10/29/2012 Appears in *Environmental Values*, Vol. 22, No. 3, June 2013, pp. 417-420

 https://www-jstor-org.prox.lib.ncsu.edu/stable/23460933

Gary Comstock

Review of Gary Varner, *Personhood, Ethics, and Animal Cognition:*

*Situating Animals in Hare’s Two-Level Utilitarianism*

(New York: Oxford University Press, 2012), 317 pages

With his 1998 book, *In Nature’s Interests?* Gary Varner proved to be one of our most original and trenchant of environmental ethicists. Here, in the first of a promised two volume set, he makes his mark on another field, animal ethics, leaving an even deeper imprint.

Thoroughly grounded in the relevant philosophical and scientific literatures, Varner is as precise in analysis as he is wide-ranging in scope. His writing is clear and rigorous, and he explains philosophical nuances with extraordinary economy of expression. Never one to add an unnecessary clause to a sentence, Varner nonetheless constructs a formidable edifice while always dealing fairly with the authors he criticizes. His explication of the properties and moral status of what he calls near-persons is a crucial addition to the discussion of personhood initiated by Parfit in *Reasons and Persons* and subsequently applied to animals by McMahan in *The Ethics of Killing*. The comparison to McMahan is intentional for, to my mind, Varner vies with him as the most important animal ethicist since Singer and Regan.

Varner deserves his spot among such luminaries. His view represents a *via media* between the erstwhile rival commitments of Regan’s deontological approach and Singer’s utilitarianism. His defense of R. M. Hare’s two-level utilitarianism, which distinguishes sharply between “intuitive” and “critical” level thinking, is thorough and persuasive. He explains clearly why we *ought* to think more-or-less as *rights* theorists in everyday decisions (“Regan,” one might say, “for the grocery store”) while thinking as strict utilitarians *only* in rare cases for which the intuitive level system (ILS) has not yet evolved the appropriate rule (“Singer for the research lab”?). He provides a novel argument for universal prescriptivism, the meta-ethical theory developed by Hare—who was, as Varner notes, Singer’s teacher. And, as if these accomplishments were not enough, he begins to unravel the practical and policy implications of his theory, a task he proposes to complete in the second volume.

The book consists of three Parts. In the first, Varner argues that all truly ethical thinking is ultimately utilitarian. Here he offers a defense of utilitarianism against the criticism that it leads to counter-intuitive results, such as the so-called “repugnant conclusion,” the result that humans seeking to maximize aggregate pleasure are required to reproduce up to the point at which life is barely worth living. Here is one of the most important sections of the book because Varner deploys Hare’s intuitive/critical distinction to show that act-utilitarian reasoning does not lead to the results that utilitarianism’s critics complain about. For none of the critics’ allegedly troubling cases meet Hare’s conditions for thinking critically—that is, for doing anything other than what the ILS rules recommend. Hare’s conditions include having all of the relevant facts, understanding the probabilities of various alternative outcomes of each course of action open to us, and being able, archangel-like, to imaginatively experience all of the repercussions on each individual potentially affected by our decision. The critics of utilitarianism have not presented thought experiments that satisfy these requirements. Therefore, as Varner shows, should we ever be faced with the decision, incredibly, to kill one man in order to save nineteen others, we ought to rely on the relevant ILS rule and *not* kill the innocent because we lack the information, time, and objectivity required to calculate the relevant facts, utilities, and probabilities.

In Part II, Varner contends that persons are individuals with autonoetic consciousness (which he acknowledges some animals have) *and* a robust biographical sense of self (which he denies that any animals have). He contends that the metaphysical status of the self is temporal. Personal identity inevitably has narrative structure: memories of the past provide the perspective that gives each of us our own unique set of anticipations, choices, and goals for the future. Surveying the literature on animal behavior and physiology, Varner finds no empirical evidence to support the claim that nonhuman animals are persons with narrative identities and a sense of what the good life is for them. But, on the other hand, Varner does not think that all animals are “merely sentient” and have only fleeting pains and pleasures that are confined to the present moment. To the contrary, he argues that there is evidence of autonoetic consciousness in some mammals and some birds, and he allows that future research might provide evidence for autonoetic consciousness in a broader range of animals, animals he deems near-persons. Varner does not think there is good evidence that our pet dogs and cats qualify, but he argues nevertheless that we should think of companion animals as near-persons. And he holds that we should treat some near-persons as not-replaceable.

In Part III, Varner begins to lay out some of the social implications of his views. Convinced that societies normally do not (and therefore probably should not) change their ILS rules quickly, his gradualist approach to reforming farms, zoos, and research labs will seem unduly restrained to less conservative animal rights defenders. But his position is a subtle one and will repay careful re-reading, in part because he seems to call for sweeping changes in what we teach and feed our children even as he is skeptical that dramatic revisions are imminent.

One criticism. If having a biographical sense of one's self means having a narrative identity that connects one’s past memories and future anticipations, and if narratives consist—as they do—of sentences expressing plots, characters, moods, and settings, then having language is a necessary condition of personhood. I wonder, however, whether an individual—human or not—couldn’t be at least a near-person without language. Temple Grandin (*Thinking in Pictures*, Doubleday, 1995) claims that she thinks in pictures. Amanda Baggs (“In My Language,” <http://www.youtube.com/watch?feature=player_embedded&v=JnylM1hI2jc>, 2007) hints that she thinks in rhythmic gestures and melodies. Oliver Sacks (personal conversation, Nov. 13, 2008) thinks we should take such claims seriously. Suppose organisms can wordlessly maintain a robust narrative identity. If one can self-consciously remember the past and configure the future by using pictures or music then we may have to recognize alternatives to the usual bio*graphical* (from *graphein*, or written) sense of self. Neurally diverse humans may have radical congenital linguistic limitations (limitations, alas, that have earned them the misleading and unfortunate label “marginal human” in the literature). If using pictures, harmonies, or dance one can exercise autonomous thought, action, and communication, then bio*pictorial* and bio*musical* senses of self are alive and well within our species. And if we can represent ourselves to ourselves using cognitive resources other than language, what is to prevent other animals from doing so?

If Varner overestimates the significance of the fact that animals lack syntax, grammar, and narrative, he is not alone. Few seem to have grasped the possibility that complex cognition and even self-consciousness might be present in the absence of language if other conceptual resources are available. So a quarrel with Varner on this point should in no way diminish esteem for his work.

I look forward to volume two. If it is half as successful as this one, Varner will place animal welfare concerns squarely in the middle of future discussions of sustainability, one more remarkable achievement by this gifted philosopher.