

Animal Theology and Ethical Concerns

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Abstract: *A school of theological thought has arisen in recent years that can be appropriately named "Animal Theology." Animal theology takes up the challenge of making the great themes of the Christian tradition (faith, grace, resurrection, redemption, sin, natural law and so on) relevant to animals. It challenges us to face our assumptions, and socially conditioned beliefs about the place of animals in our world and salvation theology. It resists the assumption that God is totally consumed with human purposes and that creation is simply the back-drop for human persons to work out their salvation. It decentres the human person, but notes the appropriate role of humans as custodians of creation.*

Key Words: animal theology; animal ethics; animal rights; creation; Andrew Linzey; Jay McDaniel; Thomas Aquinas

Andrew Linzey and Jay McDaniel, two pioneer animal theologians, coming from different positions on the theological landscape, have attempted to develop a theology beyond the traditional cruelty-kindness ethic. The purpose of this article is to review their work and to present an animal ethic derived from Aquinas' understanding of natural law.

The Traditional Cruelty-Kindness Ethic

The traditional Christian ethic concerning the kind of respect that is due to animals can be summed up as follows: avoid cruelty to animals and treat them with kindness; animal lives are not considered sacred and hence they have no significant right to life; as they lack reason, animals may be reasonably used for human benefit (food, companionship, transport, work, recreation and so on).¹ The architect of this ethic was Thomas Aquinas (1225-1274). His teaching has influenced the Christian tradition to the present day. Aquinas argued that cruelty to animals was wrong because it encouraged people to behave in a similarly cruel fashion towards others. In addition, if people practiced pity or compassion towards animals, they would be disposed to do the same towards humans.²

THEOLOGY, ANIMALS AND LIBERATION

Andrew Linzey, an Anglican, is unhappy with the instrumentalist understanding of animals that he believes is inherent within the traditional animal ethic of Aquinas.

¹ Thomas Aquinas, *Summa Theologiae: Man Made to God's Image*, ed. Edmund Hill, vol. 13 (London: Blackfriars, 1963), 124-125.

² Thomas Aquinas, *Summa Theologiae: The Old Law*, ed., David Bourke, vol. 29. (London: Blackfriars, 1969), 225 (1a2ae.102.6-8).

According to Linzey, God is calling for God's creatures to be set free from the inherent bias against animals in the Christian tradition. Linzey has been writing on the theological understanding of animals since 1976.³ He can be described aptly as the Moses of the theological liberation of animals. His writings have been at the forefront of challenging religious traditions to shift their theological thinking from an all-consuming human centred focus to a more inclusive celebration of God's universal creativity. This shift in thinking is grounded in a theology that gives a particular account of the value and purpose of animals as God's creatures.⁴

Linzey's animal theology is prefaced by a theological *mea culpa*. He argues that we must face up to the dark side of the Christian tradition, and confess its negative treatment of animals. According to Linzey, Aquinas epitomises the voice of this negative strand of the Christian tradition. A major flaw according to Linzey, within Aquinas' theology, which was deeply influenced by Aristotle, is his hierarchical model of creation. Human beings are at the top of the pyramid because they are rational beings (*"imago Dei"*). Animals are lower down the pyramid since they lack rationality. As lower forms of life, irrational animals were under the dominion of and subject to rational beings. Hence, animals could be killed for food and used for human benefit.⁵ Linzey describes this view as "speciesist". He explains this as the "arbitrary favouring of one species' interests over another."⁶

Linzey is opposed to choices that are made "on the grounds of species membership alone" and not "on the relative merits of the individual" within the species. He argues that the moral worth of the individual ought to be based on the attributes of the particular individual. The Judeo-Christian tradition is guilty of "speciesism," according to Linzey, because it awards "marginal human beings" moral status even though they lack "the normal traits associated with the species." Linzey does not accept that "marginals" deserve special moral status and rights because of being human. He contests the belief that "marginal" human beings, such as the anencephalic infants, are considered made in the "image of God" and are identified as possessing the human "essence."⁷

In his later work, Linzey explores alternative voices within and on the fringe of the Christian tradition that promote a more compassionate and sensitive concern for animals. He surveys apocryphal literature and the stories of saints such as St Francis of Assisi and St Martin de Porres which tell of counter cultural and positive Christian attitudes towards animals.⁸ In spite of this, Linzey argues that the dominant view of animals within the Christian tradition is the instrumental view; that is, humanity's relationship with animals is seen in terms of reducing animals to things to eat, use and manipulate.⁹

Linzey proposes what he calls "*theos-rights*" for animals. Behind this notion of rights is the view that creation exists *for* God, and that God is *for* animal creatures. In other words, the Creator has *rights* to have animals treated with respect. As such, if the rights of animals are violated, then the Creator is "wronged in his creation."¹⁰ Linzey considers this

³ Andrew Linzey, *Animal Rights: A Christian Assessment* (London: SCM Press, 1976).

⁴ Andrew Linzey and Dan Cohn-Sherbok, *After Noah: Animals and the Liberation of Theology* (London: Mobray, 1997), 12-13.

⁵ Andrew Linzey, *Christianity and the Rights of Animals* (London: SPCK, 1987), 16, 22, 27.

⁶ Andrew Linzey, 'Speciesism,' 788-792. In P. Barry Clarke and Andrew Linzey, eds., *Dictionary of Ethics, Theology and Society* (London and New York: Routledge, 1996).

⁷ Linzey, 'Speciesism,' 790.

⁸ Linzey, *After Noah*, 99.

⁹ Linzey, *After Noah*, 11.

¹⁰ Linzey, *Christianity and the Rights of Animals*, 71, 91-98.

notion of animal *theos*-rights to be an antidote to Aquinas' instrumentalist view of animals. In that view animals lacked moral status. Linzey's *theos*-rights view is another way of saying that animals are Spirit filled and do not belong to us by right.¹¹

Not only are we called to respect the rights of animals but we are also invited to be morally generous towards them. Linzey presents Jesus as the model of moral generosity and compassion as Jesus gave priority to caring for the weak and vulnerable. Finally, Linzey identifies the uniqueness of the human person in terms of service: assisting in God's healing and liberation of creation. However, moral generosity towards animals, he asserts will be costly for humans. Linzey suggests that practices such as animal experimentation, and factory farming will require dismantling if animals are to be treated justly.

Evaluation

Linzey is to be commended for his attempt to present a theological starting point for animal liberation and animal rights. However, rather than presenting an animal theology, it seems to me he has introduced a theology of human responsibility for animals. For example, his theology and ethics emphasise Christ as the model of moral generosity towards animals and the *theos*-rights of the Creator.

There is not much evidence in his work of a developed animal theology, apart from his description of animals as a "gift from God and Spirit filled." He acknowledges that a Christian vegetarian ethic is confronted with the historical Jesus because of his eating of fish and lamb, and driving the Gadarene swine over a cliff into the sea.¹² However, Linzey's proposals, such as perhaps Jesus did not eat the Passover meal to the view that maybe the Gospels are mistaken about Jesus eating fish, seem to suggest that he is smuggling his agenda into a reading of the Scriptures.¹³

There are also problems with his attempt to turn to the Apocryphal texts and imaginative Christian stories about animals as sources of insight into animal treatment (compassion, peacefulness and spiritual awareness). Little attempt is made by Linzey to comment on these texts in their cultural, social and historical contexts, and he skips over the debate concerning their primary purpose. Some of the stories associate animals with the "powers of darkness." Many of the Celtic stories are also examples of human power over animals. While the Celtic monks maintained what we might call a conservationist ethic out of a motive of Christian compassion, they were not always vegetarian.¹⁴ Overall the stories that Linzey recalls tell of the saints' kindness to animals and of defending them from cruelty.¹⁵ This is at the heart of the traditional Christian animal ethic. In this context, their purpose is to encourage this ethic in Christians. And it is through the person of Christ that the saints reached out to animals in compassion and kindness.¹⁶

Imaginative stories about animals in the Christian tradition have served a number of purposes. For example, the Christian bestiary, a literary genre of the twelfth and thirteenth centuries acted as allegories for moral and religious education. These allegories

¹¹ Linzey, *Christianity and the Rights of Animals*. 82.

¹² Andrew Linzey, *Animal Theology* (London, SCK Press, 1994), 133-137.

¹³ Linzey, *Animal Theology*, 132.

¹⁴ Another interesting dimension of Irish monasticism is the illumination of their manuscripts such as the book of Kells with a fantastic zoology of animals which appear to be deliberately unreal. See Edward Sullivan, *The Book of Kells* (London: Bracken books, 1988).

¹⁵ Helen Waddell, *Beasts and Saints* (London: Constable and Company Ltd., 1946).

¹⁶ Susan Bratton-Power, *Christianity, Wilderness and Wildlife*, 185, 192, 206, 212-213, 216.

revealed the nature of God by identifying the similarity between the natural world and God. Animal illustrations also had an impact on Christian iconography, medieval art and architecture. At all cultural levels and times animal fables are found. Many similar tales are found in the Greek classical tradition (Aesop's fables), the Indian-Buddhist *jataka* (reincarnation) stories, the Jewish *aggadah* fables and the Islamic tradition.¹⁷

A problem with Linzey's *theos*-rights is that it falls outside the normal discussion of rights language and hence is unhelpful. Instances of cruelty are considered wrong in Linzey's view not because of what they do to animals but because of what they do to God's rights. It cannot be considered a direct duties approach to animals. Basically, Linzey's approach falls in line with the traditional indirect duty ethic that maintains we are responsible to God for animals (cruelty-kindness ethic).

Linzey criticises Aquinas but misses the seeds of development of an animal ethic within Aquinas' work. Despite the fact that Aquinas attributes a higher ontological status to animals than vegetative life, which has a higher status than inanimate life, Aquinas simply views animals as mere things that have instrumental value. Here is a contradiction in Aquinas' thought.

If animals have a higher value than vegetative life and if an animal's purpose and goals have intrinsic value then what is due to animals must be different to what is due to works of art or inanimate objects.¹⁸ Another problem is Linzey's description of the negative strand in the Christian tradition as "speciesist". Linzey has borrowed the term "speciesism" from Peter Singer.¹⁹ However, Linzey does note that the term has a number of conceptual problems. This is a controversial step for Linzey to take because in doing so he has bought into Singer's utilitarian philosophy of personhood.

Underpinning this notion of personhood is an empirical analysis and Singer's principle of equal consideration of interests for all beings that have interests (sentient beings and beings that are persons).²⁰ The notion of personhood as described by Singer and supported by Linzey is focused on experiences, the empirical capacity of personality to relate, to be aware of interests, and have desires and to use reason. It is based on a public checklist of attributes. This criteria of personhood would exclude many humans such as the fetus in the womb, newborn infants, the intellectually impaired, and the senile.

While a post-Darwinian understanding of species considers that there is nothing distinctive about species membership, it has to be remembered that this is simply an empirical observation.²¹ We are not simply on the same evolutionary continuum of intelligence, communication and consciousness as animals. There is also discontinuity. The morally relevant fact is that the human being has evolved into a kind of being that has a distinctive essence or nature, which is rational (*Homo sapiens*). Human persons are normally autonomous, communicate their inner life to another, engage in meaningful and

¹⁷ Beryl Roland, 'Bestiary,' 203-206. In Joseph R. Strayer, ed., *Dictionary of the Middle Ages*. vol. 2 (New York: Charles Scribner and Sons, 1992).

¹⁸ Judith. A Barad, 'A Tension in Aquinas' accounts between the Ontological and Ethical Status of Animals,' in William J Carroll and John Furlong, eds., *Greek and Medieval Studies in Honor of Leo Sweeney* (New York: Peter Lang, 1994), 127-143. See also Judith. A Barad, *Aquinas on the Nature and Treatment of Animals* (San Francisco: International Scholars, 1995), 145-150.

¹⁹ Linzey, 'Speciesism' 788-792. See also Peter Singer, *Animal Liberation*, revised ed. (London: Pimlico, 1995), 6, 9, 18-23. The term was invented by Richard D Ryder. He first used it in a privately printed pamphlet in 1970: Ryder, Richard D., "Speciesism" (Oxford, 1970).

²⁰ Peter Singer, *Rethinking Life and Death: The Collapse of Our Traditional Values* (Oxford: Oxford University Press, 1995), 174, 191.

²¹ Ricardo Guerrero, and Lynn Marguillis, 'Kingdoms in Turmoil,' *New Scientist* (23 March 1991): 31-32.

insightful conversation about the truth, have a lasting sense of self, make choices and express these in language.²²

This is not to deny that we share many dimensions with sentient and higher animals (emotions, consciousness, intelligence, caring for young and so on).

A more inclusive understanding of personhood can be developed from the classic definition of a person given by Boethius (c.480-c.525), the medieval philosopher.²³ Boethius defines a person as "an individual substance of a rational nature". This criteria and understanding of a person as an individual substance was later clarified by Aquinas to indicate that it is the human person as a whole with a rational nature that defines personhood.²⁴ It is not exclusively focused on empirically verifiable capacities to determine personhood. The human fetus in the womb is "an individual substance of a rational nature." In other words, the fetus is ontologically a person already, but it does not have the maturity it will acquire in the years ahead. It is the same person as the adult but what changes is the physical size, development and the personality. Personhood, which is individual and social, is based on the biological, which is integral to human nature.²⁵ This is a non-dualist perspective, which recognises the unity and diversity between body and spirit.

The human person is dependent on creation, God, others and society to achieve this. Every individual with a rational nature, and this includes newborn infants who are brain-damaged or physically impaired, is a person.²⁶ Human nature enables newborn infants to grow into rationally self-conscious beings, when they can express themselves in free and loving responsible actions. They are the same individuals before the age of reason as they are at their commencement. This also applies to people who suffer from forms of dementia, such as Alzheimer's disease. The reason we attribute value to these impaired humans even though they lack rational self-consciousness is because of our common humanity. We respect the wishes they would have were it not for the inability to express their desires.

Boethius's definition of a person as a substance with a rational nature leaves open the possibility of considering other rational substances as nonhuman persons. Although in its original context, the rational nature referred to was human. Future developments in zoology may indicate that individual dolphins and chimpanzees for example, have a rational nature that measure up to Boethius' definition of a person. However, there is currently not enough evidence to indicate that these animals have the natural capacity to grow and develop to a point where they exercise rational self-consciousness. It has yet to be factually established that some animals exercise purposeful self-direction. The evidence cited in support of this is controversial (the use by apes and chimps, such as Washo and Koko, of sign language to "communicate").²⁷

²² For a view that challenges the belief that the difference between animals and humans is a matter of kind see Marc Hauser, *The Evolution of Communication* (MIT, 1997) and Euan Macphail, *The Evolution of Consciousness* (Oxford University Press, 1998).

²³ Thomas Aquinas, *Summa Theologiae: The Trinity*, ed., Ceslaus Velcky, vol. 6 (Oxford: Blackfriars, 1965), 41-54 (1a. 29.1-3); *Summa Theologiae: The Incarnated Word*, ed., Ceslaus Velcky, vol. 48 (Oxford: Blackfriars, 1976), 43-45 (3a. 2.2).

²⁴ Thomas Aquinas, *Summa Theologiae*, 1a29.1

²⁵ Norman Ford, *When did I Begin? Conception of the Human Individual in History, Philosophy and Science*. (Cambridge: Cambridge University Press, 1988, Paperback, 1991), 77-78, 82.

²⁶ Ford, *When did I Begin?* 212.

²⁷ Singer, *Rethinking Life and Death*, 161.

Unlike human beings, Washo and Koko's capacity for perception is limited to objects, associations and relationships within their surrounding space and particular time. The various amazing reports about animal "communication" seem to say more about the ability of the human trainer. In the absence of more or better evidence, it would seem that personhood as it is known is restricted to human nature.

It is hard to understand why Linzey thinks that linking the moral status of animals with people who are mentally impaired is going to further the case of animal rights. It may very well be true that some animals are more self-aware than some human persons.²⁸ However, comparing such intellectually impaired people with animals and labelling them as "marginal" undermines their dignity, and is unwarrantable.

Linzey assumes that it is not possible to talk about the preciousness and sacredness of human life without comparing human life to animals. There is no reason why we cannot argue that human life is sacred and also maintain that animals must be treated with respect.²⁹

MCDANIEL'S PELICAN CHICKS

The starting point for another "animal theologian," namely Jay McDaniel's is the perplexing problem of violence in the animal world. This approach is an attempt to draw us away from a human-centred theology to one that has moral regard and reverence for all life.³⁰

McDaniel asks the question: is God present to or distant from the experiences of the pain and suffering of sentient wild animals that die untimely violent deaths.³¹ He answers this question by discussing the case study of white pelican chicks, as a representative of all suffering animals. Female pelicans usually lay two eggs. The first chick hatches earlier than the second and is usually stronger. When the second chick hatches it is driven from the nest by the first chick and is prevented from returning by the parents, as they no longer recognise the chick as their own. Few parents can raise two young. Eventually, the second chick dies of starvation or mistreatment. One view is to describe the second chick as a "backup chick" or nature's security plan.³²

In this sense, the parents' and sibling's treatment of the second chick is part of the routine process of genetic conditioning that enables the pelican species to continue as it has for almost thirty million years. This is a view from outside the situation and one that focuses on the survival of the species.³³

What about an inside view of the story; that is, the story from the second pelican chick's perspective? It is sentient, possesses a "natural will to live", and seeks its own

²⁸ See Singer, *Rethinking Life and Death*, 175, 177, 179. See also James Rachels, *Created from Animals: The Moral Implications of Darwinism* (Oxford: Oxford University Press, 1991), 5, 171-174, 182, 197-200, 208.

²⁹ For a defence of cognitively disabled persons see Peter Byrne, *Philosophical and Ethical Problems in Mental Handicap* (London: MacMillan, 2000), 49-71.

³⁰ Jay. B. McDaniel, *Of God and Pelicans: A Theology of Reverence for Life* (Louisville, KY: Westminster/John Knox Press, 1989), 7-8, 14-15. When McDaniel refers to animals he means animals that are "most like us genetically and psychologically." See "A God Who Loves Animals and a Church that does the same" in Charles Pinches and J. B. McDaniel, eds., *Good News for Animals: Christian Approaches to Animal Well-Being* (Maryknoll, N.Y.: Orbis Books, 1993), 76-77, 82.

³¹ McDaniel, *Of God and Pelicans*, 15, 20, 29.

³² McDaniel, *Of God and Pelicans*, 19.

³³ McDaniel, *Of God and Pelicans*, 20, 29.

well-being.³⁴ The actions of the backup chick show that it is aware of its surroundings and its own body. According to McDaniel, this awareness is preconscious and is in a way similar to our experience of awareness when we are asleep.³⁵ As a sentient creature, and like a newborn baby who is not yet able to speak, the chick has interests. In other words, the chick's subjective experience is more than being a means to an end in the evolutionary process. McDaniel cites the work of the cognitive ethologist, Donald Griffin, who states that the recognition of sentience and internal needs in non-human organisms with nervous systems is not simply human projection. It is also sound inference from biological, neurophysiology, anatomy, behavior and evolutionary evidence.³⁶ So, from the chick's point of view, its life is an end in itself and it finds no comfort in the knowledge that its life is a sacrifice for the sake of the species. The interests of the chick have been thwarted and it dies a violent death.³⁷

Relational Panentheism

To answer the question about the presence or absence of God to the Pelican chicks, McDaniel introduces another model for discussing God's relationship to the chicks and the world. He describes his radical understanding of God's immanence and transcendence as relational panentheism. This translates into stating that God is immanently present as Divine empathy to the chicks and yet God's presence is not totally defined by this presence.³⁸ McDaniel argues that we can say God, the Holy Spirit is present to and suffering with the second chick who is the "least of these" (Mt 25:40).³⁹ God as patient is immanent within the animal, feeling the animal's feelings and experiencing along with it. At the same time, the Holy Spirit is also present to the first chick, as agent, motivating it to satisfy its needs. God as agent, directs the animal's life and, as McDaniel states, invites and motivates it towards its own appropriate form of wholeness.⁴⁰

Process theology and the thinking of Arthur Peacock have shaped McDaniel's notion of panentheism. In this scheme, God is not considered all-powerful in that God does not control everything that happens to animals in the evolution of the world but God is all-powerful in the sense that God is the primordial source of all life. Matter, which is invited from chaos has its own creative independence and reveals itself as chance and law.⁴¹

As a result of chance, God has no control over dead ends, which arise in nature, but "wishes things were otherwise." This is how McDaniel defends God as unlimited love and empathy in the face of the death of the second chick and of violence in the animal world. God is not morally blameworthy for the situation of the backup chick, as matter has its own unconstrained capacity to create. God risked in creating the world and invited it into sentient animal life.

³⁴ McDaniel, *Of God and Pelicans*, 31.

³⁵ McDaniel, *Of God and Pelicans*, 20.

³⁶ McDaniel, *Of God and Pelicans*, 19, 64-66, 83.

³⁷ McDaniel, *Of God and Pelicans*, 19.

³⁸ McDaniel, *Of God and Pelicans*, 27-30.

³⁹ McDaniel, *Of God and Pelicans*, 14, 23.

⁴⁰ McDaniel, *Of God and Pelicans*, 30, 39.

⁴¹ McDaniel, *Of God and Pelicans*, 24-26, 34-36.

From Wild Pelican Chicks to Domestic Animals

According to McDaniel, animals ought to receive moral consideration and are worthy of reverence and care from moral agents because they are intrinsically valuable. Another way of expressing this is to say that animals are *moral patients*. However, there are animals with greater or lesser intrinsic value depending on their sentient capacity for greater harmony and integrity and richer experiences. For example, a tick has lesser significance than a dog.⁴² While McDaniel claims a general pre-existent type of sentience for all creation, he believes that only individual sentient animals with needs have moral rights and receive God's love. However, these animal moral rights (life, liberty and happiness) which rely on human moral agents for their effectiveness are not absolute. For example, the rights of domestic and laboratory animals may be overridden if it is essential for the survival of humans and other species.⁴³

McDaniel states that in a world where lamentation is endless and where the predator-prey dimension of nature is a broken process we are called to embrace life-centred moral virtues. These are reverence for life, non-injury and the exercise of active good will. If redemption is a possibility for the pelican, in what sense, asks McDaniel, can God redeem the chick?⁴⁴ The best meaning of redemption, suggests McDaniel, is that the second chick will enjoy the satisfaction of those basic needs in "some sort of renewal after death". The hope is that the chick's brokenness in this life will be transformed and renewed beyond death in a pelican heaven.⁴⁵

Evaluation

McDaniel has offered us some key virtues for living a life that is respectful towards animals. Unlike Linzey, McDaniel does not simply focus on domestic animals nor does he consider animal rights to be absolute. McDaniel has a more realistic grasp of the complexities of the animal landscape. He is also prepared to permit animal experimentation in particular circumstances for human benefit.

However, McDaniel's animal theology is not without its problems. His relational panentheism with its process theology aims to absolve God as the cause of animal suffering.

In practice, it reduces God to just another agent in the evolutionary process. Surely God is the principal agent who sustains and is ever present to creation, which is continuing. God is not simply there as an invitation to life but is the condition of possibility in all of life. It is hard to see how matter itself can have its own "choice" or "freedom" to opt for certain paths rather than others. Another problem that arises by focusing on chance and law as the cause of suffering, is that we can overlook and play down the role of human responsibility in causing pain and suffering to animals. Animals, also hurt and cause pain to other animals. This is part of the natural order and the natural instinct of some animals. If as traditional theology upholds, God is the cause and sustainer of the universe, then God is responsible for the way the world has turned out.

McDaniel's attempt to absolve and defend God in the face of suffering in the animal world runs into a further problem of paradoxically attributing the cause of suffering and pain to God. As God in McDaniel's scheme is responsible for inviting the first chick to fulfil

⁴² McDaniel, *Of God and Pelicans*, 67-69, 78-81, 83.

⁴³ McDaniel, *Of God and Pelicans*, 21, 67-68

⁴⁴ McDaniel, *Of God and Pelicans*, 23-24, 29-30, 34.

⁴⁵ McDaniel, *Of God and Pelicans*, 44-47.

its needs, then God is responsible for motivating the first chick to evict the second chick from the nest and its eventual demise. This seems to contradict McDaniel's animal theology, where God's nature is described as compassionate and merciful. It gives us a God totally powerless and chaotic.

Traditionally, theology has approached the problem of pain and suffering by focusing exclusively on the relationship between humans and God. Theodicy has defended the claim that God is good and all powerful in the face of the presence of moral and physical evil in the world. This requires qualification, however, by saying that God is not responsible for moral evil. This is the evil created by moral agents who are free and responsible. God permits sin to occur through the freedom of humans.

The creation of sentient animals by God also permits animal suffering and pain too. The physical pain of animals is part of the natural order permitted by God. God does not will it. In creating the world God risked and God accepted the consequences of that risk which is a world in which animals suffer.

In this sense God accepts the limitation of God's creation. Consequently, God respects the laws of nature, which sometimes cause natural events such as earthquakes, bushfires and volcanic eruptions. These natural events can cause pain, suffering and harm to animals and humans. God also respects the "laws" of the natures of various animals such as the Pelicans and predator animals that kill and consume animals to survive. God is present to the animals in so far as God is the origin and sustainer of their lives. In this sense God has a history in animals and is present in their care and suffering. The mystery of the suffering and death of the wild victim chick is that it is part of the wise balance of wider nature, which is good.

A serious problem with McDaniel's (and Linzey's) God is that God's love appears limited to sentient beings. This excludes many non-sentient creatures such as some insects. McDaniel's theology and ethic is deeply troubled by pain and suffering. This vision is myopic, beginning from a narrow empiricist perspective of pain. The fact that animals suffer is not an argument for valuing them. Rather, it is an argument that animals should not be hurt. By way of analogy it can be said that, as food is good for humans then food is good for animals. Pain is also bad for humans and it is also bad for animals. Pain for the animal at the level of the animal's nature is harmful for the animal. Pain must be analogously and proportionately understood in the context of hurting any sentient being.

According to McDaniel, the more related an animal is to humanity the more we will be able to empathise and feel for it as a valuable subject.⁴⁶ While this may be true, the depth of the bonding in the human-animal relationship is also significant. And in some societies and cultures many children have greater empathy for their pet mice than they do for dogs or chimpanzees. The problem with linking the value of animals with empathy is once the relationship is dissolved, the animal may be considered valueless. McDaniel's criteria could also result in some animals receiving better treatment than others. For example, since Koko the gorilla is closer to humans on the genetic scale, he could easily receive preferential treatment over Lassie the dog or Babe the pig. Since all animals have intrinsic value in themselves then they should be treated with respect in proportion to their nature. With regard to whether or not animals will die into an animal heaven, it would seem that McDaniel has engaged in theological speculation.

⁴⁶ McDaniel, *Of God and Pelicans*, 88.

ANIMAL ETHICS WITHIN THE NATURAL LAW TRADITION

Another approach to developing an ethic of animals finds its source in the natural law tradition. This tradition has a long association with Christian ethics. It dates back to Greek philosophers such as Aristotle (354-430) and also Roman Jurists such as Ulpian (c 170-228). In terms of Christian ethics, this notion is found particularly in the works of St Thomas Aquinas. As a general description it is concerned about fulfilling ones nature. Ulpian defines natural law as:

*That which nature has taught to all animals, for its is not a law specific to mankind but is common to all animals- land animals, sea animals and birds as well. Out of this comes the union of man and woman which we call marriage, and the procreation of children, and their rearing. So we can see that the other animals, wild beasts included are rightly understood to be acquainted with this law.*⁴⁷

In this definition Ulpian expresses natural law in terms of animal instinct/wellbeing. This understanding of natural law opens up the possibility of developing an animal ethic within the existing Christian tradition. This same thinking is found in Thomas Aquinas, in his account of natural law as the fulfilment of our rational animal tendencies. Here is the "entry" through which Ulpian's insights became embodied within the Catholic tradition.

Aquinas incorporated Ulpian's definition of natural law ("that which nature has taught to all animals") into his ethical thinking on natural law. In an important discussion of natural law Aquinas points out that there are three phases in the natural tendencies of the human person:

There is in man, first a tendency towards the good of the nature he has in common with all substances; each has an appetite to preserve its own natural being. Natural law here plays a corresponding part, and is engaged at this stage to maintain and defend the elementary requirements of human life. Secondly, there is in man a bent toward things which accord with his nature considered more specifically, *that is, in terms of what he has in common with other animals; correspondingly those matters are said to be of natural law which nature teaches all animals, for instance, the coupling of male and female, the bringing up of young and so forth.* Thirdly, there is in man an appetite for the good of his nature as rational and this is proper to him....whatever this involves is a matter of natural law.⁴⁸

For Aquinas, rational animality also involves the fulfilment of our biological tendencies. Hence, natural law in Aquinas might also be thought to involve plants. In one sense this is true but from an ethical perspective it would appear that plants are not considered morally considerable for their own sakes since they cannot enjoy fulfilling their own natural tendencies or being frustrated in the non-fulfilment of these tendencies. Aquinas's ethics is concerned with happiness and because happiness involves a subjective awareness of being content, this would appear to exclude plants.

However, common sense maintains that animals do enjoy the satisfaction of their tendencies at their particular level of being. For example, animals have biological, social and psychological tendencies (sex, procreation, rearing of offspring, food, water, shelter,

⁴⁷ T. Mommsen and P. Kineger, (eds.), *The Digest of Justinian*, trans. Alan Watson, vol. 1 (Pennsylvania: University of Pennsylvania, 1985), Book I, 1.1.3. Ulpian also discusses four footed animals in book nine of the Digest under the law of pauperies. He discusses what action may be taken when animals cause damage when unprovoked. Action could only be taken if the violence was "contrary to the nature of its kind." Wild animals are not included in this because they are "wild by nature." See *Digest*, 9.1.1.7.10.

⁴⁸ Thomas Aquinas, *Summa Theologiae* (London: Blackfriars, 1969) 1a2ae.94.2. Aquinas does not refer to Ulpian by name in this text but elsewhere in the *Summa*, Ulpian is referred to as the jurist. For other echoes of Ulpian, see 1a2ae.94.2 and 2a2ae. 57.3.

company, play, and so on). In so far as animals enjoy these tendencies it would seem that animals should be included in natural law under the ethical sense of the concept. That is, animals have their own contentment/happiness in relation to the kind of beings they are (dogs, pigs, dolphins, bats and so on).

In discussion of natural law, the Latin word *jus* is often translated "Law". However, in classic Latin usage *jus* means what is right or appropriate behaviour. Following this line of reasoning it seems to me that Ulpian is defining natural law in terms of its ethical sense. Violation of the natural instinct/tendencies of animals (for example, the infliction of pain and abuse, deprivation of water and space to run free and so forth) is against the interests they need to fulfil their own natures. Since it frustrates the animals, such behaviour is unethical as it causes the animals to suffer the loss of good they should by nature enjoy. In this sense the ancient Roman natural law, as defined by Ulpian, would appear to defend the natural right of animals. It would require for example, that they be given water or at least not kept from having access to it. It would be critical of breeding programs that totally excluded animals from copulating. Failure to respect the *prima facie* interests of animals based upon the kind of beings they are is to deny them natural justice.

In line with this tradition, the welfare interests of animals make *prima facie* moral claims on us to behave appropriately towards them. Claims to food and water, sex, freedom from harm, space to run free and so forth are not unlike the notion of rights claimed for human beings. However, given animals' imperfect appreciation of living, it seems that none of their claims could ever be absolute. Such claims may be overridden to preserve a proportionate good. For example, the fact that pests (rabbits, mice and so on) cause major harm to humans, vegetation and animals provides a proportionate reason for killing them. However, to rightly judge between the competing interests of pests, other animals, humans and the environment will require wisdom and prudence. The natural law definition of Ulpian and incorporated into Aquinas' exposition of natural law is, in the interpretation I am proposing a duty of care for the welfare interests of animals.

It might be argued that Ulpian was unaware of Hume's (1711-1776) *is/ought* distinction and what is called by G. E. Moore (1873-1958) the "naturalistic fallacy;" that is, that Ulpian has ignored the clear divide between facts and values. Hence it is unjustified to move from descriptive (factual) judgements about animal capacities to evaluative (normative) judgements. It is often asserted that a bridging principle is required to move from what *is* to commending. However, underpinning the *is/ought* distinction is a particular ideology. The assumption is that moral argument and all moral concepts are no longer considered to involve functional/purposeful notions. As soon as the concept of essential purposes/function was rejected, it became unconvincing to consider moral judgements as statements of fact.⁴⁹ The initial move in ethics is not to embrace the *is/ought* distinction but to identify for example, the *telos* of human life. Once the purposes of the human person are identified, then it is possible to state that "you ought to do such and such to satisfy your well being." Moral judgements then, express what is considered to be teleologically appropriate behaviour for human persons in community. Likewise, it is possible to indicate our obligations to animals once we have identified the distinctive dimensions of the animal's *telos*. Respect for animals entails *prima facie* respect for the teleology of animals.

⁴⁹ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, 2nd ed. (Indiana: University of Notre Dame, 1984), 56- 58.

Conclusion

Animals are God's creatures. The manner in which human beings relate to animals and take constructive responsibility for them is a fundamental dimension of our relationship with God. Linzey and McDaniel clearly want to go beyond a Christian ethic of "meat without cruelty". However, Linzey's message is too absolutist and ignores the bigger picture of environmental ethics. The political animal ethics of Linzey's theology will not survive in the wild. Linzey's liberated animals would be exposed to a different set of circumstances and ethics. Indigenous people belonging to the wisdom of the elders tradition for example revere wild animals but kill them for survival. Furthermore, animals are part of the landscape where they share and occupy space. They have no absolute right to all of that space. At times there may arise complex situations of conflict between the rights of the earth, individual animals, and the species. For example, if a population explosion occurring in a colony of protected bats begins to degrade the natural habitat and surrounding vegetation whose rights prevail? It is rational human beings who make decisions about the level of human involvement in the wild and *whose* interests will take precedence. However, we must also be alert to our culturally conditioned assumptions about animals and ensure that we do not smuggle these into the argument. Furthermore, attempts by Linzey to develop an animal ethic are unfortunately tied to a philosophy that undermines the dignity of mentally impaired human persons.

McDaniel tries to bridge the gap between environmental ethics and domestic animal ethics. His animal theology is more aware of the complexities involved. However, McDaniel like Linzey seems to be caught up with sentimentalism and an ethic of preventing pain and suffering in animals. In an attempt to grapple with the problem of evil in the animal world, McDaniel's dalliance with process theology has created worse problems for God, humanity and animals. McDaniel's God ends up with no credibility.

While theologians such as Linzey and McDaniel are pioneers of animal theology, it may be that their kind of theologies and ethics are not necessarily the paths we should choose. Aquinas's teaching of avoiding cruelty to animals and treating them with kindness is a fundamental starting point for evaluating personal stances (eg eating meat) and institutions in society (eg animal experimentation). Despite the criticisms of Aquinas' human centred animal ethic, there are seeds of development of a theocentric animal ethic within his thinking. I have taken up and developed such an ethical line of reflection. Furthermore, Boethius's characterization of personhood leaves open the possibility of considering other rational substances as nonhuman persons.

The debate over a theology and ethics of animals is in its early stages. And the world in which we live encourages its growth.