

[This is the chapter (Ch. 6) on **Animal Rights in Moral Matters** (Broadview Press, 2nd ed., 1999)]

6. Morals and Animals

Do animals have rights? Or, for that matter, any moral standing at all? That is another very interesting and theoretically very tricky issue, and another that we can't hope to resolve without recourse to moral theory. The main question is whether there is any inherent reason to put animals in a different moral category than people -- say, outside it altogether. If we do have any moral relations to animals, then of what sort are they to be? Will they be in the category of duties of benevolence, or are they in the category of rights, duties of justice, enforceable by law? In fact, there is at present in many countries rather extensive legislative protection of experimental animals, though none, as yet, extending the right to life to cows and chickens.

First Question: The Moral Status of Animals

I have argued that morals, if they are to be rational, must amount to agreements among people - people of all kinds, each pursuing his or her own interests, which are various and do not necessarily include much concern for others and their interests. But people have minds, and apply information gleaned from observing the world around them to the task of promoting their interests, and they have a broad repertoire of powers including some that can make them exceedingly dangerous, as well as others that can make them very helpful. This gives us reason to agree with each other that we will refrain from harming others in the pursuit of our interests, to respect each other's property and grant extensive civil rights, but not necessarily to go very far out of our way to be very helpful to those we don't know and may not particularly care for.

But now let us consider the case where those "others" are animals, incapable of articulate speech, possessed of reasoning faculties that are very hard to compare with our own but obviously not oriented, as

ours are, to absorbing and formulating vast amounts of information about the world and utilizing it as effectively as possible to a vast variety of ends. Now add to this that the creatures in question can be quite useful to us in ways that typical humans are not: good to eat, equipped with nice insulating furs and hides, and so on. It is also true that these creatures apparently feel pain and some sorts of pleasure, that they have some kinds of interests, certainly including eating and certainly not including higher mathematics, literary production, masked balls, or any other of the activities we regard as "civilized". It is also true, by and large, that these creatures are not much of a threat to us, except in a few special and easily avoided cases. To primitive man, wild animals may have been a serious and constant threat, but no longer. Indeed, it is more nearly the other way around. The normal activities of the vast numbers of people on our planet tend to be incompatible with the flourishing of wild animals in the vicinity, and because of our vastly superior resources, those are conflicts that Man overwhelmingly tends to win. On the other hand, domestic animals flourish as never before under the watchful eye of their owners, though often at the price of a fairly early demise as they are turned into hamburger, leather upholstery, fur coats, and other desirable consumer items. The contemporary scene may present something of a paradox, then: as never before, animals flourish, and yet they are killed in great numbers. By and large, no contemporary legislature grants animals the right to life as it is normally understood; yet they do grant them some protection against wanton cruelty. Is this as it should be? The argument of this chapter is that, by and large, it is.

What do we do about threats from other organisms? In the case of people, we can make a deal with them, inducing them to adopt an internalized attitude of disdain for murder and the like, and erecting appropriate institutions to penalize those who fail to acquire such aversions in sufficient degree. But what about animals? It is not wise to try to make a deal with your normal polar bear, wolverine, or crocodile. You either build a fence or shoot the critter, but so far as inducing moral restraint is concerned,

forget it! Animals, in short, are essentially incapable of moral activity. If we adopt moral restraints in relation to them, it looks as though it will necessarily be a one-sided affair: the animals gain everything, and we gain nothing. This is not an ironclad generalization.

Particular people have sometimes established very good relations with particular animals -- horse and rider, man and dog, opera singer and cat. But this is not a social contract, extending to all animals, or even to all members of any one species. Each is a specialized case, dependent on the attitudes and interests of certain individual people.

And just as there isn't much capacity for general reciprocity in animals, so too there is no motive on our part to seek it. Most of us don't really want to establish "good relations" with the typical steer, being rather more interested in the steak or hamburger to which it may contribute in the not too distant future. And we don't need a social contract with the cow, for we have by far the upper hand. Given their dim intellects and bovine ways, cows can supply us with what we want from them without our having to make any general concessions of the type that animal moralists plump for. So why bother? Perhaps you have a "thing" about morality, a special interest? But special interests are no good for moral purposes. One person will befriend a cow, and that's fine; but the next will milk the beast, and eat her later on. People differ. The question, then, is this: why should those of us who want to eat cows have to submit to the self-ascribed "moral" ministrations of those who want to make them charter members of the moral republic?

Different Foundations?

Most professional philosophers these days reject the contractarian viewpoint, though not, in my judgment, for good reasons. They instead go along with contemporary philosophers such as Tom Regan in thinking that we should approach moral issues

"intuitively".¹ Whether we must go along with them in this is a disputed question²; but let us see where it takes us.

Why would we think that animals actually have "rights"? And which rights would they have? Most people don't like the idea of causing random suffering for no reason. That supports a principle against being cruel to animals. However, there is also a question of just what constitutes cruelty and what the limits of this principle are. Most people think that if we could find a cure for cancer by performing on thousands of monkeys in ways that are extremely painful and later fatal to the monkeys, we should still go right ahead. People, they will say, count far more than monkeys. Most people think animal experimentation permissible, so long as it could lead to something important for us.

When philosophers like Regan deny this, then, they go against normal intuitions. Regan's own arguments, indeed, are much subtler, appealing to supposedly deeper levels of our moral consciousnesses. He claims that we are being inconsistent if we think it's O.K. to torture animals in order to discover facts, no matter how important they are to us. Why? Because we are against torturing humans to find out those same things, even if it would work. We may not just take people and torture them to death, with the justification that the results will be very important for humanity. So how can we say this about animals?

¹ See Tom Regan's full-scale argument, The Case for Animal Rights (Berkeley, CA: U. of California Press, 1983). An issue of The Monist (Vol. 70, No. 1, January, 1987) contains articles by many of the major figures in the philosophical debate on animal rights -- but not, regrettably, Regan, whose shorter essay, "The Case for Animal Rights" may be found in Advances in Animal Welfare Science, 1986/87 (Martinus Nijhoff Publishers), with a companion piece by myself, "The Case Against Animal Rights", and many useful more empirical pieces by a variety of scholars and practitioners. The Institute for the Study of Animal Problems, which sponsors and edits these volumes, is to be complimented for including papers such as mine, so antithetical to their own point of view.

² For one particularly good contribution to my side of this controversy, see Michael Bayles, "Intuitions in Ethics", Dialogue XXIII, No. 3, pp. (Sept. 1984), pp. 439-455.

To this, the normal person will respond that it's because they're only animals - implying that they don't count for much. So at this point Regan must appeal to his intuitions about the moral equality of all organisms - down to mollusks or thereabouts. He will say that we can't treat animals that way because of their "inherent moral value", which is allegedly equal to ours. But most of us don't think it is. Regan needs an argument to go against this normal intuition, and what he supplies is another intuition that is, so far anyway, definitely not normal.

He does supply an argument, though: what about the insane, the feeble-minded, and infants? Aren't our duties to them the same as to ordinary people? If they are, then where would we draw a line that would rationally divide animals from us? This is, in short, a Slippery Slope argument, and as such is subject to familiar objections. Moreover, ordinary people would be puzzled by the comparison. They agree that the blind, the demented, or even perhaps the feeble-minded do indeed deserve good treatment from us. But in their view, even a demented person is way "above" an animal - even a very intelligent animal, such as a German Shepherd.

It's not entirely clear, to be sure, why they should think that. But then, one trouble with appealing to intuition is that intuitions aren't supposed to come with nice clean arguments attached to them. In fact, the point of an appeal to intuition is precisely that argument is not needed, indeed not possible: it's what you just do think, upon consideration - and that's supposed to be enough.

But as we have seen before, it is not "enough." What if many other people have an intuition - as they do - that people are superior to animals? If so, what is Regan doing trying to show us that this intuition is baseless?

On the other side of the comparison, people might well deny that "human vegetables", human bodies that are alive but whose brains have ceased to generate any consciousness whatever, are any better than animals. But then, they also think that those human bodies no longer have normal human rights. They

may quite properly be disconnected from life support systems, for instance. In short, once we get humans that are clearly no "better" than animals, in the respects that are so familiarly regarded as relevant in these matters, then they are also no longer entitled to the usual human rights.

There's a further large point that the Regan view doesn't adequately recognize. Almost every human, in the nature of the case, has a special relation to some others: parents, friends, neighbours, children, and so on. Those special relations generate special moral concern. We cannot simply refuse to extend any concern to subnormal or weak humans without contravening the interests of their normal loved ones, and inviting similar treatment of our own loved ones. This is untrue of animals, who do, of course, have families too, but those families are just more animals. The point is that they have no special relations to humans. All those that do get rights in a derivative way: to assault such humans is to violate the rights of their kin and those who care for them.

There is one important exception to this last point. But this exception also serves to support my view, not Regan's. I have in mind those cases where the animal is owned by some human. Many animals belong to particular people, as pets, work animals, zoo animals, or whatever. Those animals are, of course, protected by virtue of their owners' rights. You may not harm my dog even if you may kill strays without compunction. You can't kill my horse, even if horses as such don't have rights, for it's mine, and I do have rights, including the right to the use of this horse, which happens to be mine. That, indeed, is what it is to be "mine": it's for me, and not you, to say what may be done to what is so called. Of course Regan might say that animals cannot be "owned", for the same reason that people can't be. We rightly outlaw slavery. However, the analogy is question-begging. Since we don't think animals are people, we don't think of our use of them as "enslavement", a category only applicable to beings like ourselves, possessed of articulate reason and the rest of our distinctive features. So until he can show otherwise, he can't

object to ownership either. That very same owner, however, is free to kill the animal for his purposes, if that is his interest. All things considered, then, the slippery-slope argument, appealing to marginal cases, doesn't prove what it is supposed to.

What about killing animals for food? The case of animals is different from ours in a fundamental respect here too. Cruelty is indeed wrong; but even if we think it wrong in the case of animals, killing an animal needn't be cruel -- it needn't inflict a lot of pain, the pain is very brief, and it isn't wanton, since we then use the animal for good purposes, such as culinary ones. Killing people that way, of course, would not be right: you and I aren't willing to be killed for any such reasons; we draw the line quite narrowly at self-defence. But then, we humans are able to complain, whereas animals cannot; and their inability to do so is connected with another important feature. So far as we can see, animals don't have the sort of articulated vision of the future that you and I have. Why don't we want to die? Because we can look ahead to our futures, have values and plans about it, puzzle about it, worry about it, and so on. Animals apparently can't do that. Perhaps we don't know that they don't, but the "apparently" is really pretty strong. The inability of animals to articulate or spell out any such vision - which is a pretty complex thing to do - strongly supports this judgment, for how could one entertain complex visions of one's own future in the complete absence of articulate speech? And on the other hand, why wouldn't an organism capable of that kind of cognitive complexity also be capable of learning to communicate in an articulate way with us?

If animals can't really represent their own lives to themselves in the sophisticated way we can, one could argue that it really can't plausibly be claimed to matter to the animal whether it lives or dies. It will, indeed, take action to ward off danger -- but then, so do ants and flies, which even Regan doesn't think have any rights. If having genuine, rich emotional and cognitive lives is morally important, then animals just don't qualify. So why, even if we sympathize with animals, should we be overly concerned about killing them?

So far as I can see, then, common sense views about animals don't accord with Regan's on the major points. There remain questions about cruel treatment, and Regan is on solid ground here, for most people, I believe, do think that outright cruelty to animals is morally objectionable - though they don't think that even such treatment is wrong provided it is necessary for a good purpose, as is claimed, at least, in the case of laboratory research into certain diseases. The basis for the objection to cruel treatment is surely sympathy, just as it is for our dealings with infant humans. But that interest, which in any case is surely not universal, doesn't take us far. For there is no obvious general public interest that supports the extension of general rights to animals.

As always, there is the question how we are to support claims in this field. Regan thinks he can draw on our "moral intuition", and I have suggested that if we try doing that, we won't clearly get his results. But I also hold that we should not do this by way of seeking solid support for our views, for intuitions are unreliable. Rather, we should think of our intuitions as themselves just more or less indicative hunches or guesses at principles that can and must, in the end, be supported independently. Regan thinks that we can come up with only one reasonable conclusion if we try to be consistent with our main intuitions. I don't think so, and in any case it wouldn't be his principle. It would instead be our familiar view, allowing people to use animals for any normal human purpose, and only objecting to very cruel ways of so using them.

But the basic point is that we have principles for dealing with each other that have implications about the cases of animals. For given that we both can't and also don't need to make a general "contract" with the animals, the right conclusions about people's relations to animals must be subordinate to our firmly-grounded conclusions about how to treat each other: we should let each person do pretty much as he or she wants. If some wish to hunt, they may; if others don't like hunting, they needn't, and can also protest -- but they can't intervene to prevent others of different mind from hunting. They also have the option of

buying the animals the hunters wish to hunt, or the land on which they would hunt them, declaring those lands off limits to hunters. The same with furs: if some people like to wear furs, and others are willing to grow or kill animals to provide them with furs, then the people who don't like this can protest. But they have no business ganging up on them with legislation and the like: that's not fair, any more than it's fair for Catholics to gang up on everyone else and declare a State Church. It's question-begging to assume that animals are in the same moral class as you and I, and wrong to assume that people who like hamburgers are morally inferior to people who don't. Manifestly, animals are in not in the same moral class as we, in the obvious respects that count for the generation of publicly compelling moral principles.

Utilitarianism

Another note might be helpful to readers of articles on this matter.³ Some philosophers profess (as I once did⁴) to accept the Utilitarian view of morals.

According to this view, every organism that has interests, and especially that is capable of pleasure and pain, automatically counts morally. We are supposed to aim to "maximize" the overall positive utility of all creatures, great and small. If animals can benefit from certain of my actions and be harmed by others, then I should, other things being equal, perform the first sort and avoid the second.

Even if we were to accept utilitarianism, as I no longer do, what about this "other things being equal" clause? Suppose that I like to eat certain animals. Do I then get to count my pleasure in eating the animal against its pain in being killed? Utilitarianism seems to have to say that I do. We may not kill and eat people, says the Utilitarian, because what they lose from doing so greatly exceeds what we gain. But with animals it may well be the other way around: what the

animal loses is relatively modest, what we gain considerable.

And there's another point. Does the utilitarian say that we can produce more utility by producing more creatures to experience it? Do twice as many people, other things equal, constitute twice as good a thing, morally speaking? On one understanding of utilitarianism, at any rate, this is exactly what we should say.⁵ But if so, another interesting consideration arises regarding animals. Consider domesticated animals, such as cows and chickens. We like to eat them, so we grow them intentionally - and take good care of them before they're killed. In consequence, there are far more of these creatures, due directly to our habit of eating them, than there would be if we didn't like to eat them. Left in the wilds, the cow would not thrive, but in our farmyards, they prosper and multiply. Does this justify our killing of them? The utilitarian of this type can say Yes.

I don't accept utilitarianism any more, but it's important to appreciate that even if we grant some moral standing to animals, it needn't follow that we should all be vegetarians, avoid wearing furs, and refrain from using animals for research or experimentation. The more radical point of view of this book, however, proposes that there is no case for basic moral standing for animals, and that our dealings with them should be guided entirely by considerations of our own interests. Among those interests, to be sure, are sympathy and an interest in pets, which we like to treat very well. We may also admire the aesthetic variety and remarkable powers of so many animal species. These certainly constitute real sources of support for generally treating many kinds of animals with much more concern than

³ Stephen Satris, ed., Taking Sides, Third Edition, has a pair of articles (pp. 128-147) by Regan and Philip Devine, arguing respectively for and against a vegetarian way of life.

⁴ This resulted in a book, Morality and Utility (Baltimore: Johns Hopkins Press, 1967). See pp. 86-87 for its brief discussion of animals.

⁵ I denied it, though, in "Utilitarianism and New Generations", Mind, vol. 76, No. 301, January 1967, pp. 62-72. (reprinted in: S. Gorovitz, Mill's Utilitarianism, Text & Commentary (Bobbs-Merrill, 1971) "Future People and Us", R. I. Sikora and Brian Barry, eds., Obligations to Future Generations Philadelphia: Temple University Press, 1978 (Reprinted in A.R. Gini, David Ozar, and Patricia Werhane, Philosophical issues in Human Rights (Random House, 1985). The subject is a difficult and intriguing one. See, especially, the article by Parfit in Moral Issues.

inanimate objects - but not for giving them full-fledged rights.

Nutritional Considerations

Vegetarianism is increasingly popular these days, at least among University-educated and literarily informed people. Some of its support comes from what is claimed to be a moral aversion to eating, and thus killing, animals. That is the kind of case considered and rejected above. However, an independent source of support comes from nutrition. It is claimed that animals diet is worse for us than a carefully assemblage vegetarian diet. Some may even claim that the latter is aesthetically superior.

But both of those kinds of evaluation need to be carefully distinguished from moral evaluation. Even if the nutritional or aesthetic arguments were correct, would this show that we have the right to prevent the heretical who continue to relish and flourish on a diet of animal flesh from doing so? Certainly not, in the view here defended. And we should always be very careful about foisting our tastes in ways of life on others. Precisely that, so far as I can see, is what would be done by a vegetarian who agitates for legislation to deprive others of the right to pursue their favored ways of life.

A different argument appeals to a claim that raising animals for human diets is inefficient, in that it takes much more land to grow food for animals who are then eaten by people than to grow grains for people straight off. But this influential argument is heavily involved in matter of fact, and its involvements are largely wrong, as it turns out. First, there isn't any problem about feeding the world's population with the diet it wants, as we will be detailing further in the chapter on the Environment. And second, the alleged inefficiency involves a mistake. The kind of grains you can feed to animals can be grown on soils that won't support rice, wheat, or vegetables. So the choice isn't between supporting ten people per acre on beef and supporting fifty people on wheat: it's between supporting ten people per acre on beef or supporting no people per acre on anything that can be grown

there. (This is reflected in the relative prices of the various grains in question. No farmer who could grow people-crops would grow animal-crops on the same soil; he maximizes his profits by raising whatever will grow best there, given prevailing prices.)⁶

Summing Up

I have argued that animals have no basic rights. We do not need to extend that status to them, both because we could not make a mutually beneficial "agreement" with them even if we wanted to, and because we have no reason to do so. The ancient and common-sense view that we may make such use of animals as suits us is the right one. But what does suit us? Perhaps they have more to offer than we may have thought, and on that account we should not be wanton with them. Typical animals do nothing to harm us, and are often interesting, not only to the scientist but to the normally curious. This gives almost all of us sufficient reason not to treat animals with wanton cruelty. But that is all.

⁶ See also the point made by Julian Simon in The Ultimate Resource II (Princeton, N.J.: Princeton University Press, 1996): demand for meat in the U.S. has expanded rather than diminished grain-producing capability, so that "there will be no discernible improvement in the food supply of people in poor countries if you do not eat meat." (p. 288)