own benefit, whatever the resultant harm caused to the cats (in this case, the harm can be seen in terms of restrictions from fulfilling potentialities and species-specific tendencies). For the ECNH and SCAE, 'Living creatures should be respected and protected for their own sake' (ibid.), rather than protected solely for their instrumental value. These committees would certainly argue that animals should not be treated solely as instruments or objects for our own use, and that animals' interests should be given due consideration, and in cases where interests conflict a proper evaluation of those interests should be performed.)

Returning to the committees' criteria regarding what constitutes a violation of dignity, (1) and (3) can be readily applied to animals, both sentient and non-sentient. As the ECNH and SCAE state, in respect of excessive instrumentalisation, 'the interests of individual animals in their own, if perhaps "unconscious", existence i.e. their synergetic relationship with the environment (development, preservation of existence and reproduction) must be taken into account' (ibid). The ECNH and SCAE admit that 'the "humiliation" category is very much a human-centric concept' (ibid). Humiliation does appear to be something that only self-conscious beings can feel and to be intimately connected to issues regarding a lowering of status, injury to one's sense of self, the abasement of pride, and feelings of shame and embarrassment (feelings which animals supposedly cannot experience). That said, insofar as to humiliate a being is, in some sense, to lower the status of the being or degrade it, and insofar as beings can be humiliated by, for example, excessive manipulation of their appearance to the extent that

they are treated other than they are or treated in a way that goes against their own nature or belittles them, then the humiliation category may be applicable to animals. To humiliate in this instance refers to something *we do* to the animals, rather than something the animals feel. I assume that it is for reasons such as these that the committees believe it is a human-centric concept yet has relevance to the dignity of animals.

The ECNH claims that '[r]ecognition of inherent value requires that animals be respected for their own sake, their specific characteristics, needs and behavioural patterns' (ibid). While the current Swiss constitution requires that the dignity of only vertebrate animals be protected, the ECNH argues that, since the dignity of vertebrate animals is to be protected in virtue of these animals having inherent value, and that, further, all living beings or things (including invertebrate animals, plants and all forms of life) are seen to have inherent value, then they too should be seen as beings or things to which we should show consideration in terms of respecting their dignity.

For the ECNH and SCAE then, in order to recognise what constitutes a violation of an animal's dignity one must refer to certain criteria (that is (1), (2) and (3) above). However, they recognise that in protecting animals from unjustifiable suffering, pain, injury, distress and anxiety one may significantly be preventing them from being degraded (ibid). One may ask then as to what role the concept of dignity has that cannot be fulfilled by concepts like 'harm', 'suffering' and 'distress'. In answer to this, the application of the concept of dignity to animals is supposed to provide more extensive or thorough protections for animals used in experiments and gene technology. Animals, for example, may be harmed through excessive instrumentalisation, a reduction of their capacities, or being restricted from exercising their capacities, although it may not be

explicitly obvious that they are suffering or in distress.

While the ECNH and SCAE argue that ‘animal distress corresponding to particular criteria (suffering, pain, fear, injury, intervention in appearance, humiliation and excessive instrumentalisation) constitutes an injury to dignity’, this does not mean that the treatment of a being that satisfies these criteria is always unjustifiable. As the ECNH and SCAE go on to say, ‘the dignity of an animal is respected if violation of its dignity is considered justifiable on the basis of a careful evaluation of interests. However, dignity is violated if the evaluation of interests shows that the animal’s interests outweigh the interests of the other parties’ (ibid). For both these committees then there should be a comparable weighting of interests, with animals’ interests being given at the very least serious consideration.

The ECNH and SCAE present a fairly thorough explanation of the concept of dignity and reference to the ‘excessive instrumentalisation’ criterion may explain why some treatment of animals appears to harm them even though it is not always clear that the animals in question are distressed or in pain. For example, parading a wild animal, say, a monkey, on a chain, down a street (perhaps as ‘entertainment’ for tourists), adorned in clothes, seems to be an example of the kind of treatment that could constitute a violation of dignity, but we could easily imagine that the monkey does not overtly appear distressed at all. Of course, it is reasonable to claim that treating a monkey in this way is wrong because it restricts the monkey from fulfilling its species-specific capacities and interests, and living a good life proper to its kind. But there does appear to be another dimension as to why this treatment is wrong. Indeed, there seems to be something else that is appalling about this treatment (even if the monkey ‘looks like’ it is enjoying itself)

that the criterion of excessive instrumentalisation may be able to explain. Further, that the behaviour of the animal is forced is not irrelevant, but discussion of this will be reserved for the section below.

(However, it is not clear that such treatment would be wrong if it was carried out on, say, a dog, probably because treating a dog in this way would not restrict that dog from fulfilling a good life proper to its kind. And if the dog is not treated merely as a means to an end, but is allowed to live in relative freedom and in an environment suitable for living a life proper to its kind, then its treatment would not be completely instrumental or excessively instrumental. Treating a wild animal in this manner though will involve removing that animal from its natural environment, in a way that treating a domestic dog in this manner does not. I am not here committing myself to saying that such treatment of a dog is not a violation of dignity, but wishing only to highlight that what constitutes a violation of dignity to one animal may not constitute a violation of dignity to another.)

AN ONTOLOGICAL EXPLANATION

Suzanne Cataldi offers further insight into dignity, and its application to animals, by reference to a particular example (2002, 104-106). She refers to her visit to a Moscow circus, where bears could be seen whose appearance and behaviour was unnatural to their species-specific natures. In the lobby of the circus there were bears, in individual rooms or coves, which visitors could sit on and touch whilst having a family photograph taken. These bears had clown collars (similar to Elizabethan collars) around their necks and held balloons, by a string, in their paws. In the circus ring bears performed a number of 'tricks'. One bear, dressed in an apron, walked on its back legs, around the ring, pushing

a pram. Watching all these bears Cataldi, quite rightly, began to feel uncomfortable. She thought of how the bears came to behave and be like this. She began to ask questions to herself: Were the bears in the lobby drugged? Had the bears in the circus ring been tortured in order to perform these acts? (ibid, 104-107). While she suspects (and one should add, is probably correct in her suspicion³) that the bears had undergone possibly immense suffering in order to be doing these things, there is something else that she finds appalling and disturbing that she explains through talking of the bears' dignity:

All 'broken in'—broken inside—they are like puppets on strings, hollowed out, stuffed animals. Externally controlled and manipulated, with the aid of silly props and costumes, in an unnatural (human) setting... these bears are made to appear weak and ridiculous... [A]t this stage, or on this stage, with their baby carriages and balloons, they really are, really do appear to be, beyond freedom and dignity (ibid, 107).

The manipulation, control and lack of freedom these bears are forced to endure results in the bears not being able to be the animals they actually are in reality. The circus performance suggests 'an impoverished view of the value of their own reality, of their *being* the particular animals they are' (ibid, 110). The massive extent to which the bears are instrumentalised has forced them to live a life completely unnatural to their kind, and this is what constitutes a violation of their dignity.

The fact that they are forced and manipulated is relevant here, for what constitutes a violation of dignity is usually closely connected to actions that are carried out without consent (as indicated above), and dignity, as Cataldi says, is generally related to

‘concepts of freedom and autonomy’ (ibid, p.112). In analysing dignity in this way, Cataldi draws on Paul Taylor’s idea of freedom in relation to animals (ibid, 112). Taylor conceives of freedom ‘as a condition of not being constrained (hindered or prevented) with respect to what one might want to do. To be free in this sense is to be able to pursue one’s ends because no restrictions, obstacles, or forces frustrate one’s attempt... and because one has the necessary abilities, opportunities, and means to gain one’s ends’ (2011[1986], 108). Taylor’s sense of freedom is bound to his biocentrism; the normative stance that all living things have moral standing, and all have a good of their own (the fulfilment of which can be thwarted or promoted by human agents). Freedom in relation to animals means that animals are free from restrictions that prevent them from being able to fulfil their own good according to their species-specific nature; that conditions allow for their good to be realised (ibid,108-109). Sadly, in the case of the circus bears, their lack of freedom, together with excessive manipulation of their behaviour, not only prevents them from being able to live according to their own good, but further results in behaviour that (in some sense) is not their own.

As Cataldi says, ‘dignity is related not only to notions of worth or value, but also to ideas of decency. Indecorous behaviour is improper (from *propre*: own), unbecoming or inappropriate—*behaviour that does not suit one’s character or status*—behaviour that is not one’s own (or specific to one’s species)’ (Cataldi 2002, 113). There is obviously a lack of recognition of the bears’ value, but their dignity is compounded by the fact that they are prevented from living their *own* form of existence or from living a life that allows them to exercise their species-specific tendencies or fulfil their own good. Their control really is such that they cannot *be* what they are. Their existence as circus animals

is, in many ways, 'beyond freedom and dignity' (ibid, 107). And such considerations apply not just to these circus bears, but also to other wild animals used for entertainment purposes, as well as animals used in modern-day practices such as factory farming, animal experimentation and fur farming. For Cataldi then the dignity of individual animals consists in 'their *being* who or what they are' (ibid, 116) in respect of their species-specific lives, and not valuing the individual species-specific lives of beings or showing consideration for the ways in which they live their lives (including exercising their natural tendencies), may prevent the flourishing or good of those animals.

Of course, the objection may be raised that only those beings that desire dignity and autonomy can be said to be capable of having their dignity violated and that, since animals cannot desire either, it makes no sense to talk of dignity in relation to animals (see Cataldi 2002, 115). However, it is not clear that no animals can desire (something like) autonomy. Of course, most animals may not be autonomous in the sense of being capable of making goals and plans for the future and acting to fulfil those goals and plans. But neither are all humans capable of this and those that are capable do not always fulfil their plans and goals. A broader definition of autonomy could be defined as 'personal rule of the self that is free from both controlling interferences by others and from personal limitations that prevent meaningful choice, such as inadequate understanding' (Beauchamp and Childress 1994, 121). Some nonhumans, it seems, would be seen as autonomous if autonomy is defined in this way.

Of course, whether one wants to say that animals are autonomous or not depends on what one defines as 'autonomy', but I think it is fair to say that most animals have an interest in living their *own* lives in relative freedom, free from the sort of coercion and

control that would be detrimental to their well-being or flourishing (however we define autonomy). Whether they have a desire to live this way is a different issue, but they could have a desire to live this way even if they do not recognise that desire. Cataldi certainly seems to think that animals do have a desire to live a relatively autonomous life: ‘while I think it is hard to know what animals do and do not consciously experience, it seem to me that they may be as sensitive as we are to something like their own ‘personhood’ and that they do desire to live a dignified, or relatively self-possessed, life’ (ibid, 115). However, even if animals do not have such a desire, all animals have, at the very least, an interest in being free to live a life natural to their own kind.

But, as Cataldi rightly points out, the above objection confuses the concept ‘dignity’ with the desire for dignity (ibid, 115). The application of the concept to animals is not dependent on them having certain psychological states, such as the desire for dignity (and neither is its application to humans dependent on this). Rather, it is dependent upon animals having value other than the value ascribed to them by humans. And one might add that since animals have do indeed have a good of their own which is intrinsically valuable (whether or not they have certain desires), actions that show no consideration for their good and tend to frustrate or undermine could possibly be a violation of their dignity.

Besides, as said above, we do apply the concept ‘dignity’ to humans who lack the desire for dignity. In fact, it is those humans who have limited capacities (whether these are physical or mental ones), compared to healthy adult humans that are most likely to have their dignity violated. In respect of severely mentally disabled humans, their living a life which allows them to flourish, as far as possible (albeit in a limited sense), as

severely mentally disabled humans, may be dependent upon other people fulfilling their basic needs and considering their interests (in so far as they are not capable of furthering their own interests and fulfilling their own needs). This makes them extremely vulnerable to treatment that is detrimental to their own good *as* severely mentally disabled humans. Preventing such people from living a life that allows them to fulfil their own good, as severely mentally disabled humans, might well be considered to undermine their dignity.

While Cataldi's ontological explanation of the dignity of animals⁴ is appealing in that it offers a plausible reason why certain treatment of animals (such as the treatment of the bears in the Moscow circus) is wrong irrespective of whether or not we know the animals are made to suffer, it is not clear that we need a concept of dignity to explain why certain treatment is wrong. Indeed, she appeals to the good of animals and to the species-specific natures of animals in her explanation for why the treatment of the circus bears is so appalling, and such appeals are a reason in themselves for why such treatment is wrong, independent of talk of the bears' Being and irrespective of whether or not such treatment causes suffering.

As such, talk of a violation of dignity may not, in itself, give an adequate explanation for why some actions are wrong, since there will always be an underlying further appeal to other reasons (such as suffering, harm or premature death). One should say that this applies to humans too. That is, talk of dignity and its violation in relation to either animals *or humans* does not always give an adequate explanation for why some actions are wrong (yet we frequently use the word 'dignity' in relation to humans).

However, in spite of this, the concept and its application may be able to give us a greater understanding of the complexity of the ways in which animals can be harmed in

allowing us to recognise that specific harms caused to animals, and concomitant injuries and frustrations, may constitute or result in further harm. In this sense it may be that 'dignity' should best be seen as an 'umbrella' term (Rolston too defines it as such, but believes the concept to be applicable to human only (Rolston 2008, 129-153)) that, in the case of the circus bears for example, refers to all the things we perceive to be appalling and heartrending about such treatment; that is, the excessive instrumentalisation, the lack of consideration for the bears' interests or well-being, the lack of recognition of the bears' value, the prevention of the bears fulfilling their species-specific tendencies and the total lack of concern for the bears' good or flourishing.

APPLYING THE CONCEPT TO ANIMALS

The notion of dignity seems to be similar, if not the same, to another notion often used in ethics—the notion of integrity:

Integrity goes beyond considerations of an animal's health and welfare, and it applies not only to present but also to future animals. An animal's integrity is violated when through human intervention it is no longer whole or intact, if its species-specific balance is changed, or if it no longer has the capacity to sustain itself in an environment suitable to its species (Bovenkerk, Brom, and van den Bergh 2002, 21).

Thus, this description of integrity seems to be fitting as a description of dignity too, the only difference being that dignity can be violated not only through human intervention; it can also be violated by circumstances not caused by humans and beyond human control, such as crippling disease and illness. While the concept of dignity is very difficult to

explain, as is the concept of integrity, such difficulties do not make those concepts useless in moral discussion:

It is important... not to reject the concept [of integrity] too swiftly because of difficulties in setting out precisely what it involves. In the light of ongoing technological developments we are confronted with dilemmas that traditional moral concepts cannot deal with, and we have a responsibility to try to define our moral thinking and to develop criteria that help us act in a morally justifiable way... The concept thus does not refer to an objective state of affairs, but to one that we feel is important to preserve. Yet we need not regard the concept as completely subjective either. While it does not refer to empirically ascertainable biological facts, we can still establish intersubjective criteria for its application. Through moral discussion, we can reach agreement about what sorts of actions do and do not lead to violations of integrity (ibid, 21).

Indeed, we should be wary of dismissing the notion of dignity and its usefulness simply because of the fact that it appears slippery and vague, particularly as the concept seems to be the one that is appropriate in certain circumstances. Further, it may be that in order for the concept of dignity to inform our understanding of ethical relationships, that concept cannot be separated from the situational context in which the concept is applied (at the time of application). Indeed, being able to apply and use many evaluative concepts is often dependent upon the depth of one's immersion within the circumstances in which those concepts have relevance. Some concepts only have meaning when they are seen in

connection with the situation or experience in which they are used. This may go some way towards explaining why the concept of dignity is so difficult to define. Only in connection with their rich situational context can some concepts have form

Moreover, as suggested in the above section on dignity and its violation, although the concept of dignity is difficult to put into words, we can come to understand it through considering its opposite. Indeed, Martha Nussbaum, whilst recognising that dignity is hard to define, notes that ‘it is rather clear what it does not mean: the conditions of circus animals... squeezed into cramped and filthy cages, starved, terrorised, and beaten’ (2006, 326). Further, she argues that animals

are capable of dignified existence... Dignified existence would seem to at least include the following: adequate opportunities for nutrition and physical activity; freedom from pain, squalor, and cruelty; freedom to act in ways that are characteristics of the species (rather than to be confined and... made to perform silly and degrading stunts); freedom from fear and opportunities for rewarding interactions with other creatures of the same species, and of different species; and to enjoy the light and air in tranquillity’ (ibid, 326).

For Nussbaum, preventing animals from being able to enjoy such freedoms—freedoms that are essential to their flourishing and which enable them to exercise their capabilities—is ‘an issue of justice’ (ibid). While Nussbaum is indebted to elements of Kantian theory, she rejects the Kantian basis of the principle of dignity as rooted in rationality,⁶ and does not endorse those aspects that exclude animals from being capable of living a dignified existence on the basis that they lack rationality; such an approach she believes not only

underestimates the intelligence of many animals (ibid, 327), but also fails to recognise animals as beings which ‘have entitlements based upon justice’ (ibid, 392). (It is beyond the scope of this paper to discuss issues related to inter-species justice, but the author draws the reader’s attention to a list of works, relating to such issues, in the endnotes.⁵)

Returning to the case of the Moscow circus bears, one may be able to see their treatment as a violation of dignity by understanding or recognising that it is a whole set of circumstances (seen in their entirety), that these bears are forced to endure, that prevents them from being able to maintain dignity. It is the situation itself, its details, and the bears’ forced predicament and behaviour that belittle the bears, and show their circumstances to be ones which indicate a lack of recognition of the bears’ own worth or value. It seems that every single thing about their situation belittles or degrades them: their ‘performances’; their adornment of frilly clothes (or clothes in general); the fact that they are mocked by the audience; and overall the massive extent to which they are forced and manipulated to act in a way completely abnormal for bears, together with the audiences’ laughter and total ignorance about the bears’ deprivation and about the scale of the abuse taking place. These are all aspects of the situation that inform us of the appropriateness of the application of the concept ‘degrading’ to the bears’ pitiful and cruel circumstances.

Recognition of such a set of circumstances may often require using our imagination to some greater or lesser extent and, as such, applying the notion of dignity to animals may require some imaginative reflection. This is not to deny that it may be possible to apply the concept through reason alone. Indeed, I have attempted to provide a definition of dignity and its violation, which somewhat implies that it is a concept that

can be applied without imaginative or emotive reflection. But, more often than not, understanding the concept may require being able to put oneself in the circumstances or position of another being, or understanding the sufferings of another being, and this requires using the imagination to some lesser or greater extent.

CONCLUSIONS

In the case of the circus bears, apart from talking about the intolerable suffering these animals are made to endure, talking of a violation of ‘dignity’ seems to be the word that belongs. We would not hesitate in bringing into the discussion the word ‘dignity’ if similar things were done to human beings. Moreover, since dignity is connected to the disabling and injuring of a being to the extent that it prevents that being from functioning or living a life natural to its kind, speaking of ‘dignity’ and its violation does seem to capture the unjustifiable and immoral nature of some practices (including those such as bear bile farming, intensive rearing, and fur farming).

An understanding of how and when the concept of dignity can be appropriately applied to animals may play an important role in informing us of those actions that can harm animals. While right conduct is not dependent upon a conception of dignity (or its application to our lives with animals), the concept of dignity nevertheless can inform and enhance our understanding of the ways in which animals can be vulnerable to harm. Admittedly, we do not need the concept of dignity to explain the immoral nature of some practices. As said above, concepts like harm, suffering and premature death can explain why some practices are wrong. But this does not make the concept of dignity useless in enhancing our understanding of the unjustifiable nature of some practices that use

animals, such as factory farming, and of some cruel treatment of animals, such as forcing bears to ‘dance’ for entertainment or perform acts in circuses. If we perceive the enormous and intolerable suffering of these bears, and of other unfortunate animals used in immoral practices, and see that suffering for what it truly is—heartbreaking, appalling and immeasurable—then, maybe, we will be able to see that dignity and its violation is a notion that can be appropriately applied to animals and their lives.

NOTES

(1.) For unethical research on humans see James Dubois. 2008. *Ethics in Mental Health Research: Principles, Guidance, and Cases*. Oxford: Oxford University Press: 14-16; J. Katz. 1972. *Experimentation with Human Beings*. New York: Russell Sage Foundation; R. Whitaker. 2002. *Mad in America*. Cambridge, MA: Perseus; and S. E. Lederer. 1995. *Subjected to Science: Human Experimentation in America Before the Second World War*. Baltimore: John Hopkins University Press.

(2.) This is not to deny that the criterion of excessive instrumentalisation (see section entitled ‘The Criterion of Excessive Instrumentalisation’) may be able to explain why some actions may be said to constitute a violate dignity.

(3.) Trying to get a bear to do something you want it to do, even such as, for example, walk of its own accord into a den full of food (let alone perform tricks), is no mean feat and extremely difficult. Thus it is highly likely that the bears had undergone considerable suffering and torment in order that they might be ‘trained’ to ‘perform’ for circus goers.

(4.) For Cataldi, the dignity of animals is related to ‘their *being* who or what they are’ (2002, 116), and in this sense her explanation of dignity can be seen to be ontological.

(5.) See Garner, Robert. 2013. *A Theory of Justice for Animals: Animal Rights in a Nonideal World*. New York: Oxford University Press; Clement, Grace. 2013. ‘Animals and Moral Agency: The Recent Debate and Its Implications’. *Journal of Animal Ethics*. 3 (1): 1-14; Nussbaum, Martha C. 2006. *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge, MA: The Belknap Press of Harvard University; Moellendorf, Darrel. 2011. ‘Cosmopolitan and Compatriot Duties’. *The Monist*. 94 (4): 535-554; and Rowlands, Mark. 2013. ‘Animals and Moral Motivation: A Response to Clement’. *Journal of Animal Ethics*. 3 (1): 15-24.

(6.) For an examination of the contrasts between Kant's conception of dignity and Nussbaum's see Formosa, Paul, and Catriona Mackenzie. 2014. 'Nussbaum, Kant, and the Capabilities Approach to Dignity'. *Ethical Theory and Moral Practice*. 17 (5): 875-892.

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