Journal of Agricultural and Environmental Ethics (2006) 19:7–16
DOI 10.1007/s10806-005-4374-0

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ETHICAL CONSIDERATIONS OF THE HUMAN–ANIMAL-RELATIONSHIP UNDER CONDITIONS OF ASYMMETRY AND AMBIVALENCE

(Accepted in revised form August 25, 2005)

ABSTRACT. Ethical reflection deals not only with the moral standing and handling of animals, it should also include a critical analysis of the underlying relationship. Anthropological, psychological, and sociological aspects of the human–animal-relationship should be taken into account. Two conditions, asymmetry and ambivalence, are taken as the historical and empirical basis for reflections on the human–animal-relationship in late modern societies. These conditions explain the variety of moral practice, apart from paradoxes, and provide a framework to systematize animal ethical problems in a broader field. This allows the development of ideal relationships as moral orientation across anthropocentric or sentientistic ethical theories. These ideal relationships are called the patronage-model, the friendship-model and the partnership-model. The ethical problem of creating transgenic animals is discussed in the light of these ideal relationships.

KEY WORDS: ambivalence, animal biotechnology, animal ethics, asymmetry, human–animal-relationship

1. INTRODUCTION

In this paper, I make some general assumptions about conditions of the human–animal-relationship and the ethical lessons we could learn from a better understanding of these conditions. These considerations can be seen as part of an anthropological framework, which seems to me helpful for a better reconstruction of our moral practices and as a starting point for further reflections about the ethics of our relationship with animals. Many ethical theories about the ethics of our relationships with animals make the argument as to why we must care for animal welfare or respect animals as moral objects. An additional goal of this paper is to arrive at a more context-sensitive picture of underlying values and psychological, historical, or socio-economic aspects concerning our handling of animals and to look for more convergence and consensus in the debate (Schicktanz, 2002; 2005). Today we are facing a world where moral respect for animals is mostly erected on historically developed, reflective, and juridical animal protection.

Yet, looking at public debates about animal biotechnology, xenotransplantation, and animal testing, but also about pet housing and breeding, we find deep-rooted controversies about animal welfare.

Therefore, my argumentation has three steps: Firstly, I argue, that a better understanding of historical, cultural, and political structures could point to different views on the influence of *ambivalence and asymmetry* on the human–animal-relationship. Secondly, I argue, that there are at least three different moral views on the relationship between humans as the moral agents and animals as the moral patients. Thirdly, I suggest a possibility how these models could be used as a tool for ethical reflection to enlighten different moral intuitions regarding practical ethical problems, such as animal biotechnology.

2. CONDITIONS OF THE HUMAN–ANIMAL-RELATIONSHIP

The idea of being a moral patient relates to the idea of having a moral status, an inherent value, or just being morally relevant. This leads many to the conclusion that everything missing a moral status is morally irrelevant. This may be true in a strict sense of having moral obligation only toward moral patients, but this view seems insufficient given that indirect duties towards animals, or ascribing aesthetic or emotional values to other entities, count as ethical arguments, too.[1] Even if there are doubts, as for example in anthropocentric theories, whether animals in general are moral patients, or as in sentientistic argumentation, whether insects or plants are in fact moral patients, the relational aspect opens our minds to the synthesis and proof of further arguments of moral relevance.[2]

Asymmetry can be found where animals are intensively used – as in farms, zoos, and laboratories, or as companion animals. These animals depend for all their basic needs on human will. Even basic biological needs, such as eating, sexuality, motion, communication, could be limited and controlled by keeping, breeding, and killing circumstances. The animal itself usually has no opportunity to ensure that its own needs are met – everything depends on the good will of the human "owner." "Asymmetry" could, therefore, be used as the conceptual description for this imbalanced distribution of power between human and animal. Modern societies have made efforts to compensate for this imbalance by, for instance, stressing animal protection laws. Asymmetry is also stabilized by the discourse on the

[1] See also Röcklinsberg (2001: 20–25). She argues for looking beyond "traditional" classifications when assessing the practical case of animal welfare, too.

[2] Here I concentrate on the case of animals, whereas an extension of the concept to plants, nature as a whole, or non-living beings is not discussed in this article.

distinction between humans and animals based on different cognitive, mental, or sentient capacities. Even if we believe that some distinctions between humans and animals are correct or plausible, we have to be aware that the ascription is always a result of convention concerning relevant criteria with the possibility for change. Asymmetry is not seen as a natural structure, but rather as a condition that makes clear why humans have the moral responsibility to reflect upon their use of animals. To neglect the asymmetry means to neglect the basic reason for human responsibility toward animals under their control.

Thus the question is not only whether we have the right to maintain this imbalanced relationship but also whether we "enjoy" the power it provides us. This leads to the important function of empathy and compassion, since they serve as motivations or basic attitudes towards having a "good life." Such feelings or daily-life experiences make us re-think the analytically founded and normatively relevant distinction between human and animal, and also the complex role that animals could play in our life as myths, metaphors, mirrors, and relatives.

The second condition is ambivalence. Ambivalence can be found in all our habits and various emotions towards different animal species (Wiedenmann, 1998). The reason for being ambivalent is that, on the one hand, a specific animal can be individually and compassionately loved, whereas, on the other hand, various animal species are intensively used, exploited, and killed in a socio-economic context.[3] Acts of compensation and rituals performed in the field of animal killing could be regarded as evidence for this ambivalence. Many cultures have religious and traditional rituals concerning the killing of an individual animal. Examples are the Jewish and Islamic traditions of slaughter, which include ceremonies to thank God for the permission to kill the animal (Baranzke, 1999). Many other cultures share these kinds of "actions of relief" (in German: "Entlastungshandlungen") (Rudolph, 1972), which could be seen as psycho-sociological acts of compensation. Some animistic cultures and natural religions practice "rites of apology," which pay homage to the killed animal or make a sacrifice. Of major importance for such kinds of rites is the close connection between human and animal based on cultural, religious, or psychological reasons. Only the Christian tradition has no such kind of rite. Modern theological interpretations in the field of animal ethics argue for the reinterpretation of human predominance over all other creatures (see Röcklinsberg, 2001). Further, there are recent studies showing moral psychological problems for those slaughtering or killing animals routinely. Scientists doing animal

[3] Since ambivalence is often pre-classified as a wrongful "paradox" or a moral double standard, I argue for a critical but context-sensitive analysis of ambivalence in different practices *before* comparing and judging different situations.

testing seem to be poorly adapted to the job of ''killing'' and very often, psychological stress arises during their job (see e.g., Arluke, 1999; Herzog, 2002).

This ambivalent relationship could also be described in socio-psychological terms as a nearness-distance-continuum (Wiedenmann, 1998). For example, let us reflect upon the distinct situation of killing animals for food: whereas the killing of companion animals for nourishment purposes is considered taboo, the same is not true for farm animals. Wild animals are killed during particular seasons whereas exotic animals are never used for food consumption. These subtle rules are not always in accordance with the knowledge we have about an animal's capacity to feel pain or demonstrate specific cognitive features. In many cultures, the same animal takes the double role of a friend and a means: companion animals (like in Europe dogs and cats or, in India cows and some primates) are treated as an equal family member while seen as food resources in other cultures. Furthermore, some animals are seen as companion animals, test animals, pests (e.g., mice and rats), and as food sources (e.g., pigs) within a single culture – the same being true for chimpanzees, chickens, and so on.

The socio-psychological perspective focuses on the continuum of feelings and habits towards different individual animals and emphasizes how thin the line is sometimes drawn between an individual human and individual animals in different contexts. Another more system-oriented perspective focuses on the radical inclusion and exclusion of different animal species and biological classes in the moral sphere. The ambivalence of nearness and distance implies two mechanisms of moral consideration: one direction presents the individual, emotional bonding between human and animal and the other refers to biologically or culturally explained ''congeniality.'' Even though this belief is deeply embedded in history and culture, we observe changes in its structure. Interestingly, these changes have been induced recently by behavioral and genetic studies, as well as by philosophical or cultural investigations. The classical distinction of moral relevance between ''lower developed'' animals (non-vertebrates) and ''higher developed'' ones (vertebrates or sometimes only mammals) can be taken as an example: recent studies in animal behavior have shown complex cognitive abilities in non-vertebrates, such as octopuses, or other ''lower'' vertebrates like parrots (see Pepperberg, 1991). This knowledge should have legal and ethical consequences.

My intention is not to criticize the one as morally wrong and the other as morally right, but rather to shed light on how, on the one hand, some intuitions and arguments are deeply rooted in our idea of modernity (linked to rationality and individualism) and on the other, how diverse the practices are.

In summary, ambivalence sustains conflicting but co-existing perspectives on animals: e.g., the modern biological perspective versus the historical-mystical one, or the socio-economic view versus the psychological one, and any combination of these. Along with these perspectives, we acquire an insight in how fragile and discursive the ''frontiers'' separating mankind and animals are. Understanding ambivalence also provides a revision of the reproach of double moral standards mainly based on ''anthropomorphism,'' which is very common for pets and for spiritual mystification of animals. As Libell (2004) argues, anthropomorphism does not only have the negative side of ''over-interpretation'' of animal behavior and ''disneyfication,'' but also the positive side of a better understanding of animals from a pre-scientific level, as well as providing a basis for empathy, an important motivation for morality.

3. THREE IDEALS FOR MORAL ORIENTATION

The idea of expressing paradigms of a relationship for moral orientation is widely accepted in biomedical ethics (see e.g., Veatch, 1972; Emanuel and Emanuel, 1992; Bloom, 1995). Although these ideals are not independent of normative premises, they enable us to advance one step further in practical ethical reasoning. The paradigm of a relationship is always related to duties and obligations but also to moral motivation and ideals of a good life. They realign the moral rules into a set of interactions, motivations, and insights of psychological, emotional, or social attitudes. Thus, they help to clarify the relational interconnection of the moral rules themselves in concrete cases. The idea of ideal relationships may also help to reflect human–animal relationship beyond classical animal ethical theories.

I suggest three models:

I. The *patronage-model*: humans are prudent and wise masters of animals
II. The *friendship-model*: humans have formed friendships with particular animals
III. The *partnership-model*: humans respect animals as equal partners

I. The *patronage-model* implies a categorical difference between humans and animals based on biological, religious, and cultural arguments. This difference may imply that there is a normative distinction, for instance that animals do not have any moral status while humans have. This conclusion is not a logical consequence but rather a very popular interpretation. According to this difference, using animals is generally allowed and advisable in order to save and improve human living conditions. However, there are some restrictions to unlimited use, based on respect towards other

humans (e.g., those who like animals) as well as for pedagogic reasons. Still, humans could act as "advocates" or "stewards" to remind others of reducing or preventing useless and superfluous suffering of animals. From a moral point of view, there exists a moral virtue for the patron, who is allowed to use and exploit the subjugated entities, but yet is considerate and gracious at the same time.

II. According to the *friendship-model*, animals are moral objects if they are living under human authority and if a recognized nearness between humans and animals based on biological, cultural, or emotional reasons exists. Hence, "nearness" exists under relative and coincidental conditions rather than being an absolute or objective category. This seems to be appropriate for a friendship-relationship in which the vague and discursive aspects are stressed. The moral obligations dictate the duty not to harm an animal without good reason. Using and keeping animals should be in accordance with basic needs of the animal, and include the provision of veterinary care for injured individuals. The usage of animals is allowed under protective terms such as species-specific keeping conditions or – in some cases – anesthetic killing. Additionally, the idea of an intrinsic value of an animal is acceptable, even under hierarchical conditions – but it is debatable whether it is a necessity for accepting animals as moral objects. In this model, the moral rule of equality (which means to assess some cases in the same way and free of speciesism) requires the consideration of the moral differences between animals and humans under their distinct nearness-distance-conditions.[4] This allows for a graduated assessment process. In other words, in this relationship the usage of animals is allowed with some restrictions. Like a friend, someone cares for animals with partiality and charity and the unequal preference for some animals with respect to others can be legitimated if reflected and consequently argued.

III. The *partnership-model* sets no morally relevant distinctions between humans and animals. The equal treatment of animals and humans is *prima facie* legitimate. The usage of animals is only allowed when it imposes no restrictions to the animals. Therefore, partiality or predominance of individuals (humans or animals) is not allowed. In general, human interests do not have predominance over animal interests. This has many consequences: the usage of animals would be legitimated if and only if they do not suffer from the conditions and if they have a normal lifespan. The animals should be given all possible opportunities to fulfill their basic needs. Hurting or killing an animal will be justified and accepted exclusively in cases of self-defense and other extreme situations.

[4] See also the contract-model provided by Larrère and Larrère (2000).

These three models may not be sufficient for all situations and they overlap. However, the reflection on relationships makes the opinion which animal species is treated in which manner more rational and comprehensive. It could help us to reach reasonable conclusions as to why not all animals are alike and how different animals are treated, and focus our attention on where our habits are incoherent and morally problematic.

In summary, we can say that the three ideal models of the human–animal-relationship differ not only in their theoretical foundation but also in their practical consequences. The three models presented are not used to postulate a definitive separation between different relationship conditions but rather to systematize the different kinds of human–animal-relationship that we observe in legitimated practice and in animal ethics. Looking at the human–animal-relationship, for example in agriculture as a "mixed community" (Lund et al., 2004), helps us to understand the complexity of morality, emotions, and instrumentalistic-pragmatic points of view that interfere in applied animal ethics.

4. ANIMAL TRANSGENESIS AS A TEST CASE FOR HUMAN–ANIMAL-RELATIONSHIP?

As stated in the German Animal Welfare Law, genetic modification is defined as an animal testing procedure if it bears the risk of physiological harm to the animal (5 §7). But we could ask whether animal biotechnology is something new with genuine ethical questions. Also, there remains a controversy in the ethical debate whether genetic modification of an animal violates the inherent worth of the animal or not (Balzer et al., 2000 vs. Sitter-Liver, 1999, also Dol et al., 1999). This debate mirrors the classical dualism between the deontological and consequentialistic approach, raising the question: will the intrinsic value of an animal be harmed or is it irrelevant as long as the overall outcome is satisfactory?

While animal testing has been a topic in a lot of ethical and political debates for many years, classical animal breeding itself is rarely criticized. Although there is only a thin line between classical breeding and genetic modification, especially the latter faces a lot of critique. To understand this paradoxical situation, it might be helpful to specify the changes the human–animal-relationship will be exposed to by this new technology.

We could state that this paradoxical situation results in irrationality or is built upon an unspecified technological skepticism or cultural criticism as many supporters of biotechnology argue. One could also state that classical breeding never bears as many risks as the biotechnological method, because nature knows best. But whether this is a good argument is doubtful. As a

consequence of the breeding techniques, we see that both produce health risks for the animals. Although we cannot argue that genetic modification tends to provide more health risks for animals due to lacking evidence, we do know, from the rare studies of transgenic animal welfare, that the main risks and negative outcomes are found in early development stages, inducing very low birth-rates and a high incidence of mutations. Obviously, this matters for all situations in which suffering or being sentient are relevant criteria for having a moral status. Besides, the relevance of harm and injuries is also a standard topic within animal testing procedures.

There are doubts that this encompasses all our moral intuitions with respect to animal biotechnology. We should, therefore, look at the influence this technology has on our relationship to animals in which it increasingly makes us neglect the living being behind the animal machine responsible for producing desired molecular products. This suggests a troubling shift for all human–animal-relationships, even on different levels.

The patronage-model is regarded as the authentic test case due to its anthropocentric roots. If critique of animal biotechnology is supported from inside this model, a high burden of proof will be set, because animal welfare questions may weigh less. So a new slippery-slope-argument arises. By establishing new technologies for manipulating animals in basic biological conditions, we risk their usage in humans, as has happened in the use of *in-vitro*-fertilization or cloning.

From the point of view of the partnership- and friendship-model, potential health risks for animals and the possible violation of their intrinsic value obviously appear as moral problems. The friendship-model clearly requires that the assessment of animal biotechnology is embedded within the whole context of animal usage, the goals of applied technology and alternatives to reaching these goals. This guarantees the following coherent argumentation: if an animal has a well-reasoned moral status, this premise has argumentative consequences for assessing new situations. With this interpretation, it may be morally acceptable to kill transgenic pigs under anesthetized conditions if their organs were to help humans. But to modify them in such a way as to disallow a relatively normal living standard is highly problematic. Another example refers to animals such as apes for whom modern societies have erected high standards of usage and keeping. If we assume that apes have a special moral status and their usage in biomedical research is highly problematic, it would be wrong to genetically modify or clone them. The friendship-model with a well reasoned nearness-distance-system does not argue against animal biotechnology as a whole, but rather forces us to argue for each case individually, for example, whether it is permissible to manipulate a particular animal species or not.

The partnership-model argues that if we accept an animal as equal, with the right to have its basic needs met with the same urgency as those of humans, then any genetic modification interfering with such needs would be contentious, as many people reject germ line gene therapy as unethical.

The reference to the friendship- and partnership-model leads to strong arguments against biotechnology but only for particular animals. The patron-model results in weak and indirect arguments opposing biotechnology such as the slippery-slope-assertion, but embraces many animal species and is more general.

My conclusions, therefore, lead me to the main argument that biotechnology, in contrast to traditional breeding endeavors, advances our self-understanding as "creator" or "designer" and as "patron" via psychological, cultural, and socio-economic mechanisms. This development seems to me morally problematic. The role of humans is likely to shift to the one of the "imperious" patron who controls every part and content of animal life. But such a drift is in conflict with societal attitudes of living in harmony and balance with nature, even in the anthropocentric patron-model. Of course, this vision can be viewed as a moral ideal or virtue rather than a moral obligation. This would, however, make clear that the moral modification of humans as creators is not only contentious in a religious, but also in a secular anthropological sense. The present ambivalence and asymmetry of the human–animal-relationship will be intensified and increasingly imbalanced.

ACKNOWLEDGEMENTS

This paper is a revised section of a research project on the ethics of xenotransplantation funded by the German Research Foundation (DFG) EN 222/2–1 and SCHI 631/1. I would like to thank Annerose Kuras and Mark Schweda for helpful comments on language and translation.

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