

FROM SENTIENCE TO CAPABILITIES AND AFFECTIVE EDUCATION

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INTRODUCTION

This paper traces 2 desirable paradigm shifts in thinking - about animal ethics and about humane education.

It starts with the concept of sentience, central to animal ethics since Jeremy Bentham in 1789 first addressed the issue of the boundary between human and animal, and stressed the importance of animals' capacity to feel pleasure and pain.

The question is not Can they reason? nor Can they talk? But Can they suffer?

In this way, Bentham made sentience – or the capacity to feel pleasure and pain – the central criterion, and this was the driving force behind the POCTA – prevention of cruelty to animals – tradition of legislation.

Peter Singer's work is grounded in this tradition, and argues that the difference between humans and animals is one of degree, not of kind, and that the boundary is quite porous.

As early as the 2nd century AD, the Stoic philosopher Hierocles created a vivid metaphor for extending the boundaries of our moral concern. Imagine, he argued, that each of us lives in a series of concentric circles, the nearest being our own body, and the furthest being the entire universe. The task of moral development is to move the outer circles progressively to the centre, so that one's relatives become like oneself, strangers like relatives, and so on. Singer adopts this metaphor, and argues for explicitly extending the circle of one's concern beyond the boundary of one's own species, to include animals, and, ultimately further, to the whole environment.

I accepted Singer's position for a long time (actually since the 70s - since I heard him give a paper on Speciesism in the Monash Philosophy department), and certainly the concept of

sentience is central, as is the opposition to cruelty which is its corollary. But the focus is primarily negative, with an indirect appeal to empathetic identification with those animals most like us. I now think there's a better theoretical approach, which is more broad-ranging and specific, and grounds more positive guidance for action. It's the capabilities approach, advocated by Martha Nussbaum and Amartya Sen in the context of aid and human development, and extended by Martha Nussbaum to animals.

The second half of the paper outlines the complementary contribution that Bloom's taxonomy of educational objectives can also make to thinking about animal ethics, and in values education and humane education generally.

PART ONE

In the Tanner Lectures in Canberra (2002) and in her book 'Upheavals of Thought' (2001), as well as in 'Animal Rights' with Cass Sunstein (2004), Martha Nussbaum addresses ethics for non-human animals. She argues that the capabilities approach - outlined in 'Women and Human Development' (2000), 'Sex and Social Justice' (1999), and, with Jonathan Glover, 'Women, Culture and Development' (1995) – is the best basis, theoretically and practically. She also argues for extending the focus beyond compassion and humanity to considerations of justice for non-human animals.

Nussbaum opens with an anecdote. In 55 BC Pompey staged a combat between humans and elephants. Surrounded in the arena, the animals perceived they had no hope of escape. According to Pliny, they then 'entreated the crowd, trying to win their compassion with indescribable gestures, bewailing their plight with a sort of lament.' The audience, moved to pity and anger by their plight, rose to curse Pompey – feeling, as Cicero writes, that the elephants had a relation of commonality ('societas') with the human race.

The lecture is titled that way – 'Beyond "Compassion and Humanity"' – because it picks up on a phrase from the influential philosopher John Rawls' 'A Theory of Justice' (p.512), which Nussbaum takes as one of 3 epigrams:

Certainly it is wrong to be cruel to animals. ... The capacity for feelings of pleasure and pain and for the forms of life of which animals are capable clearly imposes duties of compassion and humanity in their case. I shall not attempt to explain these considered beliefs. They are outside the scope of the theory of justice, and it does not seem possible to extend the contract doctrine so as to include them in a natural way.

That is exactly the task Nussbaum sets herself, however – to extend the theory of justice, not by the contract doctrine, but by developing a whole new approach, the capabilities approach. The scope of this approach is indicated by the fact that the 2 other Tanner Lectures delivered at ANU in 2002 were on “Capabilities and the Mentally Disabled” and “Human Capabilities Across National Boundaries”, advocating cosmopolitanism. The series was entitled “Beyond the Social Contract: Towards Global Justice”, and while Nussbaum acknowledged the great strengths in thinking about justice as the outcome of a bargain between rational independent adults (as contract theory does), she believes it is unable to provide satisfactory approaches to 3 of the most urgent problems of justice today – which she addresses in the 3 lectures. She argues that the capabilities approach – a Quality of Life approach, first applied in the context of international aid in a World Institute for Development Economics Research study for the U.N. University -, which emphasises the diversity of human abilities and the worth of opportunities for fully human functioning, can take us further, on better theoretical grounds – which enable her to extend the approach to non-human animals. She also ties it to the U.N. Declaration of Human Rights.

So – what are our considered beliefs about animals? How do we change them? And, why should we? These are questions to be kept in mind throughout this paper.

First, she critiques the main two theoretical alternatives to the capabilities approach in the field of animal ethics – social contract theory and utilitarianism.

She makes 2 criticisms of the social contract approach, firstly emphasising the intelligence of many animals, and secondly, rejecting the view that only those who can join in bargaining that produces the social contract can be subjects of a theory of justice.

Nussbaum acknowledges that the utilitarian approach, in the work of Bentham and John Stuart Mill, inaugurated serious discussion of animal entitlements in the Western tradition, and still, via Peter Singer, plays a leading role in mobilising the recognition that animals are part of our moral community. It is a closer ally of the capabilities approach than social contract theories. It has taken the lead in freeing ethical thought from the shackles of a narrow species-centred conception of worth and entitlement, and has an outcome-oriented view of justice – both of these being major plusses, in Nussbaum's view.

She points out that the Judaeo-Christian tradition has influenced which ancient Greek views were likely to gain a hearing; Jewish and Christian writers were most influenced by Stoicism,

least sympathetic to the idea animals might have ethical standing, rather than Aristotle, who argued that all of nature is a continuum, and all living creatures are worthy of respect and even wonder. Christianity held a sharp divide between humans and other species, so it was the Stoics who were more congenial to them, as they held that the capacity for reason and moral choice is the unique source of dignity in any natural being. So Christians, Jews, and Stoics can hold that we have duties not to abuse animals; however, they won't be regarded as participants in the ethical community or creatures to work in partnership with.

The ethical treatment of animals was not even seen as a problem in Judaeo-Christian culture till the 18th, though some Judaeo-Christian writers emphasised the obligations of good stewardship.

The Tanner Lecture is preceded by 3 epigrams - 1 from John Rawls (which we've considered), 1 from Aristotle, and 1 from the Nair case considered by the Hindu Kerala High Court in 2000. This case affirmed animals as 'beings entitled to dignified existence'. Nussbaum derives from this entitlements to adequate opportunities for nutrition and physical activity; freedom FROM pain, squalor, cruelty and fear; freedom TO act in ways characteristic of the species, opportunities for interacting, and to enjoy light and air in tranquillity.

Nussbaum goes on to argue that cruel and oppressive treatment of animals raises issues of justice rather than compassion and humanity: Like humanity, compassion involves the thought that a being is suffering significantly, and is not to blame for the suffering. Compassion thus omits the essential element of blame for wrongdoing, according to Nussbaum, and even if we add that duties of compassion involve the view that it is wrong to cause animals suffering, this falls short, in Nussbaum's view, of saying that mistreatment of animals is not just morally wrong, but morally wrong in a special way, raising questions of justice.

Nussbaum argues that when we call an act unjust, we mean that the being injured has an entitlement not to be treated that way. What she seeks is to include animals in the sphere of justice – which is the sphere of basic entitlements. Saying mistreatment of animals is unjust means not only that it is wrong of us to treat them that way, but also that they have a right, a moral entitlement, not to be treated that way. That the capabilities approach sees animals as agents seeking a flourishing existence, and damages done to them as unjust, Nussbaum sees as one of its greatest strengths.

Nussbaum argues that utilitarians, by contrast, in practice favour animals with complex forms of consciousness, though she quotes Peter Singer's observation that 'species membership may point to things that are morally important'.

She also holds utilitarians vulnerable on the question of numbers, pointing out that the meat industry brings countless animals into the world who would otherwise not have existed. She quotes John Coetzee's fictional character Elizabeth Costello's revulsion at this:

'ours is an enterprise without end, self-regenerating, bringing rabbits, rats, poultry, livestock, ceaselessly into the world for the purpose of killing them.

By contrast, for Peter Singer the production of new animals is not in itself a bad thing, provided the animals who die do so painlessly. Nussbaum criticises the latent replaceability she finds in this view.

The Aristotelian conception at the heart of the capabilities approach places human morality and human rationality within human animality, and holds that human animality has dignity, as do different types of animal life.

In relation to the issue of levels of complexity (on which point Nussbaum was critical of utilitarians), the capabilities approach is not so different in the end. Nussbaum cites Singer's view that a being's form of life limits the conditions under which it can suffer harm, Regan's refusal to admit differences of intrinsic value within a group of mammals, but stress on conscious awareness, and Rachel's view that harms do not reside in sentience, but can include constraint on free movement. Like Singer and Mill, Rachels holds that the level of complexity of a being affects what can be a harm for it – which seems common sense.

Nussbaum is reluctant to follow the great taxonomiser Aristotle in saying that there is a natural ranking of forms of life. Her formulation (closer to Rachels') is that more complex forms of life have more, and more complex, capabilities which can be thwarted, so they can suffer more and different types of harm. Species membership is not irrelevant. What is relevant to the harm of pain is sentience - a threshold condition which is relevant to pleasure and pain, and seems much more akin to a precondition for capability.

It is in the penultimate section of the Tanner lecture – "Toward Basic Political Principles : The Capabilities List" – that the strength of the capabilities approach really emerges, for the plausibility of her practical and policy prescriptions feeds back into the theoretical persuasiveness of her argument.

Nussbaum lists 10 capabilities.

- 1. LIFE
- 2. BODILY HEALTH
- 3. BODILY INTEGRITY
- 4. SENSES, IMAGINATION, & THOUGHT
- 5. EMOTIONS
- 6. PRACTICAL REASON
- 7. AFFILIATION
- 8. OTHER SPECIES
- 9. PLAY
- 10. CONTROL OVER ONE'S ENVIRONMENT

The 1st is LIFE, which entails animals are entitled to continue their life, whether or not they take a conscious interest in it. This puts pressure on the meat industry to reform its harmful practices, as well as problematising killing for sport (hunting and fishing) and for fur.

BODILY HEALTH is the 2nd entitlement, and where animals are under human control, this entails laws banning cruel treatment and neglect, confinement and ill treatment of animals in meat and fur industries; forbidding harsh or cruel treatment for working animals, including circus animals, and regulating zoos, aquaria and parks, as well as mandating adequate nutrition and space. Nussbaum points to the anomaly that animals in the seal industry are not protected as domestic animals are, and recommends that this anomaly be eliminated.

BODILY INTEGRITY is the 3rd entitlement, which would prevent the declawing of cats and other mutilations, such as tail-docking, that make the animal more beautiful to humans. It would not ban forms of training that are part of the characteristic capability profile, such as training horses or border collies.

SENSES, IMAGINATION, & THOUGHT constitute entitlement 4, and entail access to sources of pleasure such as free movement in an environment to please the senses and which offers a range of characteristic activities.

EMOTIONS are entitlement 5. Nussbaum argues that all animals experience fear, and many experience anger, resentment, gratitude, grief, envy, and joy, while a small number can

experience compassion. Hence they are entitled to lives where it is open to them to have attachments to others, and not have these attachments warped by isolation or fear. While this is understandable in relation to domestic animals, it is overlooked in relation to zoo and farm animals and research animals.

PRACTICAL REASON (entitlement 6) is 'a key architectonic entitlement in the case of human beings' and has 'no precise analogues in the case of non-human animals.' However, we should consider the extent to which the being has a capacity to frame goals, and support it if this is present, as well as providing plenty of opportunity for movement and variety of activities.

AFFILIATION is entitlement 7 on the capabilities list. Nussbaum argues that animals are entitled to form attachments, and to relations with humans that are rewarding rather than tyrannical, as well as to live in 'a world public culture that respects them and treats them as dignified beings.'

OTHER SPECIES is capability 8, and calls for the formation of an 'interdependent world in which all species will enjoy cooperation and mutually supportive relations with one another.' This idealistic entitlement calls, in Nussbaum's words, 'for the gradual supplementation of the natural by the just'.

PLAY is capability 9, and is central to the lives of all sentient animals. It entails adequate space, light and sensory stimulation, and the presence of other species members.

CONTROL OVER ONE'S ENVIRONMENT is capability 10, and has 2 aspects in the case of humans – political and natural. For nonhuman animals, it entails being respected and treated justly, even if a human guardian must go to court, as with children, to vindicate those entitlements. The analogue of human property rights is respect for the territorial integrity of their habitat, domestic or wild, and the analogue of work rights is the rights of labouring animals to dignified and respectful labour conditions.

Only Practical Reason does not fit smoothly with animals, and much of what it requires can be derived from the criteria for flourishing. If the other 9 of these 10 capabilities were taken seriously, it would transform the common conception of how much needs to be provided as basic conditions for animals – not just life, health, and the maintenance of bodily integrity, but opportunities to experience the senses, imagination and thought, emotions, affiliation,

relations with other species, play, and control over the animal's environment. Yet it is hard to think of a single instance where these capabilities are currently allowed for.

Nussbaum recognises these rights need international cooperation, via accords, such as the U.N. Declaration of Human Rights, and the ineliminability of conflict between human and animal interests. Some bad treatment of animals, she argues, can be eliminated without serious loss of human wellbeing. In the use of animals for food, she suggests setting the threshold on focussing on good treatment during life, and painless killing. In the use of animals for research, she argues much can be done to improve the lives of research animals, without stopping useful research. It is unnecessary and unacceptable for primates used in research to live in squalid, lonely conditions. Nussbaum advocates asking whether the research is really necessary; focussing on the use of less complexly sentient animals; improving the conditions of research animals including terminal palliative care; removing psychological brutality; choosing topics cautiously so no animal is harmed for a frivolous reason; and making a constant effort to develop experimental methods (such as computer simulation) that do not have bad consequences.

As earlier emphasised, Nussbaum comes from a justice perspective, fitting the issue into a global justice approach. It is important to stress, finally, that the list of 10 capabilities is not presented as a hierarchy; rather, all spring from the conception of flourishing. It does seem to me, tho, that life is presupposed, as is, arguably, health and perhaps bodily integrity, if capabilities 4 to 10 are to be exercised.

This approach is to me the approach that has most to recommend it in terms of simplicity, scope, power, and the capacity to protect and enhance the wellbeing of animals.

If you are persuaded by my argument that this capabilities approach is important and promising, then the next natural question is “Why should we incorporate it into the curriculum?” and “How do we do that in an educationally valid way?” That leads straight into affective education, which supplies in my view both the best rationale for WHY and the best guidance as to HOW.

PART TWO

Affective education was the brainchild of Benjamin Bloom, who is probably better known for his taxonomy of cognitive objectives – Knowledge, Comprehension, Interpretation, Application, Analysis, Synthesis, Evaluation. For some time I've incorporated them as assessment guidelines into the course material of all the courses I teach.)

- EVALUATION
- SYNTHESIS
- ANALYSIS
- APPLICATION
- INTERPRETATION
- COMPREHENSION
- KNOWLEDGE

He also had a matching but less well known taxonomy of affective objectives – 5 rather than 7, so it cannot be a ladder. Rather, think of the relationship as like a DNA double helix, or 2 ends of a shoelace, intertwining as they spiral and end in a bow.

- CHARACTERISATION BY A VALUE COMPLEX
- ORGANISATION
- VALUING
- RESPONDING
- RECEIVING

The 5 steps on the Affective Taxonomy are 1st Receiving (i.e. Attending), 2nd Responding, 3rd valuing, 4th Organisation, and 5th Characterisation by a Value Complex, such as pacifist, feminist, vegetarian. It is immediately apparent how this is a hierarchy, from the ground floor step of receiving, paying attention. The skills demonstrated at this level are awareness, willingness to receive, controlled or selective attention. For example, at the level of “awareness”, a student has heard of business ethics but has no interest in it; at the level of “willingness to receive”, the student is neutral but not trying to avoid it. At the level of

“controlled or selective attention”, the student may read an article about it if there is nothing else on offer, but it is still a low priority.

The 2nd step, Responding, involves a more active engagement than mere receptiveness, rather a willingness to respond and an active processing. Again, there are 3 levels – at the 1st, “acquiescence in responding”, the student may enrol for a course because a friend is or because it suits their timetable, but the student’s work and motivation are fairly perfunctory. At the level of “willingness to respond”, the student voluntarily and actively does class reading assignments; at the level of “satisfaction in response”, the student enjoys the course and expresses this verbally or in writing.

Bloom believed that the 2 lower levels – Attending and Responding - can be met by effective lectures that tell students what to do and how to do it. But level 3, Valuing, and the 2 above it require greater participation by students. Lectures may be necessary, but are not sufficient. Valuing, the 3rd step, requires still more – such as acceptance of a value such as equality, a preference for it, and a commitment to it.

Here too there are 3 levels: 1stly, “acceptance of a value”, where business ethics becomes an important subject to the student. Then comes “preference for a value”, when the student reads unassigned material and shares discovered articles. The 3rd level is “commitment”, where business ethics is invested with feeling, and there is involvement, such as persuading others to take the course, and commitment to human rights in the workplace.

Step 4, Organisation, is more demanding still – the ability to conceptualise a value and organise it in relation to other values, such as equality and liberty. Though this level and the next sound cognitive, what is of interest here is not the complexity of the thought, but the degree of motivation and acceptance expressed in behaviour. This level has 2 steps – “conceptualisation of a value”, where the student takes on abstract thoughts and ideals such as about corporate social responsibility, and this judgement becomes a pervasive attitude. At the 2nd stage, “organisation of a value system”, the student adopts a more inclusive ethical framework that orders judgements and sets priorities in the field of business ethics. A dominant value is generalised, and the student firms up a lifestyle. Emotional intensity subsides, and habit takes over.

Step 5, Characterisation by a Value Complex, is the highest peak of the taxonomy, for here the person can articulate their value complex – “pacifism is...”; “feminism is...”; “vegetarianism is...”; “humane education is...”. A person comes to be characterised by a

value system, and beliefs and behaviour are consistent. It takes time and experience before interaction of cognitive and affective learning produces characterisation and answers to questions such as “what do I stand for?” – which suggests interesting possibilities for correlation with Piaget’s hierarchy of moral development. This level is not likely to be attained in middle school – more like senior secondary or tertiary.

The 1st stage at this level is “generalised set”, a cluster of attitudes, beliefs, feelings and behaviour more generalised than level 4. Involving more than business ethics, a philosophy of life is taking shape, and a disposition to live in conformity to one’s abstract beliefs and values. “Characterisation”, the 2nd stage, is the peak of the internalisation process, different only by degree from the previous stage, tying different clusters of experience into a harmonious and comprehensive world view.

COMPETENCY	SKILLSKILSS DEMONSTRATED
1. Receiving (attending)	awareness willingness to receive controlled or selective attention
2. Responding	acquiescence in responding willingness to respond satisfaction in response
3. Valuing	awareness of a value preference for a value commitment
4. Organisation	conceptualisation of a value organisation of a value system
5. Characterisation by a value or value complex	generalised set characterisation

Although Bloom intended his taxonomy to be morally neutral, he describes the mature person as rational, open-minded, committed to democratic ideals, and considerate of the welfare of others, exemplifying kindness, respect, humility, as represented by Socrates, Christ, Lincoln, Gandhi and Einstein – the usual moral examples.

Bloom believed characterisation could not be achieved during formal education, but was rather the long range fruit of liberal education. It is, in his words, 'the attainment of a philosophy of life, of a code for governing all of one's conduct that is the ultimate goal of education.' This may remind you of various attempts to define maturity, and of Maslow's hierarchy culminating in self-actualisation.

This affective taxonomy does, I think, have an important role right across the curriculum, as these various behaviours will be familiar to all teachers, and is of particular interest involving values, as questions involving animal ethics intrinsically do.

I have not the time here to take the next step and translate Nussbaum's capabilities list into affective objectives. That would be an interesting exercise, but is a task for another day.

I do, however, wish to conclude by reminding you of the 3 questions raised earlier, and invite you to reconsider them in the light of Nussbaum and Bloom – What are our considered beliefs about animals? How do we change them? And why should we?

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Q – Delegate:

Thank you very much, Gail, for bringing to our attention this new approach. I must confess I'm not very familiar with the capability approach, so thank you very much for discussing it today. One of the things you said is that while the theoretical foundation of this approach is from Aristotle, but I just wonder how this approach reconciles with some of the fundamental teachings from Aristotle, for instance, Aristotle believes that what distinguishes humans from non-human animals is rationality.

And reason. And I think more than just practical reason. And the other thing is that Aristotle also believes that all lives are created with different ranking. You mentioned this too.

And for instance, men ranked higher than women, and free men ranked higher than slaves, and animals ranked lower than humans.

So how does this new approach reconcile with Aristotle's basic ideas?

I agree with that. That's part of why Nussbaum says she doesn't follow Aristotle the taxonomiser, and yes, of course, that's what Aristotle does do. He says that humans have a rational soul. And it's part of that tradition of saying that rationality is what puts us at the peak of the pyramid. She doesn't do that. So I suppose you'd say it's an eclectic thing about Aristotle.

What she is taking from him is the emphasis on flourishing and self-realisation, and by allowing that animals have different capabilities, that was the point about saying what you're capable of affects what can be a harm for you. I mean, a bonobo is a much more complex creature than fish, and a fish than a cane toad or something. That's where you get into the kinds of hierarchy. So it's the natural kind of animal that dictates the set of capabilities that sort of shouldn't be thwarted. So what Nussbaum is taking from him is the lack of saying that all of nature is a continuum, even though he then ranks it, and particularly after Aquinas that became linked to sort of the Christian soul. But all of nature is on a continuum and it's all worthy of respect and wonder. And that's why you look at the capabilities of distinct beings.

You know, we're still, I suppose, the most complex creature; at least, that we've discovered so far. That doesn't necessarily mean that we're morally entitled to be callous towards other beings. And it's much more than just not being cruel to them. She talks about self-realisation. And that's a very Aristotelian concept.

Q – Delegate:

In terms of bodily integrity as a capability, does Nussbaum discuss anything like de-sexing e.g. cats and/or dogs, where it's to protect against future overpopulation and whether that affects bodily integrity or not?

I don't think she does, as such. She discusses de-clawing and tail-docking, and I imagine you would treat mulesing as an example of that kind. But she treats each capability; she has paragraphs about each one, and that's really where the interest in it is, because she's talking about experimental animals, zoo animals, rodeo animals, you know, it's more specific than just talking about sentience. But I think that's a very good example, it would belong there, yes. Certainly anything that's done—e.g. de-beaking. Certainly anything that's done to please the human owners or guardians of the animals would be ruled out.

Q – Delegate:

I think it's really good that Nussbaum has number one as life for the animal. I've never really understood why, then, why does she actually then accept that it's okay to take life with painless death, if life is one of the primary capabilities?

I think she's really just doing what Andrew Bartlett recommended, and setting the threshold pretty low and trying to get a consensus. I mean, she's not advocating compulsory vegetarianism or veganism, even though her own personal views go further than what she is advocating. But I think she is saying that no-one is going to disagree with that, or very few people. Very few reasonable people of good will would disagree with that. So it's just setting the bar pretty low, but you're free to ask for more.
