

Altruism Across Species Boundaries: Kant and Levinas on the Meaning of Human Uniqueness

I - Introduction

This paper will examine the concept of altruism vis-à-vis the human relationship with other animals. The first section will examine the claim that humans are unique in their ability to perform altruistic actions and will show how the two dominant opposing positions regarding the ethical status of non-human animals have handled this belief, which both espouse. Though the overwhelming bulk of philosophical literature on the subject supports this view, the next section will present purported empirical evidence that some non-human animals exhibit altruistic behavior. The paper will link the debate over this issue to a fundamental assumption regarding the nature of the ethical relationship shared by the dominant positions on non-human animals' ethical status discussed in the first section: that for an other being to qualify for direct ethical consideration, it is both necessary and sufficient to identify some essential similarity between the other being and the deliberating self. The final section of the paper will bring the writings of Emmanuel Levinas to bear upon these issues as a remedy to conceptual problems that traditional formulations of the human—non-human animal relationship entail as a result of this fundamental assumption.

II – Kant on the Uniqueness of Human Rational Altruism

Most philosophers in the Western tradition have held that humans are unique in their ability to perform altruistic actions. The writings of Immanuel Kant provide a clear and systematic explication of this position, for while Kant recognizes humanity's animal nature, he notes humanity's unique status among earthly creatures as the only rational

animals in various places throughout some of his most important works. A thread that runs throughout Kant's descriptions of this radical difference between humans and all other earthly animals is the connection between humans' unique rationality, freedom, and accountability. For Kant, humans' rational powers enable their freedom to resist certain impulses and inclinations and autonomously to choose a course of action legitimized by reason alone; they can thus choose to act morally, in accordance with a priori rules expounded by pure reason.

Regarding humans' unique rationality, Kant writes, in the *Critique of Pure Reason*:

In inanimate nature, or in animate but merely animal nature, we find no basis for thinking any power as being other than sensibly conditioned. Only the human being, who otherwise is acquainted with all of nature solely through his senses, cognizes himself also through mere apperception – viz., in actions and inner determinations that he cannot class at all with any impression of the senses. . . . Reason, above all, is quite particularly and primarily distinguished from all empirically conditioned abilities.¹

The power of reason enables humans' unique freedom, which Kant describes as the ability to choose a course of action independent from the compelling impulses of sensibility, in contrast with non-human animals, whose "choices" are always thus "pathologically necessitated."² Kant reiterates this distinction in the *Groundwork*, where he distinguishes humans' ability to will to act autonomously, independent of determination by external influences, from the behavior of non-human, non-rational

¹ *Critique of Pure Reason*, translated by Werner S. Pluhar (Indianapolis: Hackett Publishing, 1996), 544.

² *Ibid.*, 536.

animals, which is completely determined by such “alien” causes.³ He elaborates in *The Metaphysics of Morals*:

That choice which can be determined by *pure reason* is called free choice. That which can be determined only by inclination (sensible impulse, *stimulus*) would be animal choice (*arbitrium brutum*). Human choice, however, is a capacity of choice that can indeed be affected but not determined by such impulses.... Freedom of choice is this independence from being determined by sensible impulses....⁴

As he puts it elsewhere in this work, “The capacity to set oneself an end – any end whatsoever – is what characterizes humanity (as distinguished from animality).”⁵

Important as humans’ unique freedom is for Kant, it is not to be honored for its intrinsic value, but for the unique moral capacity that it enables, as Kant states in the lectures on Anthropology: “Moral character is the mark of difference of a human being as a rational being endowed with freedom.”⁶ This connection is key in Kant’s understanding of the two-step transition from (1) purely mechanical non-human animal activity, to (2) rational, purposeful, self-conscious, behavior; to (3) morally accountable action. Kant explicates this progression in a description of the tripartite structure of human being in *Religion Within the Limits of Reason Alone*, in the context of discussing the three divisions of human beings’ original predisposition to goodness, as “elements in the fixed character and destiny” of humanity. These are, he writes,

(1) The predisposition to animality in man, taken as a living being; (2) The predisposition to humanity in man, taken as a rational being; (3) The predisposition to personality in man, taken as a rational and at the same time an accountable being.⁷

³ *Groundwork of the Metaphysics of Morals*, translated by H.J. Paton (New York: Harper and Row, 1956), 114.

⁴ *Metaphysics of Morals*, translated by Mary Gregor (Cambridge: Cambridge University Press, 1991).

⁵ *Ibid.*, 195.

⁶ *Anthropology from a Pragmatic Point of View*, translated by Mary Gregor (The Hague: Martinus Nijhoff, 1974).

⁷ *Religion Within the Limits of Reason Alone*, translated by Theodore M. Greene and Hoyt H. Hudson (Chicago: Open Court, 1934), 21.

This list nicely summarizes Kant's picture of humanity's unique nature: humans are animal creatures, though they are unique in their rational capacity, by which they can autonomously determine their own behavior independent of animal impulses *and* in accordance with the demands of the pure moral law. They are thus the only earthly creatures who can be called moral (or immoral) and the only creatures capable of altruism, which, for Kant, requires an autonomous rational choice to resist the pressures of both external stimuli and internal inclination, subverting one's own desires for the benefit of another, when the metaphysical moral law demands it.

III– Kant on the Ethical Status of Non-human Animals

As the second formulation to the categorical imperative implies, for Kant, human beings alone qualify as ends-in-themselves. Only hypothetical imperatives apply to non-human animals, which exist merely as the means to human ends, as Kant explicitly states in the *Lectures on Ethics*, where he writes, “Animals are not self-conscious and are there merely as a means to an end. That end is man.”⁸ Human beings, on the other hand, are self-conscious – a quality bound up with their unique rationality, which enables their unique moral capacity, which is the source of their unique status as ends in themselves. This is so because, for Kant, the pure moral law is that which inspires awe and displays dignity, and human beings are the only earthly creatures able to embody, legislate, and conform to such law. As Kant writes in the *Groundwork*, “[I]t is precisely the fitness of his maxims to make universal law that marks him out as an end in himself.”⁹ Kant's concept of humanity's unique “dignity” further illustrates this link. Kant writes, “[M]orality, and humanity so far as it is capable of morality, is the only thing which has

⁸ *Lectures on Ethics*, translated by Louis Infield (New York: Harper & Row, 1963), 239.

⁹ *Groundwork*, 105.

dignity.”¹⁰ Kant elevates human dignity, equated with humanity’s rational nature, “above all the mere things of nature,” by which one can employ an idea such as the categorical imperative as a precept for the will, free from self-interested motives.¹¹ Kant reiterates these points Kant argues in *The Metaphysics of Morals*, where he argues that rationality itself gives humanity a certain value (not in absolute terms, but in terms of price and exchange) in comparison with other animals who lack reason, but the morality that rationality enables grants humans “a dignity (an absolute inner worth),” which elevates human beings above all other earthly creatures and exalts them “above any price.”¹²

Kant does outline certain duties humans have with regard to their treatment of animals, but these duties, for Kant, are the secondary result of corresponding duties humans have regarding their treatment of each other. The exclusion of non-human animals from the realm of primary ethical relevance is clear: “So far as animals are concerned, we have no direct duties.”¹³ Regarding indirect duties concerning animals, in the *Lectures on Ethics*, Kant presents the example of a dog that has served his master faithfully, and Kant argues that the master should keep the dog until he dies, rather than shoot him, even when he is no longer able to serve his master. This is not a duty to the dog, according to Kant, “for the dog cannot judge.”¹⁴ However, shooting the dog would be cruel to the animal, and one has a duty to be kind to animals, because one has a duty to practice kindness rather than cruelty in dealings with other humans, and cruelty toward animals “is inhuman and damages in himself that humanity which it is his duty to show

¹⁰ Ibid., 102.

¹¹ Ibid., 105-106.

¹² Ibid., 230.

¹³ *Lectures on Ethics*, 239.

¹⁴ Ibid, 240.

toward mankind.”¹⁵ So, while Kant’s ethical system requires kindness to animals and condemns cruelty to them, this is not because humans have duties to non-human animals per se, but because kindness and cruelty toward non-rational animals breed analogous behavior toward other rational human beings, toward whom one does have duties.¹⁶

Kant makes the same point with slightly different language in the *Metaphysics of Morals*. Again, Kant’s species (and male) chauvinism is clear in this work when he writes, “Man can ... have no duty to any beings other than men.”¹⁷ Here Kant also discusses duties concerning non-human animals by analogy with duties concerning humans. He characterizes the duty of “gratitude for the long service of an old horse or dog” as one that “belongs indirectly to man’s duty with regard to these animals.”¹⁸ Furthermore, he continues, “[C]onsidered as a direct duty, however, it is always only a duty of man to himself.”¹⁹ Here again Kant argues that cruelty toward animals is opposed to an individual’s duty to oneself and to other humans, because it dulls one’s sympathy with their pain and thereby vitiates a “natural predisposition that is very serviceable to morality in one’s relations with other men.”²⁰ For Kant, humans are bound by duty to behave altruistically at times, but only other human beings directly qualify as beneficiaries of such behavior; if non-human animals benefit from human altruism, it is not because their lives are valuable for their own sakes.

¹⁵ Ibid.

¹⁶ Robert Nozick issues a concise critique of this problem, which he calls one of “moral spillover” in Kant’s discussion about the “indirect” ethical status of non-human animals, asking why we still feel that there is something wrong with gratuitous non-human animal suffering even if no humans are affected. Nozick’s work presents another example of a system that mixes elements of the Kantian and utilitarian perspectives, discussed below. Nozick’s proposed policy is “Kantianism for people, utilitarianism for animals.” See *Anarchy, State, Utopia* (New York: Basic Books, 1974), 45-47.

¹⁷ *Metaphysics of Morals*, 237.

¹⁸ Ibid., 238.

¹⁹ Ibid.

²⁰ Ibid.

IV – The Opposing View Regarding Non-human Animals’ Ethical Status and Subsequent Debate

The main opposition to Kantian disregard for the interests of non-human animals does not challenge the idea that humans are unique in the ways Kant describes, but deems this fact irrelevant for determining non-human animals’ ethical status. Kantian contemporary and paradigmatic utilitarian Jeremy Bentham famously makes this case in a footnote to his *Principles of Morals and Legislation*, where he writes, with regard to non-human animals, “[T]he question is not, Can they reason? nor Can they talk? but, Can they suffer?”²¹

Consistent with this view, Bentham believed that governmental legislation should directly consider the interests of non-human animals. In the *Principles of Penal Law* he writes, “Why should the law refuse its protection to any sensitive being? The time will come, when humanity will extend its mantle over every thing which breathes.”²² While Bentham believed that it ought to be lawful to kill animals for food, or to subject them to pain for legitimate scientific purposes, he recognized that some killing of other animals ought to be forbidden by law – specifically, Bentham mentions “cock-fights, bull-baiting, hunting hares and foxes [and] fishing” as activities, which, he argues, suppose either inhuman brutality or lack of thoughtful reflection among the humans who participate. Furthermore, he suggests that science develop the means to render even legitimate killing

²¹ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, edited by J.H. Burns and H.L.A. Hart (London: The Athlone Press, 1970), 282-283. Consistent with Bentham’s focus on pain and pleasure, and with the predominant belief that humans have “higher” levels of “pleasure” or “happiness” available to them, this selection deals with animals’ ability to suffer purely physical pains. For discussion of animals’ emotional sensibilities, see Jeffrey Moussaieff Masson and Susan McCarthy, *When Elephants Weep: The Emotional Lives of Animals* (New York: Dell Publishing, 1995). Charles Darwin explored some of this same territory in *The Expression of the Emotions in Man and Animals*, 3rd edition (New York and Oxford: Oxford University Press, 1998 (first published in 1872)).

²² *Ibid.*, 562.

of animals less painful for them and that the state should enforce the practice of such measures.²³ So, for Bentham, while human beings may be unique in their altruistic potential, the range of beings toward whom one has direct duties extends beyond humanity to encompass all sentient beings.

More recent debate concerning non-human animals' ethical status proceeds along the lines Kant and Bentham established, though some thinkers mingle elements from both thinkers' systems. For example, R.G. Frey exhibits a Kantian exclusion of non-human animals from "first-tier" ethical consideration. In *Interests and Rights: The Case Against Animals*, he argues that only "persons" with a concept of self qualify for such consideration and that non-human animals do not qualify in this regard.²⁴ Similarly, in *Rights, Killing, and Suffering*, he argues that human life is of a higher quality or "richness" (and therefore a higher value) than human life.²⁵ In a later article, he discusses claims that it is only wrong to kill beings with "autonomy," which, like Kant, he defines such as to exclude non-human animals.²⁶

Whereas Kant famously opposed the utilitarian premise that pleasure or happiness is the sole thing that is good "in itself," Tibor Machan's Kantian speciesism takes issue with the flipside of this basic utilitarian premise: that pain is the sole thing that is inherently evil. Methodically, he presents illustrations of morally acceptable suffering, such as voluntary suffering at the hands of a dentist or the non-voluntary pain of being abandoned by a lover. Having shown that the infliction of suffering is not a clear signal that immorality has occurred, he then states, "[T]he morally good life of man requires

²³ *The Works of Jeremy Bentham*, edited by John Bowring (New York: Russell & Russell, 1962), 562.

²⁴ (Oxford: Clarendon Press, 1980), chs. 7-8.

²⁵ (Oxford: Basil Blackwell, 1983), ch. 12.

²⁶ "Autonomy and the Value of Animal Life." *Monist* 70 (1987): 50-63.

inflicting suffering on some animals... [N]o obligation exists to refrain from such infliction and animals have no rights against it.”²⁷ According to Machan, eschewing meat because of concern for animal suffering displays “disregard for man,” which, he speculates, “may well flow from a rejection of the supreme value of human life....” Machan displays an interesting relationship to Kant here; where Kant admonished against human cruelty toward animals because he believed it could lead those thus engaged to be less attendant to direct duties toward other humans, Machan argues that concern for animal suffering is related to lack of concern for fellow humans, albeit not in the causal manner Kant describes. On the other side of this issue, S. F. Sapontzis avers that “animal liberation” is the logical next step in Western moral progress and entails no affront to the project of human liberation.²⁸

The most oft-cited thinkers in Bentham’s inclusionary lineage are Peter Singer and Tom Regan. Singer, who grounds his position upon utilitarian principles, is a more direct descendent than Regan, who employs Kantian principles to justify his inclusionary stance. Singer promotes granting non-human animals what he calls “equal consideration of interests” and grounds this inclusion on the same basis as Bentham grounds his own: the fact of non-human animal sentience. As Singer puts it, “The capacity for suffering and enjoyment is a prerequisite for having interests at all...[and] the conclusions that are argued for in this book flow from the principle of minimizing suffering alone.”²⁹ Singer decries what he calls “speciesism,” which he defines as “a prejudice or attitude of bias

²⁷ See “Some Doubts About Animal Rights,” *Journal of Value Inquiry* 19 (1985): 73-75.

²⁸ *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987).

²⁹ See *Animal Liberation: A New Ethics For Our Treatment of Animals* (New York: Avon Books, 1975), 8, 22. On the concept of “equal consideration of interests,” see the introductory chapter to *Animal Liberation* and in the third and fifth chapters of *Practical Ethics* (Cambridge: Cambridge University Press, 1993). Singer explains the reasons for adopting utilitarianism in the introduction to *Practical Ethics*, and he summarizes his position regarding non-human animals’ direct ethical relevance in pp.49-54 of this work.

toward the interests of members of one's own species and against those of members of other species."³⁰ He links this attitude with other exclusionary orientations, like racism and sexism, and argues that while progress has been made with regard to these latter attitudes, most humans are still speciesists. For Singer, practices carried out in scientific laboratories and "factory farms" violate the "equal consideration of interests" principle, because the non-human animals subjected to structures of violence are having their major interests (in avoiding extremely cramped conditions, physical torture, deprivation of species-specific social relationships, etc.) violated to satisfy the minor (gustatory) interests of human beings.

Tom Regan's work, like Singer's, supports direct consideration of non-human animals' interests, but unlike the latter, Regan refuses Singer's utilitarian method and bases his own case on a more Kantian idea of individual "rights" as the title to his most famous work on the subject indicates. Singer bluntly states that rejecting "speciesism" does not entail the judgment that all lives are of equal worth, and that, e.g., "It is not arbitrary to hold that the life of a self-aware being, capable of abstract thought, or planning for the future, of complex acts of communication, and so on, is more valuable than the life of a being without these capacities."³¹ He makes the same point in *Practical Ethics*, and he denies here that it would be "speciesist" to make such a value judgment, though with the caveat that he is not necessarily saying such a judgment would be *true*,

³⁰ For Singer's discussion of the concept of "speciesism," see third and fifth chapters from *Practical Ethics* and *Animal Liberation*, pp.7ff. For more on the theory and practice of speciesism, see R.W. Bradford, "Humanism and Speciesism," *Free Inquiry* 13(1) (1992): 19; Paul Graves-Brown, "The Ghost of Cain? Neanderthals, Racism, and Speciesism," *Antiquity* 70 (1996): 978-981; Donald Graft, "Against Strong Speciesism," *Journal of Applied Philosophy*, 14(2) (1997): 107-118; Frederick Kaufman, "Speciesism and the Argument from Misfortune," *Journal of Applied Philosophy*, 15(2) (1998): 155-163; Hugh Lafollete and Niall Shanks, "The Origin of Speciesism," *Philosophy* (1996): 41-60.

³¹ *Animal Liberation*, 21-22

only that he is saying that it would not be “speciesist.”³² Regan, by contrast, explicitly defends the Kantian idea of individual inherent worth, albeit redefined to include other animals besides humans, against subjection to utilitarian calculations. While Kant grants inherent “dignity” only to human beings, Regan attributes equal inherent value to beings that he calls “subjects of a life,” who, by definition, “have beliefs and desires; perception, memory and a sense of the future...; an emotional life together with feelings of pleasure and pain; preference and welfare interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them....”³³ According to Regan, such beings include most normal mammals over a year old, and all such beings who possess inherent value possess it equally, such that their interests cannot justifiably be overridden by calculations of greater benefit to others.³⁴ Regan invokes his Kantian roots in the following declaration concerning non-human animal “subjects of a life:”

Individuals who have inherent value ... have a kind of value that is distinct from, is not reducible to, and is incommensurate with such values as pleasure or preference satisfaction, either their own or those of others. To harm such individuals merely in order to produce the best consequences for all involved is to do what is wrong – is to treat them unjustly – because it fails to respect their inherent value. To borrow a part of a phrase from Kant, individuals who have inherent value must never be treated merely as means to securing the best aggregate consequences.³⁵

An analogous thinker in Kant’s exclusionary lineage is Jan Narveson, who promotes denying direct consideration of non-human animal interests for utilitarian reasons. Narveson attacks the idea promoted by thinkers like Singer that allegedly

³² *Practical Ethics*, 54. For a more Kantian analysis of these sorts of criteria for direct moral consideration, see Marry Anne Warren, “On the Moral and Legal Status of Abortion,” *The Monist* 57(1) (1973): 43-61.

³³ *The Case for Animal Rights* (Berkeley, California: University of California Press, 1983), 243.

³⁴ *Ibid.*, 78 & 243.

³⁵ *Ibid.*, 249.

“minor” gustatory pleasures are outweighed in any hedonistic calculus by the “major” pains suffered by non-human animals, supposing instead “that the amount of pleasure which humans derive per pound of animal flesh exceeds the amount of discomfort and pain per pound which are inflicted on the animals in the process.”³⁶

While the problems with conclusions Kant draws from the difference he elucidates between human beings and other animals are most clearly brought to light in the face of the pre-theoretical conviction that, other things being equal, non-human animal suffering is to be avoided even if it does not impact human experience, the conceptual difficulties entailed by exclusive emphasis on “sameness” is made most obvious in the argument over “animal rights,” of which Regan is the most famous proponent. Regan’s main thesis here is that “subjects of a life” possess inherent value and thus bear rights that cannot justifiably be subverted for utilitarian benefits. A full exposition of this debate regarding “animal rights” would easily fill an entire volume, but a brief discussion of the concept’s treatment in contemporary scholarly debate seems prudent here, for this concept marks both the division between thinkers who grant non-human animals direct ethical consideration and those who deny them such consideration, and, within the former camp, between those such as Regan, who ground their inclusionary gesture in a notion of “rights,” and those such as Singer, who do not.

The claim that if human beings possess rights, then so must non-human animals, was made as early as the late nineteenth Century, in two works: one called *The Rights of an Animal*, the other titled *Animals' Rights Considered in Relation to Social Progress*.³⁷

³⁶ “Animal Rights,” *Canadian Journal of Philosophy* 7(1) (1977): 173.

³⁷ E.B Nicholson, *The Rights of an Animal* (London: Kegan Paul, 1879); Henry Salt. *Animals' Rights Considered in Relation to Social Progress* (Clarks Summit, Pennsylvania: Society for Animal Rights, 1980) (orig pub in 1892).

More recently, Leonard Nelson argues that only beings who have interests can have rights and that [*pace* Descartes, Harrison, and Carruthers] non-human animals do have interests.³⁸ If “having interests” is a Benthamine criterion for direct ethical consideration, S. F. Sapontzis suggests a more Kantian criterion: the capacity to be virtuous, though unlike Kant, he argues that some non-human animals do meet this criterion, meeting the demand for direct ethical respect, and thus having “rights” in that sense.³⁹

The debate is largely between proponents of animal rights and those who believe in the existence of rights but deny that animals possess them, and thus between two forms of Kantian thinking – one inclusionary, the other exclusionary – while utilitarian theorists typically deny the ethical relevance of the concept of “rights” altogether. Bentham called the idea “nonsense on stilts.” Singer, likewise, sees as fundamental the difference between thinkers like Regan, who ground their inclusionary approach in a concept of rights, and utilitarians such as himself, who do not.⁴⁰

Still, most theorists who issue denials of the existence of animal rights seem to support the idea of rights, but to reserve it to cover humans only. These thinkers often point to absurd implications of attributing their existence. A contemporary of Henry Salt pointed out that conferring rights upon non-human animals leads to the absurd conclusion that humans are ethically obligated to police “wildlife” to eliminate the violence inflicted upon innocent prey by heartless predators.⁴¹ Confusion arises because attributing “rights” to non-human animals begs the question, “What rights?,” and standard discourse

³⁸ Leonard Nelson, *A System of Ethics*, translated by N. Guterman (New Haven: Yale University Press, 1956).

³⁹ *Morals, Reason, and Animals*; see especially the third and fifth chapters.

⁴⁰ “Animal Liberation or Animal Rights?” *The Monist* 70 (1987): 3.

⁴¹ D.G. Ritchie, *Natural Rights* (London: George Allen: Unwin, 1889).

equates “rights” with “human-rights,” so it is deemed necessary to somehow ascribe these same rights to non-human animals. This leads to absurd conclusions.⁴²

Another implication that seems warranted if animals enjoy rights on the level of those humans enjoy is the obligation to “free” domestic animals, if it is granted that fences, for example, restrict animals’ right to freedom of movement. A Levinasian ethics of alterity will allow, indeed require fences in some cases to protect other animals from human constructions like four-lane highways. The enumeration of “animal rights,” grounded in the search for an essential element of similarity between self and other lacks the resources that Levinas’s model supplies, and thus the controversy continues with no foreseeable conclusion. Also against the notion of “animal rights,” H.J. McCloskey, by contrast, argues that for a being to have “rights,” it must in some way be able to claim or exercise those rights – an ability non-human animals (and infants and mental incompetents, for that matter) lack.⁴³ This is the same approach taken by the many ethical theorists from Rousseau to John Rawls for whom primary ethical relationships are strictly contractual.⁴⁴ These thinkers point out the absurd conclusions one reaches when one attempts to subsume non-human animals within a strictly human framework, such as the ideas that humans should “free” all domestic animals or that we should police the

⁴² Peter Singer explains why humans need not feel compelled to police “wildlife” to protect the “rights” of prey by invoking an idea common to Kant and Levinas: the uniqueness of humanity’s moral sense. He writes, “The decisive point ... is that nonhuman animals are not capable of considering the alternatives open to them or of reflecting on the ethics of their diet. Hence it is impossible to hold the animals responsible for what they do....” See *Practical Ethics*, 61. A discussion of the question of the connection between rights and duties is beyond the scope of this study. Most theorists hold to a “correlation” theory according to which rights directly entail duties, though others deny this thesis.

⁴³ H.J. McCloskey, “Moral Rights and Animals,” *Inquiry* 22 (1) (1979): 23-54. In an earlier source, McCloskey claimed that non-human animals possess no rights because they have no interests; see “Rights,” *Philosophical Quarterly* 15 (1965): 115-27.

⁴⁴ For Rawls’s brief treatment of non-human animals’ ethical status, see *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1999), 512.

animal world to eliminate violence. A Levinasian ethical model will not depend upon symmetrical contracts, and thus this aspect of the debate can be avoided.

It may be appropriate to claim that some non-human animals possess some “rights,” but this term will have to be redefined in a way that emphasizes the difference between these rights and the types of rights human beings enjoy. However, the approach that I will promote, grounded in a Levinasian ethics of alterity, will not depend on whether or not non-human animals possess rights, as this debate could be interpreted as being enmeshed in an “ethics of the same,” so I will not treat the matter further here.⁴⁵ Suffice it to say that according to the position I will chart in this paper, the attempt to elucidate “animal rights” of the same order as “human rights” may, as Heidegger wrote in a slightly different context, “be compared to the procedure of trying to evaluate the essence and powers of a fish by seeing how long it can live on dry land.”⁴⁶

The Kantian and Benthamine approaches both contribute to the ethical orientation that I chart below, though neither theory alone is adequate. In a sense, Kant has the form right and the content wrong, while Bentham has the form wrong and the content right.

⁴⁵ For further debate on the issue, see, on the “pro” animal rights side, see Joel Feiberg, “Human Duties and Animals Rights,” *Etyka* 18 (1980): 11-83. “The Rights of Animals and Future Generations,” *Philosophy and Environmental Crisis*, edited by William Blackstone, Athens, Georgia: University of Georgia Press, 1974); Richard Ryder, “Discrimination on the Basis of Species Is Unjust,” in *The Rights of Animals* (San Diego, California: Greenhaven Press, 1999): 24-26; Sapontzis, *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987); , eds., *Animal Rights and Human Obligations*, edited by Peter Singer and Tom Regan (Englewood Cliffs, New Jersey: Prentice-Hall, 1976). On the “anti” animal rights side, see R.G. Frey, *Interests and Rights: The Case Against Animals* (Oxford: Clarendon Press, 1980) and his conclusion to *The Animals Issue: Moral Theory in Practice* (Cambridge: Cambridge University Press, 1992); Jan Narveson, “On a Case for Animal Rights,” *The Monist* 70 (1987): 31-50; Paul Shepard, “Animal Rights and Human Rites,” *The North American Review* (Winter 1974): 35. For an even-handed review of some of the main elements of both positions, see Tim Hayward, *Ecological Thought: An Introduction* (Cambridge: Polity Press, 1995): 151-162.

⁴⁶ “Letter on Humanism” from *Basic Writings*, ed. by David Farrell Krell, San Francisco: HarperCollins, 1993. Other debates about whether or not non-human animals possess this or that essential property or capacity about, as noted. I believe that Bentham, Singer, and Regan have identified the proper criterion: sentience, but that their methods are not sufficient to justify or explain the implications of it, and that it is here that Levinas’s thought is particularly helpful.

Bentham is right to extend direct ethical consideration to all sentient animals; he is wrong to believe that the detached, mathematical calculation of interests and consequences is equal to the task of ethical thinking and that a concept of non-human animals' "sameness" vis-à-vis humanity provides the only necessary support for an argument promoting direct consideration of non-human animal interests. Kant is wrong to deny non-human animals such "direct" consideration, but he is right to recognize that human "rationality" is ethically relevant, and he is right to seek a transcendent, radical ground for ethics – rather than relying on empirical calculation, which is always tenuous and provisional.

Levinas's thought is helpful here. Both Kant's conscription of the animal to the realm of mere "indirect" ethical relevance and Bentham's assimilation of animals within the sphere of the sentient could be considered guilty of the suppression of alterity and "ontological imperialism" that Levinas means to counter. Where Bentham underemphasizes the difference between human and non-human animal being, Kant overemphasizes it: Kant stresses the difference between humans and other animals as the reason to deny that humans are morally obligated to grant direct ethical significance to the interests of the latter, while Bentham focuses on the similarity between humans and other animals as the sole reason humans are thus obligated. Kant's position seems to lead to absurd conclusions, such as the idea that non-human animal suffering is truly morally irrelevant except for its impact upon humans, while Bentham's focus on similarity seems to ignore ethically relevant differences between humans and other animals, earning from critics the moniker: "swine-philosophy." This impasse naturally results from a grounding assumption regarding the nature of the ethical relationship that Kant and Bentham share:

that for a being to qualify for direct ethical relevance it is necessary and sufficient to identify an element or elements of similarity between the human self undertaking ethical deliberation and the other being in question. Levinas's writings provide the means for outlining an approach which views the vast differences between human beings and other animals as a wellspring for their direct ethical relevance.

V – Empirical Evidence of Non-human Animals Behaving Altruistically

Before investigating the fruitfulness of Levinas's analysis, however, it seems prudent to examine another way to counter Kantian exclusion of non-human animals' interests from the realm of direct ethical relevance is to deny one of its central assertions: that non-human animals are incapable of acting altruistically. While Bentham and his intellectual descendents do not challenge Kant's position that humans are unique in their powers of reason and moral deliberation, which enable humans to perform altruistic actions, some observers of non-human animal behavior do challenge this view, arguing that non-human animals do at times act altruistically and thus that the absolute distinction between humans and other animals in this regard may not be as firm as Kant or even Bentham understood it to be.

Examples of apparent acts of non-human animal inner-species altruism abound in empirical research on the subject. I will not describe examples of parents defending their young at risk to themselves, both because examples are so numerous and because such examples fall prey most easily to the critique that what appears to be altruism is actually self-serving protection of one's own genetic material.⁴⁷ Comparative ethology also

⁴⁷ Perhaps the most famous work which promotes such an interpretation is Richard Dawkins's *The Selfish Gene*, (Oxford: Oxford University Press, 1976). Others include Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984) and Robert Trivers, *Social Evolution* (Menlo Park,

contains numerous examples of one non-human animal helping another to whom s/he is not genetically related. David Macdonald tells of a healthy fox who brought food to an injured and immobile relative.⁴⁸ Hans Kruuk writes of adult gazelles who defend unrelated young from predators.⁴⁹ Masson and McCarthy describe young lions who shared food with old lionesses that could no longer hunt and of elephants who avoided difficult terrain and waited for injured fellows to catch up with the group.⁵⁰ Roger Fouts relates a situation in which an adult chimpanzee risked personal injury to rescue another chimp (with whom she was unacquainted) from a moat.⁵¹ The empirical literature also contains examples of apparent inter-species altruism as well, such as a case in which a dog alerted sleeping parents that their infant had ceased breathing and another in which a chimpanzee, after witnessing a human researcher trying in vain to knock fruit from a tree with a stick, retrieved the fruit and offered it to the researcher.⁵² Richard Connor and Kenneth Norris describe inter-species altruistic behavior practiced by dolphins as well.⁵³

I will not attempt here to conclusively answer the question of whether or not non-human animals are capable of behaving altruistically; my goal in presenting the empirical research above is to indicate that it may at least be possible that the difference here is one

California: Benjamin-Cummings, 1985). For another analysis of non-human animal behavior that views both “kin altruism” and “reciprocal altruism” in this manner, see Howard Kahane’s “Sociobiology, Egoism, and Reciprocity,” *Moral Philosophy: A Reader*, 2nd ed., edited by Louis Pojman (Indianapolis: Hackett Publishing 1998).

⁴⁸ David Macdonald, *Running with the Fox* (London: Unwin Hyman, 1987), 220.

⁴⁹ Hans Kruuk, *The Spotted Hyena: A Study of Predation and Social Behavior* (Chicago: University of Chicago Press, 1972), 193.

⁵⁰ See *When Elephants Weep: The Emotional Lives of Animals* (New York: Dell Publishing, 1995), 158, 160. I am indebted to the previous research of these authors for many of the sources cited in this section.

⁵¹ See Eugene Linden, *Silent Partners: The Legacy of the Ape Language Experiments* (New York: Times Books, 1986), 42-43.

⁵² For the incident with the dog, see the interview with Cindy Ott-Bates cited in *When Elephants Weep*, 160. For the chimpanzee incident, see Sy Montgomery, *Walking with the Great Apes* (Boston: Houghton Mifflin, 1991), 265-266.

⁵³ Richard Connor and Kenneth Norris, “Are Dolphins Reciprocal Altruists?” *The American Naturalist* 119 (3) (March 1982):358-374.

of degree rather than kind, and that non-human animals are capable of degrees of “altruism” relative to their cognitive ability. Often the quest to show that some non-human animals practice altruism is linked with the desire to expand the realm of ethical consideration to include such animals. This connection is grounded in the fundamental assumption about the nature of the ethical relationship that Kant and Bentham share: that for an other being to qualify for direct ethical consideration, it is both necessary and sufficient to identify some essential similarity between the other being and the deliberating self. I devote the remainder of this paper to exploring the relevance to the question of non-human animals’ ethical status of the ideas of Emmanuel Levinas, whose writings challenge this fundamental assumption.

VI - Levinas and the Uniqueness of Human Irrational Altruism

In Levinas’s estimation, Western philosophy has promoted almost exclusively a process of “ontology [...involving] a reduction of the other to the same,” and he calls his own project “ethics as first philosophy” by contrast, rejecting the self-initiated categorization of the Other that has been the Western tradition’s first move since Parmenides.⁵⁴ Levinas avoids issuing moral guidelines in the traditional sense, because the primacy of the encounter with the largely unknowable other being renders unjustifiable attempts to subject it to any ultimate, rationally derived moral principle such as the Categorical Imperative or the Principle of Benefit Maximization.⁵⁵ Levinas’s word for this is Otherness that is always beyond the grasp of the deliberating self is “alterity.”

⁵⁴ *Totality and Infinity*, translated by Alphonso Lingis (The Hague: Martinus Nijhoff, 1969), 43, 69.

⁵⁵ Commentators note this aspect of Levinasian ethics as well. For example, John Llewelyn reviews of Levinas’s idea of the ethical as prior to the ideas of justice that guide deontological and teleological moralities. See *Emmanuel Levinas: The Genealogy of Ethics* (London: Routledge, 1995), 137). Similarly, Colin Davis distinguishes Levinas’s project from those that employ codes of rules or study reasoning about how we should behave. See *Levinas: An Introduction* (Cambridge: Polity Press, 1996), 35.

Valorization of “alterity” is the heart of Levinas’s philosophy and the meaning of the type of behavior humans call “altruism,” which shares the same root. This fundamental emphasis on difference rather than sameness as the ground of ethical obligation marks the primary point of distinction between Levinas’s approach and those of Kant and Bentham.

Furthermore, where many thinkers – especially those in the Kantian lineage – assume that the primary ethical encounter involves contractual, symmetrical relationships, Levinas dwells extensively on the structural asymmetry of the ethical relationship formed by self’s encounter with alterity. This comes to the fore in his symbolism of the Other as “orphan, widow, stranger”– symbols that emphasize the relative powerlessness of the Other.⁵⁶ Levinas illuminates a paradoxical structure in which the forcefulness of the Other’s demand for respect varies in inverse proportion with the Other’s level of “power” in the usual sense of the word. The marginal figures of the widow, orphan, and stranger are all somehow *deprived* (of a husband, of parents, or of friendly fellows); they lack the power to command ethical respect by physical force or via a symmetrical contract, but they command it nonetheless – and for this reason. Levinas describes the same dynamic in his second major work, *Otherwise than Being: or Beyond Essence* where he continually describes the self as “hostage” in its responsibility to the other – an “anarchic” relationship he calls “proximity”, in which the self cannot demand reciprocity from the neighbor.⁵⁷ The asymmetry Levinas describes as central to the true ethical relationship is in one way even more obviously apparent in the human relationship with other animals than with other humans, for in the former relationship the Other is *incapable* of reciprocating or expressing gratitude in the most familiar human

⁵⁶ *Totality and Infinity*, 76-77, among other places.

⁵⁷ Translated by Alfonso Lingis (The Hague: Martinus Nijhoff, 1981).

ways. Once this necessary structural asymmetry of the ethical relationship that Levinas illustrates is acknowledged, it becomes clear that the distinctions between humanity and animality, upon which both Kant and Levinas insist, need not entail excluding non-human animals from the realm of direct ethical relevance. Instead, these distinctions can be seen as the source for the explicit inclusion of non-human animals in the ethical inner circle, as the realm of possible beneficiaries of human altruism expands.

Another Levinasian theme eminently applicable to the question of non-human animals' ethical status is that of "the face," as it points toward both the connections between humans and other animals and the difference between all animals (humans included) and mere "things."⁵⁸ Like language between humans – the privileged medium of ethical discourse that Levinas so strongly venerates – the biological face is not necessarily a requirement for ethical obligation, but it is usually a sufficient mark of it, possessed by humanity and by most non-human animals, though absent in plants and most inanimate objects. The face is a window through which contact and exchange of meaning (though perhaps never stable and controllable exchange) can occur; it indicates the possibility of relationship with another subjective being. It is easier to practice altruism toward beings with whom meaningful exchange is possible, and biological beings with a face are more easily recognized as possible sites of such encounters – as some vegetarians describe their dietary restriction: "nothing with a face."⁵⁹

⁵⁸ It is my position that Kant's distinction between direct duties toward one class of beings and indirect duties regarding another class of beings is a helpful distinction, but that the former class of beings includes, to some degree, all sentient animals, as Bentham and later thinkers such as Peter Singer have argued. This is in contrast certain trends in "environmental ethics," such as the "land ethic" of Aldo Leopold and the "deep ecology" of Arne Naess, who grand "direct" moral consideration to non-sentient or abstract beings such as trees, soils, and ecosystems. A full discussion of this difference is beyond the scope of this paper.

⁵⁹ That the face facilitates exchange is illustrated by the fact that humans inscribe faces on inanimate objects to facilitate metaphorical or pseudo-subjective relationships with them. The protagonist in a recent major Hollywood film paints a bloody face on a volleyball, thereby transforming it from lifeless "object"

Strangely, while Levinas's ethical philosophy provides a helpful supplement to the debate as framed by Kantian and utilitarian approaches, as far as the ethical status of non-human animals is concerned, he mimics Kant's exclusionary gesture. Like Kant, Levinas grounds this distinction in the concept of reason, though he switches the terms, arguing that primary ethics entails solely inter-human relations, because humans are the uniquely "unreasonable" creatures capable of ethical thought, which is eminently "irrational," according to Levinas, because of the paradoxical power structure described above. For Levinas, since only other human beings are capable of the type of unreasonable altruism he valorizes, only they truly qualify as proper beneficiaries of such behavior.⁶⁰

I believe that this exclusion of the eminently "reasonable" non-human animal who lives according to natural law from the first tier of ethical relevance, occupied exclusively by "unreasonable" humanity, countervails Levinas's more fundamental reverence for otherness and his affirmation of the asymmetrical ethical relationship. Challenging the sufficiency and/or necessity of similarity and symmetry in the ethical relationship, as Levinas vehemently urges, requires re-thinking the exclusion of non-human animals from the sphere of the directly ethically relevant, irrespective of quality or quantity of reason.

Prior to certain general determinations about animals as sentient like humans or, unlike

into beloved companion, whose loss the castaway earnestly grieves. The application of the pseudo-face enables this metaphorical subjective relationship, facilitating one's "suspension of disbelief," because the natural face usually marks a site of subjective expression and meaningful exchange.

⁶⁰ When questioned pointedly about the ethical status of non-human animals in an interview, Levinas resists the idea that animals have an "ethical face," arguing that in contrast to his conceptualization of the ethical phenomenon of the human face, the animal face is merely "biological"—it does not invite or command a direct ethical response as does the face of the other human. See the interview entitled, "The Paradox of Morality: An Interview with Emmanuel Levinas," translated by Andrew Benjamin and Tamra Wright, in *The Provocation of Levinas: Rethinking the Other*, edited by Robert Bernasconi and David Wood (London: Routledge, 1988). Elsewhere, Levinas describes the primary ethical relationship as that of "man-to-man" and locates the genesis of his thought in the "strange relation to other humans." See *Totality and Infinity*, 79; "Interview," translated by G. Ayelworth, in *Conversations with French Philosophers*, edited by Florian Rotzer (New Jersey: Humanities Press, 1995): 57-58.

humans, as non-rational, non-linguistic, or non hand-ed, there is the presence of the animal's individual subjectivity, which is forever essentially unknowable, yet still accessible to some degree through non-linguistic phenomenological channels. With many forms of animal being we are presented with precisely the type of radical alterity Levinas describes: manifestly present, yet at least partially inherently inaccessible to any rational operation one might take. The asymmetrical structure of the relationship Levinas stresses is obviously in place in the human—non-human animal encounter. Though Levinas does not acknowledge such direct connections, potent seeds for a rethinking of animal ethics (and animal ontology) lie scattered throughout his writings. Once the necessary structural asymmetry of the ethical relationship that Levinas illustrates is recognized, it becomes clear that the distinctions between humanity and animality upon which both Kant and Levinas insist, while not denied, no longer serve as reason to exclude non-human animals from the realm of direct ethical relevance. Rather, they become the source for their explicit and radical inclusion. This approach facilitates the recognition of ethical demands placed on us by the paradigmatic manifestations of alterity that are embodied in non-human animal forms, which are powerless in their subjection to the worlds, if any, that human civilization forms for them and allows them to have. That non-human animals are incapable of the degrees of altruism of which humans are capable may be true, but this, rather than being a reason to deny non-human animals the beneficence of our altruistic consideration, may be one of the biggest reasons to grant it to them.

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