Imagined Utopias: Animals Rights and the Moral Imagination

Abstract

This paper explores why there has been little progress towards the achievement of animal rights. It claims that failures of the moral imagination hinder progress towards certain types of political ideals, of which justice for non-human animals is one. The paper argues that historical cultural norms about the treatment of non-human animals combine with difficulties in cultivating sympathetic dispositions with dissimilar beings to weaken moral motivation. In order to overcome these difficulties, the paper argues for a society that promotes imaginative thinking and cultivates sympathy whilst at the same time giving citizens the freedom to challenge established norms. The paper concludes that a society in which justice for non-human animals is most likely to be achieved will be a liberal society with a cosmopolitan outlook.

Key words: animal rights, ideal and non-ideal theory, moral imagination, moral motivation, sympathy.

For decades, animal rights theorists have been arguing in ever more sophisticated ways than non-human animals are owed moral consideration for their own sakes, and that they ought to be accorded rights as a result. More recently, theorists have begun to argue that non-human animals ought to be considered objects of justice and to think about the rights and duties owed to them by political communities. Yet, despite the cogency of their arguments, little has changed for the animals themselves. The question I tackle below is not whether non-human animals have rights and are thus owed justice. I accept the central argument made within animal rights theory: that non-human animals have a good of their own and are worthy of moral consideration for their own sakes, and because of this, they have rights against being killed or made to suffer. Instead, my interest lies in identifying and overcoming the constraints preventing justice from being achieved for non-human animals.

It is an important task of political philosophy not just to describe the features of an ideal political society in order to act as a beacon of travel, but also to light the paths we can take to reach it. Ideal theory has little purpose if we cannot use it to improve the world we presently live in. That is why when the political philosopher attempts to specify the features that are present in an ideally just world she must pay heed to what is practicably possible. In other words, ideal theories of justice must not merely be logically, metaphysically, nomonologically, and conceptually possible, they should also consider the influence of

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1 An early version of this paper was presented at a symposium organised at the University of Leicester by Bob Carter and Nickie Charles. I am grateful to them for having given me the intellectual space to discuss my initial ideas, and to the other participants at the symposium for their comments. I am indebted to two anonymous referees at this journal for their helpful feedback and genuinely interesting suggestions. I am also indebted to two anonymous referees at a lesser journal: Referee 2 for disliking my approach strongly enough to force a great many changes that significantly improved the paper, and Referee 1 for praising the paper sincerely enough that they convinced me to aim higher rather than give up.
social and psychological forces upon the likelihood of achieving the ideal. Jean-Jacques Rousseau famously began *The Social Contract* with the claim that a political theory ought to take 'men as they are and laws as they might be.' Rousseau also wrote of societal effects on human psychology, and of how features of our culture can change our moral outlook. Whilst animal rights theorists working within philosophy have acknowledged the relationship, little serious consideration has been given to it. For example, in their recent book, *Zoopolis: A Political Theory of Animal Rights*, Sue Donaldson and Will Kymlicka begin with a brief discussion of why animal rights theory has failed to achieve public and political recognition or spark change. One explanation provided by Donaldson and Kymlicka for the marginalised status of animal rights theory is the historical view that non-human animals are inferior to humans and permitted to be used for our purposes as a result. The assumption that humans have been placed at the top of a hierarchy with other animals beneath us is a shared element of a diverse range of cultures. This historical view is strongly embedded in our psyches and provides us with a background set of normative assumptions. These normative views are so strongly featured in public morality that they provide a barrier to justice for non-human animals. It is discussion of cultural constraints such as these that form a large part of my paper.

Culture conditions our choices by providing a public morality which regulates deviant behaviour in individuals through social and legal censure. It also provides us with a range of objects of value that can shape the life plans we form and pursue. For example, if we are brought up in a deeply religious community then the sorts of values we are likely to endorse and the goods we will pursue will be those esteemed in doctrine. If we are brought-up in a heavily materialistic culture, then we are more likely to gain satisfaction and self-esteem through the accumulation of wealth and property. Thus, if the animal rights theorist is to specify the conditions under which progress towards justice can be made, they must attend not just to the choices we ought to make when we exercise our will but also that which prepares us to make those choices. In *A Theory of Justice for Animals*, Robert Garner goes some way towards this. Adopting a Rawlsian approach to ideal theorising, he attempts to describe a realistic utopia for non-human animals, and to describe steps that are morally permissible, politically possible, and which do not hinder further progress towards the ideal. Garner does this by describing improvements to the lives of animals that are achievable because they represent gradual steps not wildly divergent from accepted norms.

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4 One exception to this has been John Hadley, who has argued that the power of social norms to limit moral reflection reduces the blameworthiness of agents who harm non-human animals. The context of this work is to argue that those who harm non-human animals in societies that regard them as lacking in moral standing are not liable to defensive harms from animal rights activists. See: John Hadley, ‘Moral Responsibility for Harming Animals’, *Think*, 8 (2009), pp.51–55.
and which satisfy the other two requirements of a non-ideal theory. As a compliment to this approach, the focus of my enquiry is upon changing the cultural conditions that prevent or impede radical change, and upon identifying features of moral psychology that present a particular difficulty for the achievement of justice for non-human animals. By softening the constraints placed by culture and psychology upon decision-making, progress towards the ideal becomes more possible.

In relying upon this kind of ideal theorising I am committing myself to a belief in the possibility of moral progress. However, the nature of moral progress remains open. One way to conceptualise moral progress is as progress towards a fully- or largely-specified state of affairs. Alternative, we could think that the fact of human fallibility and the nature of moral knowledge prevent a fully specified utopia from being set out. Under this conception, progress proceeds by gaining new moral understandings or appreciations. We might return to the travel metaphor and cast the first conception as a journey where the destination is known in advance of setting off, and the second as one where we know only the direction our destination lies in, and have new features revealed to us as we move closer towards it. I shall not attempt to fully specify a realistic utopia for humans and non-human animals here, my concern lies more with beginning the journey towards it, for which only the knowledge of the direction of travel is needed. My own argument is based on travel towards a destination that has the feature of non-human animals being considered within the scope of justice. By this I mean that whether they are granted moral concern should not be a matter of individual preference, and that their weighty interests – particularly the interests in avoidance of suffering and of continued existence – have peremptory force, generating enforceable rights. It could be that this requires membership of a political community, or it could mean merely that they require protection by a political community; such a discussion is beyond the scope of this paper, as is discussion of the full range of rights non-human animals ought to possess. Whilst it may be that a fully specified utopia is not or cannot be known, this does not preclude us from knowing at least some of the steps we need to take in order to reach it. Thus, references to utopia should not be understood as implying that I have a particular fully-specified utopia in mind.

A challenge to this conception of moral progress comes from the idea that progress is made not through movement toward any preconceived destination, but in response to diagnoses about identified existing problems. One worry I have about approaches that proceed simply by seeking solutions to people’s felt complaints is that they appear

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8 Where I refer to radical change, I mean only that the idea of a just society for both humans and non-human animals envisioned by animal rights theorists requires enormous change, but I do not mean to imply anything about the pace of change or the size of any steps taken towards it. Radical progress may mean progress that involves rapid and significant change at the same time, or it may mean progress that involves changes towards a destination that is sharply divergent from from present circumstances.


destined to run into problems when confronted with injustices carried out against beings incapable of articulating wrongs done to them. Methods that have very real epistemic benefits for identifying wrongs done to moral agents may, at the same time, act to preserve the status quo when applied to moral patients. Approaching justice for non-human animals solely at the level of particular practices risks also drawing attention away from systems of thought that enable and encompass them. The wrong done to a factory farmed dairy cow may be different in character to that done to a wild animal hunted for sport, but both can be explained by an insensitivity to suffering and addressed by bringing them within the scope of justice. Some minimal conception of justice therefore needs to be offered as an external evaluative standard. A good ideal theory plays a role in identifying sites of injustice and providing action-guiding principles to address them. The examination of existing human/animal relations and practices can only lead to the identification of wrongs if we have some prior idea of what a wrong might look like. In working to address identified wrongs in non-ideal circumstances, we need some measure of whether the steps we take are permissible and an improvement on current states of affairs. Utopian visions provide us with a marker point from which to assess the moral distance of social change.

My claim is that one of the reasons so few people accept that animals have rights, and indeed why so few are even prepared to entertain the possibility that they might, is down to failings and limits of the imagination. Further, I argue that the conditions necessary to overcome these failings and limits are social. Because the conditions that shape our will are social they can be changed. To achieve this I argue for a liberal society, fostering individuality and the exercise of the imagination, as a precondition for non-human animals to be properly recognised as beings owed justice for their own sakes. I begin with a discussion on the moral imagination, before moving on to some of the particular problems non-human animals pose to the processes of reasoning and the exercise of moral agency. A final point: the arguments I make below are given in the context of the animal rights debate, and are particularly relevant to animal rights and ecological theories of justice, but they also have broader applicability to all forms of ideal theorising where the imagined utopia is strongly divergent from extant practice.

**The Imagination and Acting Morally**

When one imagines, one creates a mental representation of a state of affairs. In this, the imagination differs from other mental states such as perceiving, believing, anticipating, or desiring. The story I tell in this section is one in which the imagination plays a lead role in moral thought and sentiment. Later, I discuss imaginative challenges posed by the species barrier, but for now I concentrate on the part played by the imagination in the formation of moral beliefs and in the operation of moral sentiments. Moral beliefs are beliefs about what it is right to do or about what sorts of states of affairs are good. Moral sentiments are attitudes based upon evaluative emotions, particularly concerning the situations of others.

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The relationship between beliefs and sentiments in theories of moral motivation is heavily contested and I intend my arguments in this paper to be largely free-floating of any particular motivational account. What I will do is argue that emotional content can form an internal part of the process of belief formation through the exercise of the sympathetic imagination. However, this should not be mistaken for a commitment to the theory that moral beliefs are intrinsically motivational. Indeed, it does not matter for my account whether a pre-existing pro-attitude forms the motivational impetus to turn moral belief into action, or whether pro-attitudes emerge from or are generated intrinsically by the formation of moral beliefs, or indeed if moral beliefs are sufficient on their own to be motivational. What matters is that moral beliefs feature somewhere in the account of moral motivation, and so can pro-attitudes, and that the imagination features in desiring, willing, and believing. Understanding the role played by the imagination in forming our moral beliefs and sentiments can help us understand the current plight of non-human animals, and what is required to change it. Let us begin with a discussion of moral beliefs and moral reasoning.

The imagination features in belief formation via the creation and contemplation of universal guiding principles and in the application of those principles to particular cases. We often think about moral and political principles by imagining agents engaged in a hypothetical deliberative process. The principles we ought to endorse are the ones these hypothetical agents would or could accept under ideal conditions. When used this way, thought experiments act as heuristic devices to strip-out bias and model impartial, fair, or universal principles. In John Rawls' Original Position, we imagine ourselves acting behind a 'Veil of Ignorance' on behalf of a client about whom key facts are concealed from us: their social position, natural talents, conception of the good life, life plan, sense of risk, and the nature of their own society. Knowing that we must be able to justify the principles of justice we decide upon to these clients, and unaware of the features described, we are forced to make choices that would supposedly be acceptable to all. In this way, the Original Position models fairness. Similarly, Thomas Nagel argues that we should occupy the 'impersonal standpoint' in order to make impartial and egalitarian judgements about political institutions, and Adam Smith asks us to cultivate moral sentiments based on those a well-informed impartial spectator would possess. In broader moral theorising, we use our imagination to conduct thought experiments, such as the ubiquitous trolley problems, as a means of identifying morally salient features and formulating general principles, and then to test those principles for intuitive appeal and coherence with other principles.

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We also use our imagination to determine when rationally derived abstract universal principles are relevant to a particular case at hand and to determine how to apply them.\(^\text{16}\) Moral deliberation features a process of imagining the salient features of counterfactual and hypothetical cases and working through the consequences of actions imaginatively. In this it is a combination of rational and imaginative processes.\(^\text{17}\) We determine the moral status of a course of action or state of affairs by imagining and evaluating it against competing possibilities.\(^\text{18}\) When we are motivated to act we attempt to realise one of those possibilities. We use our skill in counterfactual imagination to construct alternative scenarios and explanations, illuminating causal relationships and casting normative light on past actions and future possibilities. By imagining what we might have done differently, counterfactual thinking serves as the basis for judgements of praise or blame, and feelings of guilt, regret, and pride. Crucially, the imagination is a faculty that is amenable to cultivation. The capacity to imagine counterfactual and hypothetical situations is one that can be possessed to greater or lesser degrees but it is also one that can be developed.\(^\text{19}\)

So far we have examined some ways that the imagination features in moral reasoning and the formation of moral beliefs. Now it is time to discuss the role of sentiments and the emotions. In particular I focus upon the role played by sympathy in forming beliefs and motivating us. To reiterate, this should not be taken as a commitment to a claim that sympathy is prior to, intrinsic to, or arises out of moral beliefs. What matters is that it may feature somewhere in a theory of moral motivation even if it is not entirely clear where and even if it is not a necessary component of it. Nevertheless, sympathy is an important sentiment because it can provide a richer understanding of the circumstances of another being and thus a better guide to the demands of interpersonal morality. A discussion of sympathy is also important because the imagination forms a constitutive element of the process of feeling sympathy. The sympathetic imagination allows us to understand the situation of the other in a richer way than merely apprehending their circumstances allows, and the emotional content of sympathy provides a stronger motivating force.

In the poem *On Another’s Sorrow*, William Blake begins:

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\begin{align*}
\text{Can I see another's woe,} \\
\text{And not be in sorrow too?} \\
\text{Can I see another's grief,} \\
\text{And not seek for kind relief?}
\end{align*}
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Blake’s poem aptly describes the nature of sympathy. It is through sympathy we turn the passions of others into our own. Through sympathy the desire of another to avoid pain and seek pleasure also becomes our desire for them. When we see another in pain we feel sympathy: ‘Can I see another’s woe, And not be in sorrow too?’ The process is an imaginative one: when we see another in distress, we imagine ourselves in their situation and imagine how we would feel were we them. When our feelings are as their feelings we are in sympathy.\(^\text{20}\) The belief that we would feel distress were we in the same position as them leads to a judgement that their position is therefore bad – sympathy is an evaluative emotion.\(^\text{21}\) The exercise of the imagination may even move us to compassion where the object of our attention does not suffer as we imagine that they do. Perhaps we apprehend some feature of their circumstance that they do not, and we imagine how they would feel were they to also apprehend it. In other words, our sympathy is with an idealised version of its object.\(^\text{22}\) Our imagination also serves to ensure that our sympathy for another is a fitting attitude for their circumstances. We might imagine ourselves in the shoes of someone who we can see suffering and judge that their feelings are ill-fitting with their circumstances and so find ourselves unsympathetic. What is important in all of these cases is that our sympathy, or lack of it, depends upon the exercise of our imagination to enable us to create a connection between ourselves another whose experiential existence we cannot directly apprehend: ‘what the imagination seems to do is to help us bring a distant individual into the sphere of our goals and projects, humanising the person and creating the possibility of attachment….the imagination is a bridge that allows the other to become an object of our compassion’.\(^\text{23}\) This process of sympathising adds a phenomenological element to the process of perspective-taking that occurs when we reason in order to develop impartial moral principles. Instead of merely conceiving the real or hypothetical circumstances of another being, through sympathy we gain an appreciation for how they might feel in those circumstances.\(^\text{24}\) Thus, sympathy allows us to move from a third person imagining of another’s situation to a first person imagining.

**The Animal Challenge**

At the beginning of the paper I made reference to Donaldson and Kymlicka’s claim that our behaviour towards non-human animals is conditioned by the normative assumptions provided for us by our cultural and historical circumstances. In the case of the world we live in, these assumptions are of a cosmic hierarchy with humans at the top and a belief that those below us may be used as instruments to further our interests. In this section of

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\(^{23}\) Nussbaum, *Upheavals of Thought: The Intelligence of Emotions*, pp.66.

the paper I explain how the situated nature of our selves conditions the functioning of our moral imaginations in respect of non-human animals.

In *The Animal Court*, an 18th century Japanese political satire, Ando Shoeki considers the plight of the millions of live birds kept in cages. Through the character of the Black-faced Bunting, he asks: 'What can they be thinking that they fail to understand how it would feel if they were put in the cage, if their wife and children were put in cages, and taken out to be sold! No, they do not deserve to be regarded as human beings.' This expression of puzzlement and disapprobation is one that will be familiar to anyone who has confronted the suffering of another whilst in the company of others who seem unmoved by it. It is this question of how an agent may fail to notice or understand morally salient features of a situation that I examine below. My claim is that in part this is due to cultural and historical circumstances and the place of non-human animals within them, and in part it is due to particular problems taking the standpoint of essentially alien beings in both moral reasoning and sympathetic emotions. A more developed imagination, together with a wider range of possibilities to imaginatively consider, can enable agents to overcome or at least mitigate these problems. By developing their imaginations, agents in turn increase their capacity to recognise morally relevant features of the world and apply moral concepts across a wider range of cases.

In imagining, we form mental representations of things or states of affairs. But what we are able to imagine is dependent upon a set of building blocks provided by our knowledge and experiences. We cannot imagine a new sight, smell, taste, sound, or concept without reference to sights, smells, tastes, sounds, and concepts we already have a mental representation of. Imagination provides us with a guide to the possible, but what we regard as possible is necessarily dependent upon that which we can conceive of. That is to say, the range of possibilities we work through when deciding upon actions is built from pre-existing and culturally conditioned notions. When we engage in modal reasoning we do so using what we know as the basis of imagined sets of competing possibilities or options. Our culture and our exposure to other cultures provides the backdrop of possibilities we initially imagine. When we engage in counterfactual reasoning, the range of alternatives we consider in our deliberations is influenced by social norms. We look backwards to our history to inform our views about present and future possibilities. Because of this, our capacity to speculate on what might be is partially constrained by what has been. The upshot is that what is possible in pursuit of moral progress is constrained not only by what is nomologically possible, but also by what is believed to be possible. Imagining societies radically different from our own in moral outlook is difficult, and that difficulty hinders accepting them as serious possibilities, so we do not pursue them. Because we lack

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experience of a world in which non-human animals are granted rights and made objects of justice it is difficult to imagine such a world as one that is a real possibility rather than a fantasy. In the case of non-human animals, we simply have no firm reference points with which to contrast the way we live.  

Culture and history do not just provide the conceptual building blocks we use to imagine possible futures, they also provide a set of values, goods, and conceptions of the good life which we often accept without having reflectively chosen them. For example, for most fans of a team sport, their chosen team is inherited or picked up as a child. Despite having not been chosen, supporting the team and identifying as a fan provides the agent with important content to their conception of the good life. Despite not having chosen my football team, I feel happiness when they succeed, disappointment when they lose, I enjoy a collective identity with fellow fans, and rivalry with fans of our hated opposition. Similarly, support of a political party or religious faith are often unchosen inherited sources of values, endorsed not through moral reflection but through a process of identification. Behaviours connected with the exploitation and consumption of non-human animals can be similarly acquired: the eating of Turkey at Christmas and Thanksgiving, the ritual slaughter of livestock, the betting on horse racing, the association of meat with masculinity etc. Once we have been accustomed to behaving in ways that have implicit normative content, we struggle not just to change our outlook and behaviour, but even to contemplate the possibility of doing so. We may also engage in self-deception by deliberately obscuring morally salient facts in order to provide post-hoc justifications for wrongful actions.

Once our values are embedded, even contemplating alternatives becomes difficult. Habit is hard to break. In a 2014 interview, John Searle made the following statement: 'I try not to think about animal rights because I fear I'd have to become a vegetarian if I worked it out consistently.' This sort of behaviour seems closely related to the phenomenon dubbed 'imaginative resistance' by Tamar Gendler. Gendler describes the difficulty of imagining that moral judgements that diverge significantly from the ones we hold might be true. Although we can readily imagine states of affairs that are fantastical and radically different from our own, we struggle to even entertain the possibility that they might be true. When these moral propositions occur in fiction, the unwillingness to endorse them, even for purposes of furthering the narrative, stems from 'a general desire not to be manipulated into taking on points of view that we would not reflectively endorse as authentically our own.' We simply will not accept that a narrator is correct to describe a deviant moral proposition as true, even whilst accepting other fantastical non-moral proposition quite

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readily. The reason for this, Gendler argues, is because of our unwillingness to adopt perspectives on the non-fictional world that we do not endorse. When we are asked to accept deviant moral propositions in fiction, it can often appear to us that we are asked to accept a claim about the real world and so we resist. If the claim is made in a way that makes it clear that it is not about the real world then our resistance evaporates. Where the reader feels that they are 'being asked to export a new way of looking at the actual world which she does not wish to add to her conceptual repertoire' then imaginative resistance will be evoked.\textsuperscript{32} We feel like we are being asked to move from imagining to believing, and we do not wish to believe that a moral proposition we take to be false is true. Gendler posits that the reason for this is because moral claims are taken to be categorical. Some features of fictional worlds, such as mathematics, logic, and morality, function as background truths and we resist having those beliefs cancelled.\textsuperscript{33} It seems likely that this imaginative resistance also impedes the functioning of the imagination when internally reflecting about ideals of justice or engaging in discourse about them. If the ideal diverges too radically from our presently held convictions then we will resist contemplating it for the same reasons as we struggle to accept a divergent moral claim proposed to us by a story-teller.

Of course, in Searle's specific case, it may be that resistance to contemplating the rights of animals is down to something else, such as self-interest, \textit{akrasia} or inertia. This might lead us to conclude that Searle is instead insufficiently motivated by moral considerations he is aware of. Whilst this would not point to a problem of imaginative resistance, it may nevertheless be down to failings of the imagination. Were Searle to make the effort to carefully imagine, his contemplation of the moral facts would sufficiently motivate him to act in the correct way. Unfortunately, this just pushes the problem back a step, leaving us instead with the puzzle of motivating Searle to engage his imagination or confront his resistance to self-scrutiny. In response, I should say two things. The first is that the arguments I make here are intended to identify and address some significant impediments to achieving justice for non-human animals, but they make no pretence at addressing all impediments. Second, my argument is modest in that I claim an enlarged imagination makes moral progress more likely, not that it makes it certain. If an enlarged imagination makes it more likely that an agent apprehends morally relevant facts, and more able to apply moral concepts in new ways, then it follows that they are more likely to develop morally motivating beliefs and sentiments. Cultivating the imagination may be necessary for the formation of clear-sighted moral beliefs and sentiments, but it is doubtful that it is sufficient alone to bring about social change.

A further and particular difficulty faced by non-human animals is that theories of justice are described in terms of a series of concepts formulated solely with humans in mind. Theories of justice are built on an architecture of values, concepts, and institutions: freedom,
equality, justice, self-determination, democracy, property, rule of law, etc. In theorising about justice philosophers argue about the meaning and importance of these values and concepts, arranging them in different configurations dependent upon ideological leanings. Crucially, whether one adopts a positive conception of freedom or a negative one, or whether one thinks private property should include the means of production or not, or whether one is arguing for a substantive or formal form of political equality, it is straightforward enough to see how these concepts apply to humans and relate to justice. If groups of humans are being treated unjustly then it is easy enough to comprehend how concepts and institutions such as freedom, equality, justice, self-determination, democracy, property, rule of law etc. apply to them. The same is not true in the case of non-human animals, and this is in large part because the concepts are based on the premise that the beings these concepts apply to possess moral autonomy. This means that attempts to extend familiar universal principles of justice, such as by 'thickening' Rawls' Veil of Ignorance to obscure species membership⁴⁴ may fail to motivate because although the argument for inclusion in justice may itself be sound, specifying the content of justice relies upon concepts that do not straightforwardly fit non-human animals. Because of this, we may struggle to include non-human animals when reasoning both theoretically and practically about morality. If Michelle Moody-Adams is correct, then moral progress depends upon us being able to increase and expand our appreciation of these existing moral concepts and their application.³⁵ Partly, she argues, this requires us to engage in constructive critical inquiry involving the creation of new metaphors or other 'imaginative structures'.³⁶ Philosophy is ideally placed to carry out and encourage this work.

This difficulty in bridging the species gap is not only present when attempting to take the standpoint of non-human animals for the purpose of moral reasoning. The phenomenological gulf between species also hinders positive other-regarding elements of emotional identification. This is because, as it does in moral reasoning, imagination draws upon the material of our experiences in the formation of moral sentiments. As Nagel writes: 'the concepts and ideas we employ in thinking about the external world are initially applied from a point of view that involves our perceptual apparatus, they are used by us to refer to things beyond themselves – toward which we have the phenomenal point of view.'³⁷ When it comes to cultivating sympathy, the more we have in common with another, the easier it is to sympathise because it is simpler to imagine ourselves in their shoes. The existential gap between our world and that of non-human animals makes it more difficult for us to imagine ourselves in their place. We are in no doubt, Nagel argues, that creatures like bats have experience; i.e. that they have a phenomenological consciousness, but, because we lack the experience of possessing a sense like sonar, we

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³⁵ Ibid.
³⁶ Ibid., p.175.
cannot imagine what it is to be one. The subjectivity of a bat is alien to us. We simply don’t possess the vocabulary and conceptual apparatus to describe and imagine the inner life of a creature that perceives so very differently to us. To know what it is like to be a bat requires that we take the bat’s point of view, but we can do this only partially at best. This means that there are some creatures for whom it is a theoretical impossibility for us to truly sympathise with; whilst we may be able to perceive the facts of their circumstance we cannot imagine what it feels like to be them. For phenomenologically distant creatures the best we may be able to hope for is a partial form of sympathy.38

The lack of cultural and historical reference points, and the existential gulf between humans and non-human animals combine to form something similar to what Miranda Fricker has termed 'hermeneutical marginalisation'.39 The lives and interests of non-human animals are marginalised in public deliberation, partly because we are unable to easily understand their experiences and lack the conceptual apparatus to interpret their lives in the context of justice. Because an ideal of justice that includes non-human animals is radically different from our present world, progress towards it may not be practically possible without providing significant help to the imagination.

**Bridging the gap**

Often, the existential gap described above can be bridged by anthropomorphising non-human animals through the identification of characteristics that we share with them. However, doing so leaves those creatures least similar to us out in the cold: the greater the difference between us and them, the harder it becomes for us to imagine ourselves in their situation, and thus the harder it is to feel sympathy and be morally motivated. Anthropomorphising as a means of sympathising with an orangutan is far easier than doing so with a flounder. In the orangutan we see a creature that looks like us in form and behaves in was we can recognise in our own species. When the orangutan appears to smile, or when it holds a leaf over its head like an umbrella, we see ourselves and a bridge is formed into the life of another species. But in the flounder we see only an alien form of existence. Whilst the connection with the orangutan can form the basis of an ethical relationship the picking out of a similarity to make non-human animals seem 'like us' does not represent a fundamental shift in attitude; it continues to make ethical regard contingent upon being human to some degree and thus leaves other creatures in a state of ethical vulnerability. When we anthropomorphise as the basis of ethical regard we look for human attributes. Whilst the set of human attributes contains morally relevant features, such as the capacity to suffer, it is not coextensive with it and contains many morally arbitrary features. For this reason I have elsewhere argued that our ethical relationship with non-human animals should be based upon species-blind cosmopolitan principles based on an ethic of

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38 At the same time, there are species sufficiently close to us in the way they perceive and feel that sympathy remains a possibility limited only by the practical difficulties presented elsewhere in the paper.

universal hospitality. These principles ground rights in a shared capacity to suffer and to have a good of one’s own rather than in any relational or acquired duties. A feature of this cosmopolitan ethic is an attitude of openness and a willingness to engage peacefully with strangers and outsiders. It includes an acceptance of difference and a willingness to be accommodating towards it.40 The species-blind cosmopolitan looks beyond citizenship, community, and species; she looks beyond the otherness of the stranger, whether human or non-human, to see their innate moral standing. But such a mindset cannot easily be produced from pure principles of reason and in the absence of sympathetic leanings, it must be cultivated. If we believe that we ought to act in particular ways and conform to certain general principles, and we accept that we sometimes fail to do so because of weakness of will or a failure to apprehend morally salient facts, then we might also conclude that we ought to cultivate dispositions that can help us avoid these failings. The species-blind cosmopolitan mindset is one such disposition. What is needed for a just state of affairs that includes non-human animals is not the piecemeal granting of consideration based on perceived morally arbitrary similarities such as appearance or human-like behaviour, rather it is the inclusion of non-human animals within principles of justice and realised in political institutions and public morality.

The problem as I have presented it so far is one of the imagination. In order to form moral beliefs that non-human animals are owed justice, we must be able to conceive of just states of affairs in which their rights are respected. In order to cultivate sympathy for them we must be able to bridge the existential gap somehow, and in ways that do not rely upon anthropomorphism.41 Until we are able to do this, progress towards a realistic utopia for both humans and non-human animals will be slow or impossible. Since the imagination operates by drawing upon experiences drawn from our perceptions and our social circumstances, informed by the norms and values of the society we are embedded within, it would seem that the solution to cultivating a mindset conducive to justice towards non-human animals is to construct a society that provides the imaginative building-blocks and which fosters a disposition to use the imagination more freely.

In Eichmann in Jerusalem Hannah Arendt argues that the totalitarian state effects the ability of citizens to imagine in the ways required to properly reason and sympathise. Of Eichmann she writes: "The longer one listened to him, the more obvious it became that his..."
inability to speak was closely connected with an inability to think, namely, to think from the standpoint of somebody else.\textsuperscript{42} Responding to this, Paul Formosa argues that Eichmann's inability to take the standpoint of another was partly down to pervasive cultural beliefs that obscured morally salient features of his actions. Because of this, Eichmann acted evilly despite not having engaged in reflective consideration of his acts.\textsuperscript{43} Formosa's conclusion is that widespread unquestioning acceptance of cultural norms and practices can lead people to thoughtlessly perpetrate evil. The flip-side of this is that societies that encourage the questioning of cultural practices and which foster the exercise of the imagination in a variety of ways, particularly directed towards the cultivation of sympathy and moral reflection, will be ones in which progress towards a realistic utopia is more probable.

The power of a totalitarian society to impede and warp the moral imagination is a cause for sadness. At the same time however, it reveals the possibility that other forms of society can provide conditions in which the moral imagination can flourish. If this is true, then perhaps animal liberationists ought to pursue a strategy of shaping society so as to foster the imagination as a precondition for realising justice for non-human animals. The lesson Marxists have taken from Rousseau is that if social forces can corrupt human nature, then they can also shape them in positive ways. Responding to the claim that people are too selfish for socialism to be a feasible political theory, Gerry Cohen argued that selfishness and lack of a cooperative nature is a product of capitalism rather than an immutable fact of human nature. With the right institutional arrangements, a culture in which people are sufficiently generous to allow for socialism becomes possible.\textsuperscript{44} In a similar vein, we might ask what sort of cultural conditions and institutional arrangements need to be in place to erode the barriers to the imagination detailed above and make justice for non-human animals practicably possible?

**Preparing the ground: the role of ideology**

A society in which imagined utopias can more readily diverge from the status quo, and which allows for more rapid and radical change, will be one that encourages the imagination to flourish and where citizens have substantive freedom to question and challenge social norms and cultural practices. Such a society makes it more possible for visions of justice that widen the scope of moral concern to new objects, such as non-human animals or the environment, to develop. It has the additional benefit of at the same time also being a society that is good for humans. There is not space to put-forward a fully-developed political theory that contains these elements here. What I will do instead is


identify some existing sources that can be drawn upon in some future endeavour, and to highlight ideological approaches that would impede producing the right sort of conditions.

There is already a rich literature on the power of the arts to improve moral reasoning. Stimulating the arts, through public funding and support, engages and widens the imagination. Art and literature act as moral educators, revealing truths by making new ways of thinking available and opening up new possibilities, by focussing or orienting our attention on morally salient features of the world, and by enabling us to engage without partiality and on an emotional level in ethical encounters. For example, In a 2013 paper, David Comer Kidd and Emanuele Castano reported the results of a series of experiments designed to test whether reading literary fiction fosters theory of mind. They found that reading literary fiction enhances the ability of agents to empathise. It does this by providing insight into the lives of others and so providing openings for identification, and also by forcing agents to engage their imagination to a greater degree so as to fill-in gaps and locate meaning in a text. Reading literary fiction, they concluded 'may change how, not just what people think about others'. Meanwhile, Nik Taylor and Tania Signal found that levels of empathic concern correlate significantly to increased concern for non-human animals. These two sets of findings lend empirical support to the theoretical claim that promoting the arts ought lead to increased sympathy for non-human animals. It may do this both through the ability of particular works of art and literature to provoke moral reflection through their content, and through the development of the imagination as a skill or ability resulting in an increased ability to discern the requirements of morality.

Thus, a society that places a high importance on the role of the humanities in public education and which uses the arts to foster sympathetic dispositions, such as Nussbaum’s vision of an Aristotelian social democracy is one which can increase the probability of non-human animals being accorded justice. However, as we have seen, unless the

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50 Ibid., p.377.
53 In order to test my hypothesis, I carried out some extremely basic research. It is very difficult to perform comparative analysis on the health of, and engagement with, the arts between countries. Nevertheless, there is a correlation between direct public spending and cultural engagement, including the arts. Taking data from a UK department for culture, media, and sport 2011 report ‘International comparisons of public engagement in culture and sport’, and information from published government figures, I identified high and low spending European countries. I focussed on Europe because these data are routinely gathered and compared as part of European Union reporting exercises. I compared public spending with welfare standards gathered from World Animal Protection’s ‘Animal Protection In-
imagination has sufficient conceptual resources to draw upon, agents will struggle to imagine how justice for non-human animals can obtain, and so it will be discarded as a possibility. For this reason, animal liberation needs to include philosophical work to enlarge the conceptual space available: work such as that of Alasdair Cochrane on how the concept of freedom relates to non-human animals,\textsuperscript{54} John Hadley on animal property rights,\textsuperscript{55} and Donaldson and Kymlicka on animal citizenship.\textsuperscript{56} By developing existing concepts and creating new ones, philosophers make possible imagined utopias in which humans and animals can exist together as citizens or rights-bearers. In order to become possible, a future vision of justice must first be imaginable. Thus, philosophy retains an important place alongside the production of literature, poetry, and art in expanding the moral imagination. In concrete terms, a society where moral progress is more likely will signal the value of philosophical, artistic, and literary endeavours though public expressions of support and will provide the space and funding for them to flourish.

Merely promoting the arts is insufficient. Certain political ideologies may promote the arts in ways that provide a countervailing pressure on the possibility for social change. Conservatism is just such an ideology. A conservative society will encourage the disposition to prefer the familiar and resist change. It will take the enduring nature of historical practices and attitudes towards the treatment of non-human animals as evidence that these practices are right.\textsuperscript{57} Whilst the conservative society will encourage the study of the humanities, it will do so with the intent to use the arts to instil a respect for the culture and history of a place.\textsuperscript{58} In this way, the moral perspective is prevented from expanding to its fullest potential. Although the conditions will be created for the fostering of moral sentiment, the conservative society will tend to constrain or focus that sentiment towards those who are already within the political community. Existing bonds will be strengthened and the formation of new ones will be resisted.

For justice to be granted to non-human animals, the scope of the political community needs to be widened to include them. In order to see past the constraints of culture and develop clear moral vision, society must therefore also give citizens the freedom to engage

dex’ and with public attitudes taken from a 2016 European Commission Eurobarometer report (Special Eurobarometer report 442) on ‘Attitudes of Europeans towards Animal Welfare’. Whilst there are undoubtedly many other causal factors not controlled for, my initial findings were interesting. I found that, in Europe, countries with high direct expenditure in the arts, such as Austria, Denmark, Netherlands, Norway, Sweden, and Switzerland also have comparatively good animal welfare laws and positive attitudes to animal welfare by international standards. Countries with low levels of direct public expenditure in the arts, such as Bulgaria, Poland, Romania, and Slovakia, have correspondingly low levels of regard for non-human animals. These early findings suggest that research by someone with the right competence (someone other than me) could be fruitful.

\textsuperscript{54} Alasdair Cochrane, ‘Do Animals Have an Interest in Liberty?’, Political Studies, 57 (2009), pp.660–79.
\textsuperscript{56} Donaldson and Kymlicka, Zoopolis: A Political Theory of Animal Rights.
in open critique of established norms, practices, institutions, and beliefs. In other words, an animal-friendly society will need to be proceeded by a society that protects freedom of speech and thought, and allows space for a variety of lifestyles. The strongest articulation of these sorts of values lies in the liberalism of John Stuart Mill. In Mill’s vision, citizens are given the freedom to exercise their individuality and eccentricity as a tonic to the withering effects of culture. Doing so, argues Mill, will allow us to both develop moral courage and also to exercise our autonomy and so flourish according to our nature as moral agents. It will also provide epistemic benefits occasioned by social experimentation.\(^5^9\)

Not all forms of liberalism will allow for strong state support for the arts and humanities in order to build the moral imagination. Those forms of liberalism more strongly committed to the principle of liberal neutrality will baulk at promoting goods that only a section of citizens see as part of their conception of the good life.\(^6^0\) This leads me towards the tentative conclusion that the sort of society where justice for non-human animals is most likely to receive sincere moral consideration is more likely to be liberal perfectionist one, although it is also possible that the promotion of the arts and humanities can be made on non-perfectionist grounds. The kind of society I have in mind will regard the promotion of the arts in order to improve the moral powers of its citizens as a good, and it will maintain a cosmopolitan outlook. Such a society is sufficiently close to presently existing societies that achieving it is far more practically possible than attempting to travel directly towards a society in which justice for non-human animals obtains. Because it is sufficiently close to familiar forms of society it more readily meets the requirements of progress towards a realistic utopia. It is a problem of existing animal rights theories that, in order to be motivated to progress towards a just society for humans and animals, an agent must first accept the premise that such a society is desirable. As we have seen, this is difficult given the constraints on moral reasoning posed by challenges to the imagination. Arguing that we ought to arrange society in order to cultivate capacities to reason well and to cultivate sympathetic dispositions, faces fewer barriers to acceptance. As a result, it makes the next step in transition towards the realistic utopia more likely. Because it is at heart an argument for a society that can reason more effectively and is more compassionate, a defence of a more imaginative society can be made by reference to existing public conceptions of the good, and it can be made on the grounds that it benefits to humans. Such an approach has the added advantages of there already existing a clear and applicable conceptual framework. However, I leave fuller specification of such a society for another day.

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