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Creating Ethical Space for the Non-Human Animal Other

I. Introduction

While the different debates about what is ethical may present perplexing and bewildering moral dilemmas for some, just as complex and important are the current discussions about *to whom* or *what* ethical obligations ought to extend. Put another way, many contemporary ethical inquiries not only question what one ought to do given a particular situation, they also unavoidably question the *object* to which one's responsibility is directed¹. Unfortunately, the anthropocentric/ratiocentric bias of major ethical theorists has lead many of them to assume that the human other is the central object worthy of ethical relations. Thus, any attempt to extend the ethical relationship to non-human animal others² within such a theory, one must do so in light of their inherent human biases.

We need a system of ethics that is capable of directly extending ethics to animals. We also need an ethical system that is not founded upon graded degrees of pleasure. Without such an ethic, animals will never fully be protected. Extending the ethical to animals will serve many purposes. First, it will change the way in which we see our world such that we will continually be reminded that we share a world with a lot of others who deserve respect. Second, with such a view, we are more likely to make decisions that benefit others, and especially the nonhuman animal other. Third, an ethic which in-

¹ This in no way suggests that the two issues in question are separate or even thought about as such. These issues are related and often thought about in conjunction with one another.

² For the sake of simplicity and variation I will use "non-human animal other(s)" and animals interchangeably.

corporates animals takes diversity to higher level. Such an ethic is needed to stop the poaching and help save endangered species from becoming extinct (preserving diversity). It could possibly help reduce our own inter-human discrimination based on otherness. That is, when we stop discriminating against animals, we are more likely to stop discriminating against other groups that we have labeled others based on race, religion, or sexual orientation. By adopting the ethics of Emmanuel Levinas, ethics can be granted animals directly and independent of an gradation of pleasures.

While the human other is clearly the focus of his account of the ethical relationship, Levinas never explicitly denies such a relationship to the non-human animal other. His ambiguity on this matter is evident in the following response he gave during an interview conducted in 1986. He said, “One cannot entirely refuse the face of an animal. It is via the face that one understands, for example, a dog. Yet the priority here is not found in the animal, but in the human face . . . But [the dog] still has a face” (*PM*, 169). To those familiar with what Levinas takes to be the face, it should be evident from his response that Levinas appears hesitant to exclude the non-human animal other from human ethical responsibility. This is not the only location where Levinas is particularly vague with respect to this question. He expresses a similar uncertainty when in the same interview he states, “I cannot say at what moment you have the right to be called ‘face.’ The human face is completely different and only afterwards do we discover the face of an animal. I don’t know if a snake has a face. I can’t answer that question. A more specific analysis is needed” (*PM*, 171-172).

Levinas’ obvious hesitation alone seems to justify such an analysis regardless of his explicit suggestion in claiming that one is needed. This paper explores the extent to

which the fundamental Levinasian ethical relationship, namely the face-to-face encounter with the other, extends to include the non-human animal other. I begin by examining two major ethical theories, to determine the way in which ethics might be extended to the non-human animal other under such systems. First, I explore Immanuel Kant's ethics, and then Utilitarianism (as it is held by J.S. Mill, J. Bentham, and P. Singer). I demonstrate how the ratiocentrism and sentiencism of each theory respectively, lead to their inability to meaningfully capture the relationship between the human and non-human animal other relationship. Next, I attempt to give a detailed account of what Levinas means by the face and, more specifically the face-to-face encounter. I then demonstrate the way in which the non-human animal other might fit in to such a relationship. I argue that a Levinasian ethic more accurately captures the encounter between the human and non-human animal other, and is therefore, better equipped to accommodate an ethic that can be *directly* extended to the non-human animal other regardless of any hierarchy of pleasures.

II. Limitations of the Kantian³ and Utilitarian Ethics

At the heart of Kantian ethics is the categorical imperative, which is essentially an action represented as *good in itself*, "necessary in a will which of itself conforms to reason as the principle of the will" (*Grounding*, 414). From this definition, it should be obvious that reason and the capacity to freely choose are central ideas one must grasp in order to understand the categorical imperative.

³ Due to the scope of my paper, I do not attempt to give a full detailed account of Kantian ethics. Instead, I emphasize relevant points with respect to the way in which non-human animal others can be accommodated by such a theory.

Reason alone, which is what drives the will, reveals its importance and makes explicit one's inescapable duty to other rational beings (*Grounding*, 411). In fact, Kant explains, "the [moral] principles should be derived from the universal concept of a rational being in general, since moral laws should hold for every rational being as such" (412). Kant's statement discloses two important features of his systematic morality: first, all moral principles are grounded in reason, and second, moral law only binds those that are rational.

Reason is the guiding principle and force behind making moral choices or what Kant calls the will. Therefore, making moral choices amounts to exercising one's rational capacity to act; that is, practically make decisions according to reason. Also, making moral choices is identical to what Kant calls "good will," which is the only thing "good-in-itself." Kant defines will as "a kind of causality belonging to living beings *insofar as they are rational*" (446; my emphasis). It is reason that leads humans to will moral decisions. Consequently, only living beings that are rational or self-conscious can possess a will, and can therefore be moral. Without the capacity to reason, one cannot have free will, and without free will, one cannot be a moral agent.

Embedded in Kant's morality is this idea of reciprocity. Kant does not explicitly speak of the moral relationship between humans as reciprocal, but it can be inferred from his theory as something inevitable. This is especially evident in Kant's third reformulation of the categorical imperative which is known as the "Community of rational beings" or "Kingdom of ends." In such a community reciprocation of moral action is implied. If one truly uses reason as a guiding principle, they will reciprocate moral action. That is, as a rational being I am responsible (i.e. have a duty) to human others inso-

far as they, too, are rational or possess a will. Therefore, if I am ethical towards the rational human other, then the rational human other should be ethical towards me. In the introduction to Kant's *Grounding for the Metaphysics of Morals*, James Ellington writes "humans alone have duties. Animals do not act rationally but solely by instinct and sensuous inclinations, and hence have no obligations or duties" (*Grounding*, xi). Clearly, obligation or duty arises from one's capacity to will or make choices according to reason. In light of the second formulation of the categorical imperative, as rational beings we are obligated to treat other human beings as ends within themselves. That is, we have a moral obligation to respect the (human) others as rational subjects endowed with individual wills, rather than using them as an object to satisfy our desire⁴.

At this point, it should be fairly obvious that Kantian morality lacks the ability to directly extend the ethical relationship beyond that which has the capacity to reason. The brevity of "Duties towards Animals and Spirits" in *Lectures on Ethics*, when compared to Kant's three major ethical treatises, appears to be distinctly representative of his overall ethical concern for the non-human animal other. Indeed, he writes, "But so far as animals are concerned, we have no direct duties. Animals are not self-conscious and are there merely as a means to an end. That end is man" (*Lectures*, 239). Rational beings only have direct duties to those who are self-conscious and rational. That is, Kantian morality can only be extended to that which shares some human quality; in this case Kant has chosen rationality. That which lacks the ability to reason can justifiably be objectified and exploited for the purpose of rational human beings.

⁴ I am moral regardless of the way the other treats me. However, this is not to say the reciprocation does not exist, rather, reciprocation exists in Kant but my moral obligations are not contingent upon such reciprocation.

While such objectification and exploitation might be justified, Kant does not go so far as to endorse cruelty towards non-human animal others. Kant writes, “Vivisectionists who use living animals for their experiments, certainly act cruelly, although their aim is praiseworthy, and they can justify their cruelty, since animals must be regarded as man’s instruments; but any cruelty for sport cannot be justified” (*Lectures*, 241). By contrast, Kant believes that animal cruelty cannot be justified even if it is for a praiseworthy cause because we might make cruelty a habit and be cruel to our other fellow rational beings. Another reason we are not cruel is because we respect ourselves as rational beings.

While Kant protects animals on a basic level, one must also note Kant’s reduction of animals to mere objects or “instruments to be used” (i.e. means to an end) by humans. As a result, the non-human animal other is not much different from the chair you sit on or the paper off of which you read, under Kantian ethics.

The problem lies in the fact that Kant is fairly unsympathetic to the differences which set non-human animal others, plant others, and inanimate others apart from one another. By equating non-human animal others with inanimate objects, Kant again only classifies them by that which is shared by both, namely that they both lack rationality. One might argue that Kant recognizes the capacity for non-human animal others to experience pain in denouncing cruelty towards them. However, Kant is not concerned with the cruelty towards animals in itself, but only as it relates to the increased potential cruelty towards humans and insofar as we fail to respect ourselves as rational beings.

According to Kant, we are only indirectly responsible to non-human animal others. That is, non-human animal others are only morally relevant insofar as they relate to or affect human relationships. Kant writes, “Our duties towards animals are merely indi-

rect duties towards humanity. Animal nature has analogies to human nature, and by doing our duties to animals in respect of manifestations which correspond to manifestations of human nature, we indirectly do our duty towards humanity” (*Lectures*, 239). Thus, the value in treating non-human animal others with decency can only be attributed insofar as it in some way benefits rational human beings. Put negatively, rational human beings should not abuse or otherwise treat non-human animal others with contempt for fear that one day they might accidentally treat a human being in a similar way. Kant sums it up best when he succinctly writes, “Tender feelings towards dumb animals [i.e. without reason] develop humane feelings towards mankind” (*Lectures*, 240).

Now that we have a better understanding of Kant, we can evaluate another well-known ethical theory known as Utilitarianism. Unlike Kant, utilitarians are interested in *directly* extending ethics to all sentient-beings, including non-human animal others (note that this does not include the entire animal kingdom). For the most part, utilitarians are a lot more egalitarian in that humans are seen as higher-level animals, but nevertheless, still animals.

The basic idea behind utilitarianism is even simpler than the categorical imperative. In his treatise entitled *Utilitarianism*, John Stuart Mill explains:

The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure (*Utilitarianism*, Ch. II)

Thus, something is good or moral when it maximizes the amount of pleasure (for the most sentient beings) and vice-versa for that which is bad or immoral. In essence, utilitarians reduce morality to a cost-benefit analysis with happiness as a governing principle; the world is an economy of pleasure and pain. For utilitarians, pleasure is the only good-

within-itself. Mill points out that the kind of pleasure of which he speaks does not only encompass pleasures of the moment as it is commonly used. For utilitarians, there are varying degrees of pleasure. Of course, the human being is the only being capable of feeling the highest degree of pleasure. Mill also points out that there are (at least) three ways in which utilitarians quantify or calculate pleasure. He writes, “pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things . . . are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain” (*Utilitarianism*, Ch. II). First, there is intrinsic pleasure in the thing itself, then, there is that which elevates or promotes pleasure, and last, that which inhibits pain.

So how do utilitarians apply this “Greatest Happiness Principle” to non-human animal others? About non-human animal other, utilitarian Jeremy Bentham famously wrote:

The day may come when the rest of animal creation may acquire those rights which could never have been withheld from them but by the hand of tyranny...a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week or even a month old. But suppose the case were otherwise, what would it avail? The question is not, can they reason? Nor can they talk? But can they suffer? Why should the law refuse its protection to any sensitive being? The time will come when humanity will extend its mantle over everything which breathes (*Principles*, 311).

Here, Bentham attempts to refute the Kantian position. He argues that human infants are less rational and conversable than a horse or a dog. What is central to utilitarianism is not whether they are rational or able to speak, but whether they can feel pleasure and pain; that is; whether they are sentient (or “sensitive”) beings?

One of the strengths of utilitarianism is the fact that there exists a broader scope of beings which, by virtue of their ability to feel pleasure and pain, deserve to be treated

morally. This is rooted in the fact that, for Mill, all sentient beings seek pleasure and avoid pain. It follows then that pleasure is inherently valued over pain. Therefore, it is sentience which gives rise to moral obligation. A Kantian might see the utilitarian expansion of ethics to all sentient beings as a dilution of ethics. Whereas, utilitarianism are likely to see this expansion as a stripping away of Kantian ratiocentric elitism.

One of the weaknesses of utilitarianism is that it draws the line at sentient beings, which does not even encompass the entire animal kingdom. It is not at all clear where this line should be drawn. Where do we draw the line amongst the diversity of organisms? How are we to know if an animal senses pain or pleasure? A possible solution to this would be to claim that since we do not know where to draw the line is, we should extend ethics to all animals just to ensure that we do not violate a moral obligation. This would not be much different than Kant's suggestion that we should be moral to animals so that we not make a mistake and be immoral to another human being; both speculate as to future violations of some moral obligation and both try to "cover all bases."

Like Kantians, utilitarians have only extended ethics to those who *share* something with human beings, namely reason. While rationality makes one a moral agent, it does not, however, dismiss one from moral obligations or responsibilities towards animals. Therefore, utilitarians account of reason does not weaken their ability to directly extend ethics to animals.

However, utilitarians do only grant those creatures that can feel pleasure and pain ethics. Similar to Kant, they are extending ethics based on whether or not a being has a particular faculty; in this case the ability to sense pleasure and pain. Granted, a human and a frog cannot feel the same levels of pain because of the different levels of pleasure

and pain. Nonetheless, ethics are extended to animals (all sentient beings) based on this capacity. Therefore, both Kantians and utilitarians can be seen as supporters of ethics which celebrate sameness and similarity, while ignoring difference and diversity. In an article entitled “The Animal Other,” Donald Turner writes “the major weakness of the last two hundred years of utilitarian thought . . . from Bentham to Singer [is] inadequate treatment of the difference(s) between humans and other animals” (Turner, 177). This sameness in utilitarianism is amplified in that not only must one be a sentient being to qualify for moral treatment, one must also align her opinion with that which the majority deems as maximizing the most amount of pleasure for the most amount of people.

The last weakness as it relates to this project is the fact that there is a hierarchy of pleasures. As such, because humans have a capacity to experience the highest of human pleasure, their pleasure is inevitably more valued than that of a frog. Theoretically, the pleasure of a “lower” sentient being could be “sacrificed” for the “higher” pleasure of a human being, as long as such a pleasure did not include cruelty and maximized pleasure for the greatest number of sentient-being. Because of this view, a utilitarian could justify his infliction of pain on animals for research purposes. This view presents some real challenges to those who are concerned about the treatment of animals and in demonstrating that humans have moral obligations to animals that are not contingent upon the situation to determine whether they are extended or not. Thus, not only does utilitarianism fail to extend morality to all animals, but it also fails to guarantee morality to lower sentient beings. That is, the extension of morality to lower sentient beings is contingent upon the situation of a being which can feel higher pleasures. This may be fairly easy to decide whether a human or frog can feel higher pleasures. However, it is not at all evi-

dent whether a rabbit feels higher pleasures than a cat. This makes it difficult to calculate the pleasure and therefore difficult to calculate what is right and wrong.

It should be evident by now that both Kantian and Utilitarian ethics fail to provide systems of morality that adequately provide an account of the relationship between humans and non-human animal others, and thereby fail to extend such ethics to the non-human animal other directly or without being contingent upon a hierarchy of pleasures. They both extend morality only to those who share a particular quality such as reason or the ability to experience pleasure and pain. It should be noted, however, that utilitarianism does directly extend the ethical to animals. Therefore, in terms of this project, it is the more generous (or less restrictive) than Kant, but it does not go far enough. For Kant, the reason why rational human beings have no direct moral responsibility regarding the non-human animal other is because they are not self-conscious or rational, and therefore neither understand nor reciprocate moral actions. Also, utilitarians deem only part of the animal kingdom worthy of ethics. All of the weaknesses and limitations of Kantian and utilitarian ethics leave one who is serious about extending morality to non-human animal others not only unsatisfied, but asking if there is a moral system that better encapsulates the relationship between humans and animals. For this, we turn to the ethics of Emmanuel Levinas.

II. An Account of the ‘Face-to-Face Encounter’

The face-to-face encounter for Levinas is the fundamental ethical relationship. Because Levinas uses words, such as ‘face,’ which already carry with them meaning in our everyday world, there exists a temptation to want to reduce such Levinasian terms to

their ‘common sense’ notions or ordinary meanings. In an attempt to resist such a temptation, we must first clearly understand what Levinas takes to be the ‘face-to-face encounter’ with the other. Only *then* we can attempt to extend such an ethic to non-human animal others. Levinas begins with a thought experiment to uncover the conditions that give rise to the face-to-face encounter.

We begin with what Levinas calls the “anonymous *there is (il y a)*.” This is often described as “existence without existents.” It is that very “thing” left after the destruction of everything, a “murmur of silence,” or an “anonymous rumbling” (*TO*, 46). In reference to Heidegger, it is that very “thing” from which *Dasein* is “thrown.” Because *il y a* is not an ostensible phenomena, it is difficult to understand. Thus, in an attempt to ground such an abstract concept into human experience, Levinas draws an analogy to “insomnia.” What Levinas tries to capture in this analogy is the insomniac’s utter inability to withdraw from consciousness (i.e. sleep); his powerlessness and helplessness. Insomnia compels and obliges one to be infinitely vigilant. There is neither exit, nor escape from this unbroken wakefulness. Paradoxically, Levinas suggests that “Consciousness is the power to sleep” (51). The ‘anonymous there is’ is eternal vigilance but without a subject to be vigilant. It is the “infinite beginningless and endless fabric of existing” (52).

The “I” (*le moi*) rips through the infinite and endless *il ya a*; it ruptures the anonymous vigilance of the *there is*. This marks “The *event* by which the existent contracts its existing . . . call[ed] *hypostasis*” (*TO*, 43). Hypostasis is marked by the first departure *from* self. The self must inevitably return to itself because of its materiality. The “I” is by necessity enchained to itself. Subsequent departures from and returns to self constitute the act of identity formation (*TO*, 52). Levinas writes, “Concretely, the

relationship of identification is the encumbrance of the ego, the care that the ego takes of itself, or materiality” (*TO*, 67). This “I” is always “recovering its identity throughout all that happens to it”; thus, the “I” is characterized by its incessant role in establishing and maintaining its identity (*TI*, 36). In creating its identity, the “I” seeks to create a relationship with a kind of finite or superficial alterity (i.e. an alterity that is easily overcome), thereby preserving its ability to feel ‘at home.’ In an essay entitled, “On Call from the Other,” Jill Robins writes, “The ‘at home’ is not, says Levinas, a container. It is a site where I can (je peux), (*Altered*, 4). It creates an environment such that it has power or the ability to control all of its possibilities (except death). Hypostasis is what Levinas calls this solitude of existing, which is “the way in which the existent contracts or takes up a position with regard to his existence” (*Altered*, 92).

This ‘mastery over existing’ is the very nature by which the “I” is alone in what Levinas refers to as solitude. He writes, “Existing resists every relationship and multiplicity. It concerns no one other than the existent. Solitude therefore appears neither as the factual isolation of Robinson Crusoe nor as the incommunicability of a content of consciousness, but as the indissoluble unity between the existent and its work of existing” (*TO*, 43). The “I” by nature is only concerned with its own existing. The “I” is only able to respond to its own concerns⁵, creating for itself a solitude in which there exists not only despair and abandonment, but virility, pride and sovereignty (*TO*, 55). That is, it is a kind of freedom due to one’s comfort because in this state, the “I” is not challenged, or called into question, but found in the solitude of the present or hypostasis.

Before anything can be said about the nature of the “I” in the face-to-face encounter, it must be stated that the “I” is the primordial way to be, which is to say, it should not

⁵ Levinas calls this “the first freedom – not yet the freedom of free will, but the freedom of beginning.”

be thought of as something negative or undesirable (*TI*, 37). It is also not a substance as one might assume. To this end, Levinas writes, “[the ‘I’] is not a substance, nevertheless it is preeminently an existent . . . The paradox ceases when one understands that the ‘I’ is not initially an existent but a mode of existing itself, that properly speaking it does not exist” (*TO*, 53). It is the way in which *we are*, prior to ethics. The “I” is the master at homogenizing; it continually takes that which is ‘other’ or ‘foreign,’ and totalizes it in an effort to possess it or make it its own. It might also be appropriate to point out the animals appear to be capable of this primordial way to be. The animal, like the “I” totalizes the world or takes the world in as “food” and “air” making what is other its own through assimilation.

With our understanding of the “I” we shall now look at what Levinas calls the “face of the other.” This term (*le visage*) is very difficult to understand in the way Levinas uses it. The paradox in the way he describes it has to do with the face being the part of the human body which is often most visible and expressive; yet for Levinas, the face is hidden and cannot be seen, which is to say it cannot be totalized by being known. About the face, Colin Davis writes, “It is an epiphany or revelation rather than an object of perception or knowledge . . . it is something that is not available to vision but described as if it were” (Davis, 46). The face of the other does not refer to an entity upon which appears one’s nose, eyes, or mouth. To this end, Edward Casey quotes *Ethics and Infinity* when he points out, “Levinas [writes] ‘the best way to encounter the Other Is not even notice the color of his eyes’ – or, for that matter his nose, forehead, or chin. Any such perceived feature takes us down the primrose path of the knowable and the representable, and thus away from the true path of ethics, for ‘the Infinite does not show itself’” (Casey, 3).

Such a view would relegate the face to a mere phenomenon, which Levinas clearly rejects. In an interview, Levinas tells us that he is “not at all sure that the face is a phenomenon. A phenomenon is what appears. Appearance is *not* the mode of being of the face” (*PM*, 171; my emphasis). So if it is not a phenomenon to be observed, what is it?

Earlier in the same interview Levinas states that, “The face is a fundamental event” (*PM*, 168). In other words, the face is not a static phenomenological object in its totality to be looked at, but something dynamic and changing; something that is always becoming and never is. As such, the face of the other is incomprehensible; that is, it cannot be grasped like an object or like knowledge. About this, Levinas states “the face is not an object of knowledge” nor “a given of knowledge” (*PM*, 176 & 169). He also writes, “[the other’s] hold over my existing is mysterious. It is not unknown, but unknowable, refractory to all light. But this precisely indicates that the other is in no way another myself, participating with me in a common existence” (*TO*, 75). If the face of the other were an object of knowledge or an appearance of some phenomenon, I could make it my own. But it is inassimilable; I can in no way make it a part of me. Because the face of the other is always becoming I cannot comprehend or take hold of it. Indeed, “The face does not give itself to be seen. It is not a vision. The face is not that which is seen” (*PM*, 176). Ultimately, the face is a break with being.

In the face of the other lies the infinite, never a totality; the mode of expression of the other’s face is infinite. It is similar to the way in which Simon Critchley describes the infinite in his introduction to *The Cambridge Companion to Levinas*. He writes, “[the infinite is] a relation to something that is always in excess of whatever idea I may have of it” (Critchley, 14). Thus, I can attempt to understand it for what it is, but it is like trying

to comprehend infinity. The problem lies in that my finite mind cannot extend itself such that infinity can be wholly understood. It is *pure mystery* and *absolutely other*. The face of the other is strange outright alien to me. I can not assume the other, just as I can not assume death (*TO*, 73). Levinas summarizes it best when he writes:

What is important about the approach of death is that at a certain moment we are no longer able to be able [*nous ne 'pouvons plus pouvoir'*] . . . the subject loses its very mastery of the subject. This end of mastery indicates that we have assumed existing in such a way that an event can happen to us that we no longer assume, not even in the way we [typically] assume events . . . an event happens to us without our having absolutely anything 'a priori,' without our being able to have the least project . . . Death is the impossibility of having a project. This approach of death indicates that we are in relation with something that is absolutely other, something bearing alterity not as provisional determination was can assimilate through enjoyment, but something whose very existence is made of alterity. My solitude is thus, not confirmed by death but broken by it (*TO*, 74).

What is important here is Levinas' emphasis on the loss of power, control, and mastery of self. Death is similar to the other in that it is an event which ends self-mastery; it is a realm in which we find ourselves no longer 'at home' (*le chez soi*) stripped of our power to 'be able.' It is in this situation where the subject is left disabled and powerless where ethics arise. However, death is not the foundation of the ethical relationship because it ultimately crushes my subjectivity. Whereas, the other does not crush my subjectivity, as will be evident later. The face of the other completely and utterly disarms me; it calls into question my privilege and "joyous possession of the world" (*TI*, 76). It ruptures my self-perpetuating, self-centered "bubble" of self-concern. The face commands and thereby transforms the subject from "I" into "you." In an article entitled "Am I Obsessed by Bobby," John Llewelyn writes,

[God] can command, but cannot be commanded . . . this is what Levinas says, speaking of Autrui. I do not judge the Other. The Other judges me. I do not categorize him. He categorizes me. He picks me out, identifies and accuses me. I do not simply appear, but am summoned to appear. And in this court of appeal it is he who does the calling, calling me to testify: to testify to my responsibilities even for his responsibilities" (*OB*, 237).

The other takes the position of master. It becomes an authority that does not politely request, but demands and expects a response; that is, *responsibility*. The other is the subject's superior, master, and lord (all who declare and enforce the law) (*TI*, 75). It authoritatively commands, startling and interrupting the subject's totalizing gaze and habitual economy. The subject called into question becomes infinitely responsible for the other. The face questions and commands, and I respond. This calling into question, commanding, and responding give rise to language. They are all accomplished by language. The first words uttered from the face of the other command: "Thou shalt not kill." Many take this to be an object as to why animals cannot be included in the ethical relationship, for they cannot speak. This will be addressed later.

What's more is, I owe the other everything including my self-conscious subjectivity. The call of the other calls me to be infinitely responsible; it calls me to self-conscious humanity. It is at this moment, when I am for the other in becoming self-conscious that I become human. About this, infinite responsibility, Llewelyn explains, "For every responsibility that the Other has toward me and others, I have a metaresponsibility. Somewhat like the little boy who . . . declares 'Whatever you say plus one.' I have the last word even if I do not have the first, the dreadful glory of being chosen to be more responsible than anyone else" (*OB*, 238). The subject is compelled to respond to the other's call with generosity and language, both "forms of nonadequation"⁶ (Robbins, 6). Language and generosity preserve the otherness in the asymmetrical relationship. Levinas writes, "We name this calling into question of my spontaneity by the presence of the other, ethics" (*TI*, 43).

⁶ "Nonadequation" is a term Robbins attaches to language and generosity to mean that which does not do what the "I" does. That is, both language and generosity do not try to make that which is other, one's own.

So what makes this calling into question, challenge or command (i.e. “Thou shall not kill”), and my response ethics? Compared with Kantian or utilitarian ethics, alterity ethics⁷ ought to appear quite different (no pun intended). What makes this ethics so different is the fact that the subject becomes infinitely responsible, owing all that she has to the other. The subject stops thinking of itself and its identity, and only sees the other and how she can help.

IV. Ethical Space for the Non-human Animal Other in Levinas

In determining whether the fundamental ethical relationship (i.e. the face-to-face encounter) can extend to include non-human animal others, we must ask whether non-human animal others have a ‘face’ in the way Levinas uses the term. Put another way, we must ask whether human others are the only beings capable of breaking with being?

As was noted in the introduction, Levinas, at best, only provides us with ambiguous answers to the above questions. When pressed, Levinas appears to not want to exclude humans from any ethical responsibility toward non-human animal others. In addition to those passages cited in the introduction, Levinas admits “It is clear that, without considering animals as human beings, the ethical extends *to all living beings* . . . But the prototype of this is human ethics” (*PM*, 172; my emphasis). This passage suggests that he does not seem entirely opposed to expanding the ‘face’ to include nonhuman animals. Human ethics is a prototype. In other words, human ethics provide us with a model for if one were to extend such an ethic to animals. Using the word “prototype” seems to suggest even further that Levinas believed his ethic could extend beyond the realm of human beings. I do not claim that alterity ethics provides the perfect alternative to those who re-

⁷ Another term for “Levinasian ethics.”

ject either Kantian or utilitarian ethics. I endeavor to make explicit the benefits of Alterity ethics with respect to extending morality to nonhuman animals.

Historically speaking, one of the major disputes about extending morality to non-human animals concerns their *inability* to reciprocate moral actions. As we saw earlier, this is implied in Kant. Those who claim that reciprocity is central to morality assume that those who can be moral or have the *potential* to be moral are also the only rightful recipients of moral actions; that is, they are the only ones to which human beings have moral obligations. In a work entitled *Proper Names* Levinas writes “how can we bring out the strictly ethical meaning [of the I-Thou relationship Buber proposes] without questioning the reciprocity on which Buber always insists? Doesn’t the ethical begin when the I perceives the Thou as higher than itself?” (*PN*, 32). While Levinas’ objects to the reciprocity upheld by Martin Buber⁸, I think he would have similar objections to Kant. For Levinas, if the “I” and the other are equal, there is no ethics. It is precisely the unequal relationship with which ethics concerns itself because it is a relationship in which the privileged could presumably take advantage of the unprivileged (Levinas always refers to the other in the face-to-face as being stricken with poverty, or as a widow or an orphan). Reciprocity for grounds of ethical obligations becomes less tenable when considering the mentally disabled or infants. Certainly, the mentally disabled and to a smaller extent, infants, cannot reciprocate moral action based on their own reason. If someone mentally disabled were found to be doing something deemed moral, it is probably not because they have thought through all of their possibilities and chose such a moral action, but rather mere happenstance or some form of classical conditioning. At

⁸ I will not go into the details about what Buber claims, I only use this quote to demonstrate that Levinas is opposed such a concept and its (lack of a) place in ethics.

any rate, most would agree that nonhuman animals are incapable of reciprocating moral actions, and therefore human animals have no direct responsibility or moral obligations to them.

In Levinas, reciprocity is not a requirement or important part of being moral. The fundamental ethical relationship and event, the face-to-face encounter, does not necessitate reciprocal action. The subject is infinitely responsible to the other regardless of whether the other is moral or has any capacity to be moral in return. Indeed, Levinas writes, “I am responsible for the other without waiting for reciprocity, were I to die for it. Reciprocity is *his* affair” (*EI*, 98; original emphasis). In other words, my infinite obligation to the other is not conditional upon the other’s ability to show care for me.

Sometimes Levinas describes the non-reciprocal nature of the fundamental ethical event dissymmetry. Levinas writes:

The idea of dissymmetry seems very important to me; it is, perhaps, the most important way of conceiving the relationship between self and other which does not place them on the same level. You know my quotation from Dostoevsky, ‘Everyone is guilty in front of everyone else and me more than all the others.’ That is the idea of dissymmetry. The relationship between me and the other is unsurpassable; it is modified by the fact that there is justice and that, with justice, there is a state, and as citizens we are equal. But, in the ethical act, in my relationship to the other, if one forgets that I am guiltier than the others, justice itself will not be able to last. But the idea of dissymmetry is another way of saying that in the perseverance in being we are all equal, but the idea that the death of the other is more important than my own is an affirmation that we are not being looked at from the outside (*PM*, 179).

The face-to-face encounter is by nature a relationship of inequality. We do not equally share the burden of responsibility; rather *we are* the most responsible for the other—that is what is meant by ‘infinitely responsible.’ Levinas contrasts the ethical relationship with perseverance in being (which occurs at the level of the “I”) where the relationship is one of equality defined by justice. This is perhaps an accurate means of looking at relationship only if you see them from the outside. That is, justice is just a mere appearance to the outsider; where there is justice, there really are people who recognize that they are

guiltier and more responsible for the other. This dissymmetry is what preserves the appearance of justice and appearance of equal relationships. However, if there does not exist dissymmetry below the mere appearance of justice, justice will not be preserved.

An important aspect of this dissymmetrical relationship is the complete and utter vulnerability of the other. This is especially important to our discussion about the way in which nonhuman animals might be considered as a ‘face.’ The paradox lies in the fact that the other is an authority, which calls the subject’s privilege into question and demands responsibility, and at the same time, the other is weak, susceptible, and frail. The other always lacks, whether that is money, loved ones, or parents. By contrast, the subject is always privileged. While the face of the other commands you and demands from you, it also counts on and needs you. Levinas writes:

The face is, from the start, the demand . . . It is the frailty of the one who needs you, who is counting on you. This is where the idea of dissymmetry – which is very important to me – comes from. It is not at all a question of a subject faced with an object. It is, on the contrary, that I am strong and you are weak. I am your servant and you are the master (171).

The ethical relationship is defined by dissymmetry because, by nature, it must be a relationship in which the other could be taken advantage of, but is not. That is, the other must be in a position to be destroyed and annihilated. As Davis points out, “[The face-to-face encounter] is ethical because a lot depends on what I do” (Davis, 48). The other calls the subject into question, but does not threaten him which affords the subject a choice free of manipulation. Davis writes, “Without the Other, freedom is without purpose or foundation. In the face to face, the other gives my freedom meaning because I am confronted with real choices between responsibility and obligation towards the Other, and hatred and violent repudiation (Davis, 49). Thus, dissymmetry is what gives meaning to freedom.

However, the question still remains: if it is vulnerability and frailty that marks the position of the other in the face-to-face encounter, then do nonhuman animals in some way or another express this vulnerability as others? I submit to you that they do. This vulnerability arises out of the complete and utter freedom the (human) subject has to respond or despise the other. The animal has the capacity to be vulnerable and to also be a master who commands, “Thou shalt not kill” and calls our human privilege into question. The vulnerability of nonhuman animals is perhaps amplified by the fact that humans have capacity to reason, which affords them the distinctive power (increased privilege) to annihilate all life.

To ask if nonhuman animal others are vulnerable in the same sense as the human other in the face-to-face encounter is essentially to ask whether or not nonhuman animal others ‘have’ a face. And to ask whether they have a ‘face’ is really just to ask whether nonhuman animal others are capable of calling into question the privilege and power of the human subject. Davis writes, “[The face of] the Other makes me realize that I share the world, that it is not my unique possession . . . My power and freedom are put into question” (Davis, 48). Asked another way, can the nonhuman animal other make the human subject realize that he shares the world or can the nonhuman animal other elicit the rupture in pure being necessary for ethical responsibility? There does not seem to be any compelling reason to believe that the human other is more capable than the nonhuman animal other in calling into question the human subject’s privilege, causing the human subject to realize that he shares the world with others, or rupturing the pure being of the human self.

Some might want to associate sympathy with the vulnerability of the nonhuman animal other⁹. However, the ethical response is not one of sympathy because sympathy would suggest that the human subject could imagine what it would be like to be “in the shoes” of the other. In fact, Levinas writes, “The relationship with the other is not an idyllic and harmonious relationship of *communion* or sympathy through which we put ourselves in the other’s place . . . the relationship with the other is a relationship with a Mystery” (*TO*, 75; my emphasis). It is not a *comm-union* with the other. The other is utterly unknowable, and therefore the subject cannot be sympathetic. Those who sympathize make the same mistake as those who anthropomorphize or ratiocentrize; in both cases, the subject projects his “at homeness” upon the other as a means of reducing the otherness of the other to the same. The nonhuman animal is just as unknowable and mysterious as a human other.

Obviously, the asymmetrical relationship found within the face-to-face encounter is very important to those who would like to extend the ethical to the nonhuman animal others because it does not require ethical reciprocity, which nonhuman animals are incapable of producing. Also, it is from this asymmetrical relationship that vulnerability of the other arises. Vulnerability does not seem to be a position in the face-to-face encounter that is exclusive to the human other. That is, there is no compelling reason why the animal cannot also exhibit vulnerability just as the human other does in the face-to-face encounter.

Equally important to the project of extending the ethical to nonhuman animals is Levinas’ emphasis on alterity instead of sameness. Those who think that ethical respon-

⁹ I make this remark because those who accept that the nonhuman animal others are just as vulnerable as human others tend to think of examples of helpless animals and then speak about the ethical response as if it were analogous to a sympathetic response.

sibility should be extended to others based on sameness inevitably face the problem committing some “-ism,” whether that be ratiocentrism, speciesism, or sentiencism, etc. Ethics based on what entities have in common inevitably exclude others. Ultimately, such theories ignore alterity and the pure mystery of the other. They work to homogenize and purify the group worthy of receiving ethical action. Alterity ethics values the relationship with the individual over the collective group. The advantage of adopting an ethical theory that embraces alterity lies in its ability to protect otherness. Thus, to one who is interested in expanding the group worthy of ethical actions to nonhuman animals, and even further to non-animal others, a theory which emphasizes and encourages difference is necessary.

Paradoxically, the only thing that all entities have in common is difference or alterity. Therefore, it makes sense to adopt an ethics that embraces these differences; not one that arbitrarily excludes others based on whether they possess x or y . One might argue that adopting an “ethics of alterity” dilutes ethics. That is, if we work to extend ethics based on differences, we will inevitably be required to extend the ethical to all. It is only a dilution to those who wish to exclude others based their otherness. An ethics of alterity is rich and meaningful because it accounts for and protects difference from the human tendency to create “-isms.”

While Levinas provides us with a model of ethics that rests on an asymmetrical relationship and accounts for difference, one might object to the possibility of extending this ethic to nonhuman animal others based on the emphasis Levinas places on language as a proper means of responding to the other (the other is generosity). For those that accept that a nonhuman animal other can present a face, they must also be able to explain

how a human subject can respond to the other and how the animal can challenge and call the subject into question, both using language. For Levinas, the call and response is a kind of dialogue. The call is typically in the form of a commandment. Thus, how could animals use language, especially since they cannot reason? For Levinas, language does not seem to be an instrument or tool of rational beings who can clearly articulate complex ideas. Rather, it seems to be more of an expression, which could occur given the mere presentation of the other which immediately (i.e. without mediation) calls the subjects being into question. Levinas writes, "Meaning is the face of the other, and all recourse to words takes place already within the primordial face to face language" (*TI*, 206). This primordial face to face language does not seem to be linguistic articulation, at least on the part of the other. According to this claim, the face does not have to even speak to command; it only needs to present itself which is a kind of primordial language. Therefore, an objection based on the fact that nonhuman animals cannot use language would only be tenable if what Levinas had in mind was linguistic, rational articulation. According to his statement above, Levinas does not seem to be referring to such a narrow definition of language, at least as it presents itself in the ethical relationship.

V. Conclusion

The asymmetrical and non-reciprocal relationship of which vulnerability arises, and the extension of ethics to others in light of and despite difference together provide a better foundation for including nonhuman animal others in the moral obligations to humans than Kantian or utilitarian ethics. Kantian ethics is guilty of ratiocentrism in its requirements of rationality and reciprocity. Kantian ethics is not capable of directly ex-

tending ethics to animals. A theory which cannot directly extend morality to nonhuman animals will be weak at best in any attempt to treat nonhuman animals well. While utilitarians directly extend ethics to most animals, they are guilty of sentiencism and seem to value the collective over the individual. Utilitarians assume that all sentient beings, like humans, seek pleasure and avoid pain. Under both systems, differences are overlooked to find that which is the same. Such decisions based on sameness appear to have some basis, but in the end are really just arbitrary.

Levinas' account of the fundamental ethical relationship is better equipped to extend morality to nonhuman others because the face to face is by nature asymmetrical. Such a relationship does not require the other to reciprocate ethical actions and gives rise to the vulnerability of the other which is the basis of the calling of the face. Also, this rich account extends morality to others without totalizing them in an attempt to make them the same. Therefore, it values and preserves difference, while at the same time providing us with a foundation for ethical obligation and responsibility. Also, it values the individual over the collective group, which is important to allowing difference. Thus, the question is not can they reason, nor can they talk, nor can they suffer, but can they call our being into question such that we are reminded that we share the world with others? Of course they can.

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