

TRENT DOUGHERTY

REPLY TO JOHN F. CROSBY'S REVIEW

First, many thanks to Prof. Crosby for his kind words and careful reading of the book. It is wonderfully gratifying and stimulating to have him engage the project so substantively. I hope in this brief response I can expand and clarify at least a little bit.

Crosby's summary is fair and accurate. But for the benefit of readers who have not yet read the book, I must briefly add the following. I write these words just days after the death of Elie Wiesel. Wiesel was dedicated to preserving the memory of the horrors perpetrated in the Shoah. Its memory was never far from my mind at any time writing the book. The principle effects of this were fivefold. First, I immersed myself in holocaust literature to hold myself accountable, to prevent my mind from wandering too far from the data. Second, it truncated what I was willing to claim for spiritual development in this earthly life. That is, I tried to present this life as a crucible, but only the very beginning of the transformation process. (This was also inspired by the doctrine of deification.) I tried to emphasize the embryonic nature of this life, though it seem terribly long at times, from our present perspective. Thirdly, I both tried to distance myself from what some might think is a part of Hick's Irenaean perspective (I don't assert that it is): that God actively brings suffering into the world *for the sake of* the virtue it produces. Rather, I say, God (for the most part, as far as we can tell) lets the world run its course, lets humans proceed unobstructed (of course, God may prevent all kinds of suffering without us ever knowing it, how could we?). Thus, what God has done is allowed the *possibility* of horrendous evil to remain on the table when creating. That possibility has wide scope, and, clearly enough, our world contains substantive amounts of horrendous evil, while being far from the norm, even over the

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global life of our species and its ancestors. Fourth, I tried to enrich the goods God allows for us to develop. While the cardinal virtues are of great value, there is a much higher form of virtue in the Christian tradition: sainthood. Sainthood I characterize as, essentially, the desire to be used by God, to be his witness in all things, seeking above all union with God and reflection of his glory. Fifth, while disavowing standard skeptical theism, I tried to do justice to the mystery in suffering by both explicitly denying that each evil has a particular justification. Rather, I only note that there is a quite general good God takes as the ultimate destination for his creatures, one which is occasioned only by suffering and victimhood and which can “swallow up death in victory.” I make no pretense to being able to deduce each person’s story or why this or that evil occurs. I take that to be largely determined by chance within the limits God has set. The relationship between chance and providence is obviously an ongoing research project.

Next, a few small clarifications. While I say that becoming the object of reflection is a *sufficient* condition for a negative sensation to be a pain, I deny, disavowing the higher-order thought (HOT) theory, that it is a *necessary* condition. I sketch a defense of a basic first-personal mode of presentation, and I am quite happy with Crosby’s excellent turn of phrase “the sensation seems to become real pain by being *lived from within*.” I am also amenable, in some respects, to Crosby’s claim that “animal pain is not as weighty a problem in theodicy as human pain is” due to the fact that humans, and not other animals (so far as we can tell) conceptualize their pain as, say, unjust, impending, or what have you. I agree with both the premise and the conclusion, though I think the wording might be too strong “human persons have an entirely different time consciousness.” But that is just a possible quibble about where to draw the lines of kinds. In essence, I agree that human reflective abilities, which I take to be distinctive of humans, add a new layer of suffering to the world. However, in saying that the problem of human pain is weightier, I am making no more of a concession than saying that a Sherman tank is weightier than a dump truck. I am explicit that what I call “The Problem of Primate Pain,” a small part of the total problem of animal pain, in my view, is still a *sufficient* problem to cause the theist to be in need of much reflection, a problem worth much consideration.

Also, whereas I ended up cutting a chapter on the development of animal virtue in this life primarily for space reasons, I want to say two things about this. First, it is really surprising how much of a case can be made for some virtue development in non-human animals. This is especially so for certain

kinds of compassion, patience, and self-sacrifice among social animals. Second, in keeping with the fundamental framework I adopt, both non-human *and* human animals are barely past their embryonic stage from the eternal perspective, so we are closer there than meets the eye. So, in the end, I didn't necessarily leave that part out due to a dead end.

Finally, I don't "assume" an afterlife. I give an argument that it is logically entailed—or significantly probabilified—by our current information. Consider this analogy. A trusted friend invites you to a super bowl viewing party. They are explicit that the game will be on a big screen TV. You mention this to a mutual friend who points out the first friend has never owned a television. What should you conclude? Certainly not that the first friend was lying or deranged. Rather you should think they must have bought one. If it is made certain that they don't have the money for that, then you should conclude that they must have rented or borrowed one. Though we may casually refer to this as an "assumption" it is not, strictly speaking. It is an *inference* from your data.

Similarly, if God has allowed animals to suffer without the chance for redemption in this world, he must plan to do it in the next. Importantly, this is neither intrinsically nor conditionally improbable. There is nothing difficult or discordant about God working with an afterlife. (I might as well add here, that I expect that the New Earth will include every fundamental particle from this worldrealm: it costs God nothing to preserve it, and all being is good, so why annihilate it and start over. I'm inclined to think this holds for all living beings, so I'm inclined to think every blade of grass will have an afterlife too! This, I think, is exactly what a theist should expect a priori. I think it follows from—or is probabilified by—standard Christian theology from Augustine to Aquinas.)

With these clarifications in place, I will now address Crosby's main criticisms, at times going beyond what I say in the book. The objection Crosby finds "most formidable" is the worry that "numerical identity cannot be tracked across a career spanning both a stage as, for example a newt, and a stage as a very high functioning person. In virtue of what would we say this this latter being with superhuman cognitive capacities was *the same individual* as the lowly creature?" (Dougherty, 148)

In the book, I offer two ways of addressing this objection, both from Scotus (the first by way of Marilyn Adams, who graciously gave me comments on the manuscript). First, I say that if Scotus was right about all souls being the same and only limited by their matter, there would be no problem with an organism expanding its function dramatically. Crosby's first objec-

tion is that I don't argue for the truth of this view, and he's right, I don't, nor do I claim to. However, it seems as good a notion as its competitors, so I am happy to let this issue select it as the preferred option. I do raise some problems for the Aristotelian/Thomistic view, and I'm ready to answer objections to the Scotistic view. If my credence is split between the two options, and I find that something I believe makes one more probable than the other, that will settle the issue epistemically. So in the absence of objections, I'm happy to adopt the Scotistic view and don't see much need to defend it, as I haven't actually seen it attacked. I point out in the book that Thomists tend to assume the Aristotelian view without argument, so if we need to have a book about that, I'm happy to join the debate.

But the main objection is that "For it would prove that newts and other animals *are persons*." It doesn't do this directly, but only with some additional premises. Here is Crosby's main premise, as far as I can tell.

(C1) If at any time an organism's existence it has the capacities defining personhood, then at all times of its existence it is a person.

This principle is probably widely shared among orthodox Christians, though it does not appear to be the position of Aquinas (ST 1a. Q 118 a.2 ad 2 (Note that the Scotistic view is much simpler on this matter, requiring only the existence of one soul and one ensoulment, not three)). It is worthy of much discussion. It is certainly a looked-down-upon principle today, so it could use a good bit of defense. But really (C1) is just a conduit for the real objection, which consists in a barrage of questions. Yet I think the questions don't have the sting he intends them to have. His questions deserve much discussion—by me and the wider Christian community—but all I can do here is take the questions in turn and gesture in the direction I'd take an answer.

Q: Do we not have to stop buying and selling animals?

A: Perhaps so. Certainly a great deal of cruelty would be avoided if we stopped seeing animals as commodities. I hasten to add that even if we eschewed ownership, we would still need custodians for domesticated animals and their offspring that would include certain rights of control, just as with human children.

Q: Do we not have to show from now on the same care for animals that we show for our infants?

A: We don't show the same care for other humans' infants than we do our own. This might be just or it might be the Principle of Subsidiarity at work. At any rate, the principle would mean that animal welfare might be

decided by who the most natural caregivers are, who should act appropriately. For the most part, good animal custodians *do* treat the animals in their care like they do their infants: they feed them, show them love and affection, see to it that they have adequate medical attention, etc. So I'm honestly not sure what's behind this question.

Q: Do we not have to say that the same scientific experiments that we would never subject our infants to, should also not be performed on animals?

A: It is generally recognized today that the majority of experiments performed on animals never should have been. But it doesn't follow from animals being persons that we can't perform experiments on them, for we perform experiments on lots of persons.

Q: Why are Christians not baptizing newts and other animals in the same way that they baptize human infants?

A: I'm not sure how strictly Crosby wishes "in the same way" to be taken, but in certain instances—fish, whales, certain birds—baptism faces certain obstacles. And note that we don't even baptize Protestant humans, so there are already classes of persons not candidates for baptism. On the Feast of Saint Francis animals are blessed with holy water from the baptismal font, so animals are already included in certain liturgical acts.

Q: What sense do Christians make of the dominion that God has given man over the plants and animals?

A: Probably there are some now-rejected cultural implications to the ancient middle eastern notion of dominion we wouldn't want to re-institute. But parents have a certain kind of "dominion" over their children, and governors have a certain kind of "dominion" over citizens, so we already have dominions over persons.

Q: If human and non-human animals are all persons, how is it that some persons exercise a dominion over other persons, a dominion extending even to the eating of the other persons?

A: The first part has already been addressed. As to the latter, we should ask ourselves why there is a prohibition on cannibalism in the first place. And, of course, the eating of animals is a practice already called into question. Animals were not part of the stock of foodstuffs given to humans in the creation account and were only added as a concession in the post-diluvian narrative. We have some reason to believe Jesus ate fish and lamb at least once for ceremonial reasons that no longer apply, so the case for eating animals is already tenuous.

In short, what Crosby refers to as “new problems” in the form of “a prodigious proliferation of persons where none had ever been suspected, and a levelling of hierarchical relations in nature the recognition of which is deeply embedded in the common sense of mankind” others will see as positive steps towards a more just and heavenly mode of existence. So I can’t muster much worry over this line of objection.

The other objection asserts that two individuals can’t share the same haecceity, which I agree with. But I only suggest qualitative changes, so I don’t run afoul of that problem.

Crosby is right that I engaged in loose talk when talking about person-stages and rightly surmises that I had in mind “functioning as a person.” (I tend to agree with (C1), but those who don’t can take my words more strictly.) I think I was pretty clear that the central analogy was between non-human animal development over eternity and human development over gestation (and, indeed, up to the age of about 20 when the brain is finally done cooking). If creatures whose personal time moved much more slowly than ours looked at embryos, on the one hand, and a 44-year-old man on the other, they’d never suppose they were the same kind of creature. There’s no indication at all that the one sort of thing could ever become the other. Yet we know it is so. Likewise, I urge, we should see all animals (of a relevant level of capacity: the capacity to feel pain) as in an early gestational period, awaiting God’s continued transformative power. Indeed, if we take the doctrine of deification seriously, we are little more than spiritual fetuses ourselves, compared to what we are destined to become.

With respect to Crosby’s own suggestions for treating animal pain, I think they show what a bind people are in who can’t go down the path I point to. In chalking up animal suffering to human sin, it is hard to see how he is not committed to an overly-literal reading of Genesis, as, according to standard evolutionary theory, animals suffered for hundreds of millions of years before humans arrived on the scene. He then suggests, “Perhaps the suffering of animals is in part allowed by God with a view to human beings showing kindness and care to animals.” This is just to reject the defeat condition on suffering, for it leaves the animals suffering—the real, subjective consciousness of the animal—utterly unredeemed. On this view, animals become mere means. But as creatures with a first-personal (note that ‘*al*’) perspective, beings with subjectivity and consciousness they to this extent bear the image of God and therefore have independent worth and moral standing. Since they suffer from their perspective, they must be redeemed from their perspective.

This requires at least resurrection, and surely some degree of cognitive enhancement. By way of conciliation, I will say that how much cognitive enhancement is required is open to investigation.

I would like to end by briefly addressing Crosby's central general objection: "Perhaps the single greatest weakness of this original and fascinating book is the failure of the author to bring sufficient clarity to the concept of person." Actually, I don't think that's a fair criticism, for two reasons. First, I think it's clear that I'm adopting the traditional Boethian notion of a person as a rational substance. Second, the Profligate Population of Persons objection really only turns on whether (C1) is true. I am officially non-committal about (C1), and I am officially non-committal about whether non-human animals with future stages as persons are persons now. That depends on some metaphysical questions I am ambivalent about. But I will say this. (C1) breaks down into two components.

(C1+) If at  $t$ ,  $X$  is a person, then at any future time  $t+$  in  $X$ 's existence,  $X$  is a person.

(C1-) If at  $t$ ,  $X$  is a person, then at any previous time  $t-$  in  $X$ 's existence,  $X$  is a person.

These are not obviously equally plausible. (C1+) seems to me to have rather more going for it than (C1-). In my theorizing, I attempt never to come into conflict with teachings of the Catholic Church. This desire follows from my belief that what is authentically and authoritatively taught by the Catholic Church is true, together with my commitment to restricting my theorizing by what I find to be true. So if I thought that (C1-) were indispensable for, say, the case that we should recognize the sanctity and right to life of fetal humans, then I would recognize it as true. But I don't think (C1-) is indispensable for that case. In fact, I think (C1-) is a very dangerous foundation for that moral proposition, for it is open to the sophistical move that by killing an unborn human you guarantee that he or she *doesn't* have a future part that is a person, thereby ensuring that he or she *never was* a person. I prefer to avoid that whole mess altogether. Here is how I think about it instead. A fetal human—whether person or not—is a member of a species such that that species has a natural teleology toward personhood. This is not so with non-human animals. According to the story I tell, if an animal experiences morally significant pain not redeemed in this world, then God will enhance their mental capacities sufficiently for them to recognize that their life is on the whole a great benefit to them and that God acted lovingly toward them.

On the whole, then, I don't think I'm in the hot water Crosby thinks I am with respect to personhood. This is not to say that combining my project with a fuller treatment of the notion of persons and metaphysics of persistence and results for morality would not be a welcome project. Indeed, it is a project I heartily recommend.

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