

Chapter 13

Non-Human Animal Rights

13.1 Homework

Readings: RTD 19 (Singer) and 20 (Machan)

Suggested videos:

- Tom Regan on animal rights on Youtube : <http://www.youtube.com/watch?v=Y5RRLBC1S3w&feature=related>, and href=<http://www.youtube.com/watch?v=fTNNJspZXA4>
- Carl Cohen against animal rights on Youtube: <http://www.youtube.com/watch?v=kkb7xY9t-UQ>>Seriesof6shortlecturesonwhyanimalshavenorights

Study questions :

- On Peter Singer “All animals are equal”
 1. Explain why Singer think that our attitude toward animals is similar to the attitude of a racists toward other races or the one of a sexist toward other gender?
 2. Explain why Singer thinks it is impossible to justify the principle of equality among humans on the basis of an actual, factual equality between humans.
 3. What is then the good justification for the principle of equality according to Singer?
 4. Where should we draw the line between the beings who are worth of moral consideration, and the ones who are not, according to Singer?
 5. Explain the thought experiment in the last paragraph: “would the experimenter be prepared to perform his experiment on an orphaned human infant if that were the only way to save many lives?”
- On Tibor R. Machan “Do animals have rights?”
 1. On which notion of right does Machan base his claim that animals do not have rights?

2. Machan grounds his claim that animals don't have rights on the fact that there is an actual difference between humans and non-human animals: does Singer disagree on this?
3. What is the fundamental difference between animals and humans according to Machan?

13.2 Singer: All animals are equal

Peter Singer is as radical concerning animal rights as concerning world hunger. The question here is: is there any relevant difference between us and non-human animals that justifies the way we treat these animals?

Introduction: Animal rights as a new fight against discrimination :

Parallel with other discrimination : Races, Sex

The need for a mental switch as in all fight against discrimination:

“Practices that were previously regarded as natural and inevitable come to be seen as the result of an unjustifiable prejudice”

Historical case: Mary Wollstonecraft vs. Taylor: women rights and animal rights were tight together in the past.

- Taylor's argument: we should not grant rights to women, because otherwise, we would have to grant rights to animals....
- 2 ways to answer to Taylor

1. There are
 - a. fundamental similarities between women and men
 - b. fundamental differences between humans and animals
2. There are differences between
 - a. women and men
 - b. humans and animals

Granted, these differences may imply different treatment, and different rights. BUT it does not imply that no rights at all should be granted either to women or to animals. Men, women and animals are all worth of *moral consideration*

For Singer, the second answer is the way to go.

Singer's re-formulation of the principle of equality :

→ *The notion of “equality” in the Principle of equality should be interpreted as equality of consideration*

CAREFUL: Singer is not denying that men, women, and animals may have different rights: Men don't have a right to abortion, and pigs don't have a right to vote

Main argument: Singer announces his main argument:

The same reasons for which we believe various races and genders have rights lead us to give rights to animals

So: Singer's claim is: Racism, sexism and speciesism are of the same kind of discrimination

Two types of justification

1. actual equality
2. ability to suffer and hence to have interests

Singer will reject the first type of justification, and retain the second type, for all kinds of discrimination.

So his argument will be :

1. It is their ability to suffer and hence to have interest (and *not* actual equality) which justifies that we deem all races and genders worth consideration for our moral decisions
2. Non-human animals also share the ability to suffer and hence to have interests
3. So: non-human animals are worth consideration for our moral decisions

Let's see this in more details:

The first justification is untenable (p. 169) :

The problem – if we ground the principle of equality in the *actual* equality of individuals, then the racist / sexist / inegalitarian might ground his view on actual differences

In other words: if you say: “All races and genders should be treated equally because they are actually equal”, then you are at risk to see someone oppose: “I have found an actual inequalities between genders / races, so I am justified to treat them inequally”

Worse, as a matter of fact, there are some actual, factual equalities among humans!

There is no actual, factual equality :

1. there is no actual equality among individuals
2. if not between races and genders: what about IQ?
3. what if there was genetic differences and not only environment-induced differences?

→ *It seems impossible to defend equality of consideration for genders and races on the basis of actual factual equality for the simple reason that it is not clear that such equality exists!*

The second justification is tenable (p.171) : equality does not stem from actual factual equality.

Important distinction: description / prescription :

“The principle of equality of human beings is not a description of an alleged actual equality among humans: it is a prescription of how we should treat humans.”

—→ *We consider that we ought to treat all human beings equally despite the actual differences between them!*

Again, take for example: races, gender, handicapped people etc... There are genuine actual differences between human beings: the principle of equality applies all the same.

How is this prescription justified, if not on actual equality? :

- Bentham: vital characteristic that gives a being the right to equal consideration: *the ability to suffer*

- From the ability to suffer to being worth our consideration: the ability to feel pain/pleasure and happiness is a sufficient condition to have interests

- The Principle of Equality becomes: *Anyone’s interest is worth of consideration*

The argument is then:

1. Any sentient being has some ability to have proper interests

2. Any being’s interest is worth of consideration

3. Any sentient being’s interest is worth of consideration

—→ *The line between a being which is worth of consideration and a being which is not is : SENTIENCE – i.e. the capacity to feel pain / pleasure and experience happiness / dismay.*

Application to our relations with non-human animals :

1. Meat Industry

Hens, Pigs

“our practice of rearing and killing other animals in order to eat them is a clear instance of the sacrifice of the most important interests of other beings in order to satisfy trivial interests of our own”

2. Experimentation

Justification: increases general welfare (medications which could save tons of lives)

Problem: Cosmetics, food additives, non-medical experimentation

Provocating thought experiment: infants vs. animals for food and experimentation. Adult mammals have all the capabilities of an infant, and typically more!

Conclusion on Singer :

Speciesism, racism and sexism: why would it be the same?

- justified in actual differences (animals are stupid)

- same escape strategies (for the general welfare)
- same resistance: need for a mental switch

13.3 Machan's "Do animals have rights?"

Introduction :

Various ways to defend non-human animals :

- Natural rights (Regan): See for example "The case for animal rights",
- Utilitarianism (Singer): the principle of equality

Main argument : Who has rights?

"Rights and liberty are political concepts applicable to human beings because human beings are moral agents"

Machan's definition of rights: A right is a claim on a sphere of moral authority which it is a duty for others to respect.

Examples to understand: property, body etc.

Machan's argument relies on this notion of right:

1. A right is a claim on a sphere of authority which it is a duty for others to respect
2. Non-human animals don't have any moral authority
3. Non-human animals don't have rights

The argument is valid: the question is whether it is sound, and of course the controversial premise is the first one.

An important distinction : rights vs. treatment :

That animals have no rights does not mean we should treat them poorly.

→ *In this sense, Machan's view does not seem to conflict with Singer's!*

Why Might Animals Have Rights? :

Rehearsal of the arguments on the other side of the debate:

1. Differences in degrees, not nature
2. Differences are not morally relevant, only sentience, and therefore the ability to have interests is relevant

Why we may use animals? :

Claim :

"One reason for the propriety of our use of animals is that we are more important or valuable than other animals and some of our projects may require animals for them to be successful"

Argument for the claim that we are more important than non-human animals :

There is “a hierarchical structure in nature”, which even the advocates of animal rights recognize:

- from stones to animals: they do not require stone rights, thus recognizing that animals are more important
- from animals to humans: they are not blaming animals for not acting morally. Morality seems to start with humans.

Conclusion :

- as human being we have a moral task
- this moral task is to succeed as human beings
- this may involve the use of animals (example medicine)
- this is a rational thing to do

The argument is not all clear, but the core of it is that we have a right or even a duty to realize human projects, and that these projects are more valuable than human projects, so that the use of animals is justified.

→ What would Singer say concerning the idea that the inequality of treatment is based on an actual factual inequality?

→ To what extent would Singer disagree with Machan?

Why individual human rights? :

Rights for human individuals because only humans have the capacity to make moral choices – sphere of authority again

Historical argument – not convincing – let’s pass

Closing Reflections :

Nothing much here, except naturalistic fallacy: it is not because it is the case that we use animals that we ought to!

Conclusion on Machan :

Strawman : Machan often seems to attack a strawman. To clarify the situation, we need to distinguish between two arguments he is making:

1. The argument which does not work:
 1. There is an actual hierarchy of capacities in nature
 2. Hence there is an actual hierarchy of value and importance in nature
 3. This alone allows the higher level animals to use the lower level animals
2. The argument which may work:
 1. the notion of right: sphere of moral authority
 2. animals lack the ability to make moral decision
 3. Hence, they have no rights in the proper sense of the word

—→ *The problem is that the notion of “right” on which Machan’s argument relies is very restrictive. Only fully active moral agents have rights...*

But then again: what about infants, retarded or heavily brain-damaged people: they would have no rights either?

Machan and Singer : Do they disagree?

- not on the idea that there are differences between animals and humans
- not on the idea that this implies different treatment
- but on the notion of right: Singer says that different kinds of rights are to be given to different kinds of beings. A pig, no more than an infant, is a moral agent. That said, both have rights, and all sentient beings have the right to be considered as part of the picture because they have interests.
Singer would say against Machan’s argument: if an actual difference in the value of projects etc is relevant, then we should also use infants, retarded or brain damaged people in the way we use animals.

13.4 Finding our way through

Different sources for arguments – The arguments for a better consideration of animals can come from different origins:

1. Utilitarianism – happiness and equality

- Speciesism: Peter Singer – sentience is enough – equality of consideration – of course different weight!
- Even human-centered version of utilitarianism:
 - (a) Vegetarianism is likely to be more healthy in the long run
 - (b) Non considering suffering of animals may be damageable for us as well: after all, all parents tell their kids that it is bad to burn the wings of an insect...

2. Rights theory – Tom Regan

Stronger Claim: Rights override any kind of utility. That is to say: that the welfare of the overall society is improved does not justify that a right be violated. (Remember the case of Angela York)

What is a sufficient condition for having a right to life? Depending on your answer, the type of being which qualifies as having rights differ:

- a. Sentience? (all animals, human or not)
- b. Thought, communication skills? (some non-human animals, not all humans)
- c. Morality? (not all humans?)

Pb with the right theory – it is not clear that talking about right in the absolute sense is helpful here. The worry is that the utilitarian argument is not strong enough. In particular, it leaves open the possibility of having animals suffer in

the case it would bring a great increase in happiness (vaccine for AIDS?). But do we want to treat the rights, and our moral rules in general as absolute?

This is the question we will try to answer in the next part, when we talk about Kant.

Discussion Questions :

1. How much do you know about the way animals are reared? Do you think that if people had a closer to contact to factory farming, it would change their views on whether or not they should eat meat? Do you think that vegetarianism is the sole answer to these concerns?
2. If we follow Singer's argument, does it mean that we have to abandon all scientific research which does involve experimenting on animals? In which cases animal suffering would be acceptable for medical research? In which cases it would not? How much animal suffering should we deem acceptable? Would you put any limit after which no matter what is at stake, it cannot be acceptable?(think about vivisection for example)?

Final Note : Do animals feel pain?

A good source: <http://www.wellcome.ac.uk/en/pain/microsite/culture2.html>