

What (if Anything) Is Wrong with Bestiality?

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Peter Singer is used to controversy—indeed, he seems to court it—but nothing could have prepared him for the reaction which followed his recent review of Midas Dekker's *Dearest Pet* for the on-line version of *Nerve* magazine.¹ Dekker's book is a social, historical, and psychological examination of bestiality, and Singer's review has been widely perceived as condoning the practice. The horrified reaction from the mass media was almost immediate. Singer was denounced in the editorial pages of newspapers across the United States and beyond. Condemnation came from the right and the left alike: "Animal Crackers," the opinion piece in *The Wall Street Journal* was entitled,² while the *Village Voice* declared that it was Singer himself who was the animal.³

Singer claims that he was not in fact defending bestiality, merely examining the reasons for the taboo against it.⁴ But this is a little disingenuous. Clearly Singer believes that the taboo is irrational,⁵ the product of our superstitious belief that "a wide, unbridgeable gulf" separates us humans from other animals. In fact, Singer points out, we are very much like them, and nowhere more so in than in our sexuality: "We copulate as they do." Since with this realization the usual supports of the taboo fall away, we must look elsewhere for reasons supporting the banning of bestiality—or give up the prohibition altogether. From Singer's utilitarian viewpoint, to establish that bestiality is wrong we would have to be able to show that it would have harmful consequences, for the participants or for others. But it is difficult to believe that such harms will characterize all acts of bestiality. Hence, Singer clearly implies, there is nothing wrong with bestiality.

Of course, Singer's critics are far from conceding the point. Interestingly, many of them do not seem to think that the taboo against bestiality needs any defense at all (for *The Wall Street Journal*, for instance, the mere fact that Singer was defending the practice ought to "come as a tremendous embarrassment to professional ethicists"). But some of Singer's critics do put forward arguments. In what follows, I will examine the arguments against bestiality, from newspapers and philosophers alike. As we shall see, none of them are very convincing. Nevertheless, I am not willing to conclude, with Singer, that the taboo against bestiality is simply the last residue of a fundamentally superstitious worldview. I therefore devote the last part of the paper to a reconsideration of the taboo. As we shall see, though Singer is right in thinking that bestiality is not immoral, it does not follow from this fact that giving up the taboo is rational.

I. Standard Objections to Bestiality

Bestiality and Perversion

Before turning to the agenda I have set myself, however, I will briefly sketch and dismiss a quick line which might be taken on the matter. We might argue, simply, that bestiality is a perversion, and for that reason it ought to be prohibited. It is certainly the case that bestiality will qualify as perverse, on the everyday concept of perversion. It also qualifies on at least some standard philosophical conceptions. Thus, for example, on Nagel's view, in which a sexual activity counts as a perversion if it does not possess the right sort of multilayered desire and arousal structure, bestiality will be a perversion since nonhuman animals do not possess the cognitive faculties requisite for this kind of intentionality.⁶ On Solomon's view, according to which perversions are sexual activities which are not communicative in the right kind of way, bestiality will be perverse because one of the conversation partners does not possess much in the way of communicative resources: a little "like discussing Spinoza with a moderately intelligently sheep," in Solomon's memorable phrase.⁷ Other views of perversion, those that identify their target in terms of statistical frequency, or reproductive fitness, for instance, will concur.

Nevertheless, we cannot conclude from the fact that these accounts entail that bestiality is a perversion that bestiality is wrong, even if these accounts of perversion turn out to be correct. All these accounts of perversion identify as perverse some acts which are clearly unobjectionable (masturbation is a paradigm upon some views). Worse, on all these accounts some acts which are clearly paradigmatically immoral pass the perversion test. If these accounts are accurate, then it is clear that the category of perversion is not extensionally equivalent to the category of immoral acts in the sexual realm. Many accounts of perversion will identify consensual sado-masochism as perverse, but rape as nonperverse. Since rape is clearly much more objectionable than the perversions, the notion of perversity is irrelevant when it comes to the question whether or not a certain practice is wrong. The fact that shoe fetishism qualifies as perverse on most accounts gives us no reason to ban it, or, perhaps, even to condemn it; therefore the fact that bestiality will also probably qualify does not tell us whether or not it is permissible.⁸

Bestiality and Consent

Most of Singer's critics concentrate upon just one issue: consent. At first sight, this seems a promising line of enquiry. After all, what distinguishes licit from illicit sexual activity between human beings is, first and foremost, consent. Almost any sexual activity to which people freely give informed consent is permissible. Thus we might think that consent will be at the heart of the question of the permissibility of bestiality as well.

Some critics claim that animals cannot consent to sexual activity with human beings. Thus, for Raymond Belliotti, "bestiality is inherently nonconsensual."⁹ On at least some analyses of consent, this claim is true. According

to these analyses, consent is an intentional act of a quite complicated kind, well beyond the cognitive capacities of most animals. Indeed, if the “identity thesis” is correct, a necessary condition of consent is that the consentor intends quite precisely the same act as is intended by her partner. Clearly, this requires that the consenting party cannot be greatly inferior in cognitive ability to her partner.¹⁰

However, though this analysis of consent may be appropriate to sexual relations between adult persons, it is very far from obvious that it is equally appropriate where we are concerned with animals. Failure to meet the very high standard demanded by the identity thesis renders bestiality impermissible only if the standard is the appropriate one to apply in this context. Though animals cannot consent, in *this* sense, to sexual activity, they are capable of a behavioral analogue of consent, as Singer’s own examples in “Heavy Petting” make clear. Toward the end of the article, he cites cases in which the nonhuman animal makes the first advances. For example,

Who has not been at a social occasion disrupted by the household dog gripping the legs of a visitor and vigorously rubbing its penis against them? The host usually discourages such activities, but in private not everyone objects to being used by her or his dog in this way, and occasionally mutually satisfying activities may develop.¹¹

Call this behavioral analogue of consent “consent*.” Someone, or something, consents* to engaging in activity when he expresses, through his behavior, a willingness to engage in that activity. If animals are capable of initiating sexual contact with human beings, then presumably they are capable of giving consent*. The dog in Singer’s example has clearly consented* to a sexual exchange. Even if his owner had initiated the contact, the dog could give or withhold consent* behaviorally: by joining in the activity or attempting to escape the clutches of the owner. No doubt, as Singer’s critics point out, a great deal of human-animal sexual contact is coerced, but that is no more an argument against bestiality than is the fact that rape is all too frequent an argument against “normal” sexual activity.

But these claims are beside the point, Singer’s critics will maintain. Whether animals can consent* or not, they are incapable of giving *informed* consent.¹² Sexual activity is permissible only if both partners are capable of, and actually give, such consent; since animals are incapable of informed consent, sexual activity with animals is wrong. We might represent Singer’s critics as implicitly constructing a dilemma for him:

Either informed consent is necessary before sexual activity is permissible or it is not. If it is necessary, then bestiality is wrong. If it is not necessary, then bestiality may indeed be permissible—but then so might pedophilia, at least when the child consents* to it.

On one horn of the dilemma, the conclusion is established that bestiality is impermissible; on the other the fact that the premises which make bestiality permissible also entail that pedophilia is permissible functions as a *reductio*

ad absurdum of those premises. Thus the conclusion is established that bestiality is impermissible.

Clearly, the dilemma fails if the parallel suggested between bestiality and pedophilia is not sustainable. And this is in fact the case: pedophilia is indeed rendered impermissible by the fact that children are incapable of informed consent, whereas the fact that nonhuman animals are similarly incapable does not render bestiality illegitimate.

In order to see that this is the case, we must ask why it is normally appropriate to demand that consent be informed before sexual activity is legitimate. In general, the demand is appropriate only when the subject who is to give or withhold consent is normally, or at some time in the future will be, able adequately to understand the psychosocial significance of sexual activity. When the subject is, or will be, capable of such understanding, we hold that he is unable to consent to sexual activity unless or until he is in fact in this state. Thus children are unable to consent to sexual activity because they are not yet in possession of their full cognitive abilities; people who are badly affected by drugs or alcohol are unable to give consent because their cognitive abilities are temporarily impaired. In these cases, consent* is insufficient to render sexual activity permissible. Now, why do we demand this higher standard of consent where such people are concerned? I suggest it is because we know that if they merely consent* in their cognitively impaired or undeveloped state, there is a high probability that they will, when they come to possess full cognitive ability, regret their consent*; indeed, they may be traumatized or psychologically damaged by the memory. Thus it is appropriate to apply the high standard of informed consent to sexual relations between (normal) human beings; since children are incapable of such informed consent, pedophilia is impermissible.¹³

Adult nonhumans typically possess less in the way of cognitive ability than normal human children. Hence if such children are incapable of informed consent, so are nonhuman animals. These animals are even less capable of understanding human sexuality and its psychosocial significance than are children. However, such animals will not go on to possess the cognitive abilities of adult human beings. Hence they will not be damaged or traumatized by the memory of sexual activity. Thus it is inappropriate to apply the standard of informed consent to sexual activity with them. Such a standard is in place only when we can contrast the current cognitive state of the subject with the state that it will come, at some future time, to possess, or that it normally possesses; in the absence of this contrast, the standard has no application. Thus the analogy between pedophilia and bestiality fails; the fact that animals, like children, are incapable of informed consent gives us no reason to conclude that bestiality is impermissible.

This reply seems vulnerable to a counterexample. If it is true that informed consent is appropriate only with regard to beings who normally have or later come to have an adequate understanding of the significance of the activity to which they now consent (or consent*), then it follows that we ought to apply only the lower standard—consent*—to sexual relations between normal adults and the permanently mentally handicapped. Since these latter will never come to have such understanding of sexual activity,

informed consent is out of place. Hence, if bestiality is permissible, then so is sexual contact between normal adults and (say) permanently disabled children.

I shall delay replying to this objection until I have sketched one further argument available to the opponent of bestiality.

Does Bestiality Wrongfully Use Animals as a Means?

An opponent of bestiality could accept that the question of informed consent is irrelevant to the question of its permissibility and instead argue that bestiality is wrong because it uses an animal as a mere means. Thus, for instance, Raymond Belliotti argues that bestiality is “typically immoral: it typically uses an animal as a mere instrument for human purposes.”¹⁴

To this line of attack, the defender of bestiality can reply by herself sketching a dilemma, structurally identical to the one utilized earlier by the opponent of bestiality:

Either it is permissible to use nonhuman animals as a mere means or it is not. If it is, then (so far as this argument is concerned) bestiality is permissible. If it is not, then bestiality is impermissible—but so are hunting, raising animals for food, using them for transport, and many other activities besides.

On the first horn of the dilemma, the fact (if it is a fact) that bestiality uses animals as a mere means does not render it impermissible; on the second, it is ruled out only by considerations which also entail that many other seemingly innocuous activities are also impermissible. Thus, the second horn functions as a *reductio ad absurdum* of the general claim that it is impermissible to use nonhuman animals as a mere means.

How might the opponent of bestiality reply to this line of argument? Two courses seem open to her. On the one hand, she might deny that these apparently innocuous activities really utilize animals as a mere means. She might, for instance, point out that animals raised for food are brought into existence, fed and sheltered, given veterinary care, and so on, in exchange for their milk. Even when they are slaughtered, their life might have been “paid for” by giving them sufficient care for a long enough time. Similar claims could be made concerning the use of animals for transport, and so on.

The problem with this response is that exactly the same line is open to the defender of bestiality. If animals used in farming or in transport are not generally treated as mere means, then it is hard to see why animals kept for sex should be. Indeed, as the examples given by Singer suggest, the sexual activity could be mutually pleasurable, in which case the animal would be treated as an end, as well as a means.

On the other hand, the opponent of bestiality could bite the bullet and accept that the use of animals in farming, for transport, and so on, is impermissible on the same grounds as bestiality. Some radical animal activists hold just this view. Of course, if this move is to be persuasive, we need an argument as to *why* it is always wrong to treat animals as a mere means (when so

doing does not involve cruelty). Kantian arguments will be of no help here, since Kant grounds the respect we owe to all persons on the fact that they are rational beings. And even if it could be established that it was so impermissible, this leaves untouched the reply that some acts of bestiality could be reciprocal.

Perhaps it is here appropriate to reply to the objection I mentioned earlier, with regard to informed consent. You will recall that the opponent of bestiality held that if the demand for informed consent was applicable only with regard to beings who normally, or will in the future, possess an adequate understanding of the significance of sexual activity, then informed consent was out of place with regard to (say) some handicapped human children. Hence sexual activity between adults and such children would be in principle permissible, despite the inability of the latter to give informed consent. The opponent of bestiality could press a related objection here: if it is wrong to use human beings as mere means only on Kantian grounds—that is, because they are rational—then it is not wrong to use such handicapped children as mere means. If we are to defend bestiality, then, we need some principled way of distinguishing between the consensual* use of nonhuman animals for sexual gratification and consensual* sexual relations between normal human adults and the permanently mentally handicapped—or bite a rather unpalatable bullet.

Singer, of course, might reply by pointing to the preferences of other people: the parents of the child, for example. But it is always possible to imagine cases in which there would be no such preferences to consider. If we are to find a principled reason to distinguish morally between bestiality and the consensual* use of disabled children for sexual gratification, it must be on other grounds, unavailable to the preference utilitarian. I suggest virtue-ethical grounds: though it is possible to imagine situations in which there is no direct harm to the children in question, nor any harmful consequences, we will object to the use of the handicapped for sex on the grounds that engaging in such sexual activity would tend to inculcate undesirable habits and dispositions in the agent. That is, the agent would tend to acquire the disposition to treat persons beings as mere objects, or to apply a standard lower than that of informed consent to sexual relations with persons. On these grounds, we can find a principled way to distinguish between (for all that has been said so far) permissible bestiality and impermissible consensual* sexual relations between normal adult human beings and the permanently mentally handicapped.

Of course, the invocation of virtue ethics will immediately suggest to the opponent of bestiality another line of attack: does bestiality inculcate vices in human beings? I suggest that we have nothing to fear from bestiality on these grounds (so long as it is consensual*, cruelty-free, and so on). Bestiality does not inculcate any attitudes toward animals that are inappropriate. On the contrary, it is consistent with our justifiable behavior toward nonhuman animals in other spheres.

Thus, all the more plausible objections to bestiality based on the standard moves in moral philosophy fail. Bestiality does not appear to be objectionable on consequentialist, deontological, or virtue-ethical grounds. In fact, we

have our answer to the question we posed: there is nothing wrong with bestiality, morally speaking. And yet, as the hysterical reaction to the Singer article makes abundantly clear, most people continue to find bestiality objectionable, and it continues to be illegal in most jurisdictions.¹⁵ What accounts for this reaction? Is it merely a remnant of a religious worldview that has long since lost its power to convince? Or is there some more rational basis for it? I turn now from the standard moral arguments against bestiality to the explanation of the taboo against it.

II. The Taboo against Bestiality

For Singer, the taboo against bestiality is fundamentally a relic of a now-discredited metaphysics. We in the West have, as a legacy of the Judeo-Christian tradition, inherited a view of ourselves as fundamentally different from, and superior to, nonhuman animals. But the apparent boundary between us and them required policing, and nowhere more so than with regard to sex. For nowhere does our claim to be essentially different from other animals look weaker than with regard to sexuality:

there are many way in which we cannot help behaving just as animals do—or mammals anyway—and sex is one of the most obvious ones. We copulate, as they do. They have penises and vaginas, as we do.¹⁶

Sex across the species line had to be prohibited, because it threatened to demonstrate how hollow are our claims to fundamental difference.

For Singer, of course, the view that we are essentially different from non-human animals has been shown to be false by evolutionary theory, and the idea that we have a special dignity that makes us morally different in kind cannot be sustained. Thus the entire metaphysics which prohibited bestiality falls away, and with it should go the taboo. Thus, as Peter Morriss suggests, opposition to bestiality is not rooted in concern for animals' welfare. On the contrary,

there is abhorrence, not because it *degrades* animals, but because it *upgrades* them—it treats them as something *better* than they are. Sexual intercourse is supposed to be a sign of love; it is supposed to be carried out between two creatures of approximately equal standing. For a human to have sexual intercourse with an animal implies that it is of equal standing to the human. It denies a hierarchy in which animals are always lower than humans. So it blurs, or denies, boundaries, particularly the boundary between the human and the animal.¹⁷

For Morriss, like Singer, the taboo is fundamentally irrational. Since science has shown that the gap between humans and animals is small, we should “take the plunge and recognize that there are now no good reasons for protecting this particular boundary.”¹⁸

The suggestion that the prohibition upon bestiality is the product of an attempt to shore up the boundaries between rational humanity and the threat-

ening brute is plausible.¹⁹ However, I want to resist the suggestion that the taboo is no more than a residue from a discredited metaphysical view of the world. If we think of the prohibition upon bestiality as part of a wider view concerning the source of value and significance in human life, we might be able to discover defensible foundations for it.

The Significance of Limits in Human Life

How ought we to think of the limits of human capabilities, the boundaries beyond which we cannot go? Some philosophers regard them as merely contingent restrictions which can and ought to be tested. For Gregory Pence, for instance, accepting our de facto limits as moral boundaries, beyond which we ought not to go, is the way of “defeat and fatalism.”²⁰ Crossing such limits does not threaten our carefully constructed view of humanity; on the contrary, refusing to accept such limits and taking our destiny in our own hands is what *distinguishes* us from other animals. As Pence’s great inspiration, Joseph Fletcher, put it, with regard to the limit crossed by new reproductive technologies:

Laboratory reproduction is radically human compared to conception by ordinary heterosexual intercourse. It is willed, chosen, purposed and controlled, and surely those are among the traits that distinguish Homo Sapiens from others in the animal genus, from the primates on down.²¹

Other philosophers, however, suggest that such limits are crossed at our peril. For John Haldane, for example, use of these same new reproductive technologies is “a breach of the philosophical responsibility to live within human limits.”²²

Much of this debate, as it has played itself out in bioethics, seems confused. Too often, the argument that such boundaries ought not to be transgressed relies upon an equivocation between a descriptive and a prescriptive sense of the word “limit.” From the premise that human life *is*, currently, subject to certain limits, the conclusion is drawn that we *ought not* to attempt to cross those limits. Haldane, for instance, points out that a virtuous life is a life lived within limits and concludes that there are certain things we must never do—clone a human being, for instance. But this is fallacious. We can agree with him that some limits are necessary to virtue yet point out that however new technologies might redraw the map, they will not and cannot efface limits altogether. Moving the boundaries is not eliminating them: limits we might need, but limits we shall have, whatever we do.

This is not to say, however, that a defensible argument against such boundary crossing cannot be formulated. In her “Transcending Humanity,” Martha Nussbaum puts forward one such account of the place of limits in human life.²³ Nussbaum asks us to consider the achievement of excellence in human activities—in athletics, for example. Such achievement is essentially a pushing back of limits. Great athletes go faster, jump higher, and so on, than any human being has ever managed before. Thus athletic achievement is about the *overcoming* of limits; the great athlete is the one who will not accept

the limitations of her body. Yet to say this is not to say that these physical limits are *restrictions* upon athletic ability. On the contrary, they are conditions of possibility of athletic achievement. The great athlete's achievement is to have excelled despite and at the extremity of her limits, not to have stepped entirely beyond them (say, by strapping a rocket to her back). The fact that horses and cars can go faster than human beings is therefore irrelevant to athletic achievement, since it is the struggle against the limits of our species with which such excellence is concerned. Thus:

Human limits structure the human excellences, and give excellent action its significance. The preservation of the limits in some form—and here, as in the athletic case, we can only fall back on a vague and yet not so unclear notion of the normal human life—is a necessary condition of excellent activity's excellence.²⁴

Thus Haldane and Pence are each partially correct. Human beings and their activities fundamentally are defined by the set of limits which characterize them, and yet excellence in these activities consists in pushing back these boundaries. Value in human life has as one of its sources the fact that we are mortal, for example, yet the fact that human life is valuable commits us to delaying the date of our death.

Nussbaum can accept the point I made earlier, that new reproductive technologies (for instance) will only redraw the map of our limitations without effacing them altogether, while yet holding that there are some limits it is not rational for us to cross, no matter what possibilities such technologies open up for us. For crossing some limits might remove us from the human form of life altogether, into another mode of living unimaginable from where we currently stand. If the excellences we pursue are in some way essentially constituted by our limitations, then stepping beyond those limitations would transport us to a world in which our excellences have no place. To transcend mortality—for Odysseus to accept Calypso's offer to remain with her and become himself immortal, for example—is to move to a life “with different ends and excellences”:

And if one identifies oneself with the ends one already knows, one might well wonder whether one could in any meaningful sense survive the translation to such a life.²⁵

Thus, it is rational for beings like us to accept the limits against which nevertheless we struggle. Since they play an essential role in constituting our identities, we cannot coherently choose to reject them. We literally cannot understand what it is we wish for when we wish them away.

These considerations—those of Pence and of Haldane, as much as those of Nussbaum—concern crossing our upper limits: “playing God,” as the opponents of new technologies often have it, or even becoming one. Nevertheless, I think that they can be fruitfully transposed to the problem with which we are here concerned. Repugnance toward bestiality is, as Morriss suggests, itself a horrified reaction to a kind of boundary crossing, this time,

not at our upper limits, but at our lower. Morriss, Pence, and Singer believe that the notion that there are limits which we ought not to cross is a mere hangover from a discarded and discredited worldview. I want to suggest, against them, that respect for such limits is not mere superstition but can be given a rational foundation.

We must be careful not to overstate our case here. We cannot simply conclude that the considerations offered by Nussbaum demonstrate that bestiality is irrational and therefore impermissible. The limits with which she is concerned, our upper bounds, are constitutive of the excellences of human life precisely because struggle against them imparts value to our activities. Thus, in the absence of these limits, characteristic human activities lose their point. Now, it should be obvious that the limit represented by bestiality does not play such a constitutive role in human life. We do not—most of us—struggle against it; there is no excellence that consists in resisting it.

But to say that the limit that bestiality represents does not play the same sort of role in human life as do our upper limits is not to say that it does not play a role at all. In fact, both sets of limits, upper and lower, are in part definitive of humanity. My suggestion is this: the set of limits definitive of human life contains elements from many different sources. Some of them, like the limit represented by human mortality and by our physical bodies in general, are given by nature. Though we can press against them, push them back in various ways, we cannot will them away. They are a permanent feature of life, altered even in minor ways only with great effort. Others, however, are cultural limits. They are the products of the collective imagining of a people. They are, however, no less identity constituting for all that. These two sets of limits are nicely captured by the word “humanity.” What makes us human is at once a set of physical and psychological features that are natural (a certain genetic endowment, opposable thumbs, the ability to learn a language, and so on) and a set of characteristics that are, at least in part, cultural (the disposition to think of the needs of other people, sympathy, and so on). When we speak of someone’s inhumanity, it is invariably the latter set of characteristics with which we are concerned.

Our upper limits are largely given by nature; thus they play an especially important role in our sense of who we are. We share these limits, more or less, with all human beings everywhere. But our lower limits, which are largely culturally defined, are also identity constituting. They are conditions, not of excellent human life, but of a life which counts as human at all. If we cross our upper bounds, we will cease to be human, becoming something different and not necessarily (by our lights) better. If we cross our lower limits, a similar fate threatens. To transgress this boundary might be to move to another form of life, in which characteristic human activities have no place or are transformed in ways unimaginable from here. This might be a limit we cannot cross while yet retaining our sense of who we are.

Thus, though there is nothing *immoral* about bestiality, it might nevertheless be irrational for us to cross this boundary. It would be difficult to do so while yet retaining a strong grip on our identity. This is not to say, of course, that people who engage in isolated acts of bestiality remove themselves from the moral community at a stroke. To say that bestiality is identity-threatening

is not to say that it is instantaneously corrosive of identity. My claim is weaker: to the extent that someone engages in bestiality, she will find it harder to retain a grip on her identity as a full member of our community, and we will find it harder to admit her to full membership. It is because bestiality is identity-threatening in this way, I submit, that we suspect those people who do decide to cross this boundary of psychological illness. They have chosen to remove themselves from our community, as it currently defines itself. Crossing the species boundary is a significant act, at least for us, here and now, as we currently define ourselves.

This communitarian analysis of the rationality of the bestiality taboo faces an important objection. If the taboo against bestiality is explicable—and justifiable—in this manner, then why not other taboos, now rightly discarded? For instance, could we not justify a taboo against homosexuality in precisely the same way? Might not a moral community define itself in a manner which entails that engaging in homosexual acts represents a significant, indeed identity-threatening, boundary crossing? Might not my argument thus provide aid and comfort to homophobes? I concede the force of this objection. In fact, communities can draw the boundaries of their identities in way that are distasteful to us. However, acceptance of my claims does not disarm us in the face of homophobia, at least in its traditional guise. Those people who reject homosexuality as against God's will or as likely to lead to criminality are making a mistake: their claims are as implausible as ever. Moreover, we needn't be scared of the prospect of a new, communitarian homophobia. Arguing against homosexuality that it represents a crossing of a significant limit places any prohibition against it precisely where it ought to be: in the open, in the realm of public and democratic discourse. When we realize that the taboo is socially defined, we can begin to assess its costs and its benefits; we can decide, as a community, whether there is any point in maintaining it. Given that a taboo against homosexuality would seem to impose a major cost upon a significant minority of the population, I suspect that it would not long stand such public scrutiny.

If this picture is correct, then Singer is, at least partially, correct: there is nothing wrong with bestiality, at least from the point of view of morality understood narrowly. Nevertheless, the repugnance that we, most of us, feel with regard to it is not irrational. It is not merely the residue of a superstitious worldview but reflects the culturally defined conditions of our sense of who we are. This is not to say that we *must* retain the taboo against bestiality. The limits which define our humanity, in the sense here at stake, are, by nature, contingent and shifting. As Nussbaum points out, even the limits which define us and which are the conditions for our excellences do not remain constant throughout human history. If this is the case for our upper limits, which are importantly natural in origin, then how much more is it true with regard to the culturally defined lower limits? Whether we want this particular limit to remain in place or not is a decision for all of us to make, individually and collectively. Nevertheless, if these considerations are correct, this is not a decision to be made lightly. To redraw the map of our limits, at the bottom as well as at the top, is to set for ourselves new boundaries within which human life will take on a new shape. Perhaps Kant was, at least in part,

right about bestiality: nothing less than the meaning of our humanity is here at stake.

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Notes

¹Peter Singer, "Heavy Petting," *Nerve*, March 13, 2001 (unpaginated). Available online at <http://www.nerve.com/Opinions/Singer/heavyPetting/main.asp>).

²*Wall Street Journal*, March 30, 2001.

³Norah Vincent, "You're an Animal," *Village Voice*, March 26, 2001.

⁴In a statement released in April 2001 and posted on the Internet at <http://arwww.asairs.com/singer.html>.

⁵The contention that a taboo is irrational might strike some as oxymoronic. Taboos are the kinds of prohibitions for which it is generally thought that the giving of reasons is unnecessary. Nevertheless, though I shall be concerned with examining the morality and rationality of the prohibition upon bestiality, I shall retain the word "taboo," since it seems to capture the almost instinctive repulsion that the subject often seems to provoke.

⁶Thomas Nagel, "Sexual Perversion," in *Mortal Questions* (Cambridge: Cambridge University Press, 1979), 39–52.

⁷Robert Solomon, "Sexual Paradigms," in *The Philosophy of Sex: Contemporary Readings*, ed. Alan Soble (Lanham, Md.: Rowman & Littlefield, 1997), 21–29, at 28.

⁸Here I am in agreement with Alan Goldman: "no conduct otherwise immoral should be excused because it is sexual conduct, and nothing in sex is immoral unless condemned by rules which apply elsewhere as well." Alan Goldman, "Plain Sex," in *The Philosophy of Sex: Contemporary Readings*, ed. Alan Soble (Lanham, Md.: Rowman & Littlefield, 1997), 39–55, at 50. Of course, it might be thought that we should revise our notion of perversion, adopting a conception according to which all and only immoral acts count as perverse. Obviously, however, adopting such a conception will leave the question of the morality of bestiality untouched: all the work of determining whether it is perverse, on this revisionist conception, remains to be done.

⁹Raymond A. Belliotti, *Good Sex: Perspectives on Sexual Ethics* (Lawrence: University Press of Kansas, 1993), 230.

¹⁰For the analysis of consent as an intentional act, and the elaboration of the identity thesis, see Heidi M. Hurd, "The Moral Magic of Consent," *Legal Theory* 2 (1996): 121–46.

¹¹Singer, "Heavy Petting."

¹²For examples, see, among many other articles, Cathy Young, "No Heavy Petting," *Reason*, April 11, 2001; Timothy Noah, "The Bestiality Perplex," *Slate*, April 2, 2001; Vincent, "You're an Animal."

¹³This cannot be a full account of the wrongness of pedophilia. If it were, we would have to think that sexual experimentation by children with other children is as wrong as pedophilia (I thank Igor Primoratz for this point). Nevertheless, it seems to me to capture an essential component of our attitudes toward children and sexuality. This is manifested in the fact that though we do not regard childhood sexual experimentation as *wrong*, we do think that it might be *dangerous*. We discourage little Johnny and Mary from exploring each other's bodies *too much*. To be sure, the wrongness of pedophilia goes far beyond such exploration, involving, as it does, problems of exploitation of vulnerability and abuse of trust, for instance, which are absent from such sexual play.

¹⁴Belliotti, *Good Sex*, 232.

- ¹⁵The 1984 recommendations of the English Criminal Law Revision Committee (CLRC) are, I suspect, representative of the most widely held attitudes toward bestiality in Western countries. Bestiality is currently punishable by life imprisonment in England; the CLRC recommended that bestiality should remain an offense, but that the punishment be reduced to a maximum of six months' imprisonment (Criminal Law Revision Committee, *Fifteenth Report: Sexual Offences* [London: HMSO, 1984], 88–9).
- ¹⁶Singer, "Heavy Petting."
- ¹⁷Peter Morriss, "Blurred Boundaries," *Inquiry* 40 (1997): 259–90, at 271.
- ¹⁸*Ibid.*, 281.
- ¹⁹Kant's remarks on bestiality are suggestive in this context. For him, sexuality is a product of our "animal nature," and therefore "the sexual impulse puts humanity in peril of being equated with animality" (*Lectures on Ethics*, trans. Peter Heath [Cambridge: Cambridge University Press, 1997], 156). But if sexuality risks debasing humanity to the level of animals, then acts of bestiality "degrade humanity *below* the animal level, for no animal turns away from its own species" (161, italics added).
- ²⁰Gregory E. Pence, *Who's Afraid of Human Cloning?* (Lanham, Md.: Rowman & Littlefield, 1998), 7.
- ²¹Quoted in *ibid.*, 125.
- ²²John Haldane, "Being Human: Science, Knowledge and Virtue," in *Philosophy and Public Affairs*, ed. John Haldane (Cambridge: Cambridge University Press, 2000), 189–202, at 200.
- ²³Martha Nussbaum, "Transcending Humanity," in *Love's Knowledge: Essays on Philosophy and Literature* (New York: Oxford University Press, 1990), 365–91.
- ²⁴*Ibid.*, 378.
- ²⁵*Ibid.*, 373.