ANIMAL RIGHTS, ANIMAL WRONGS

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FRANK BUSCH discusses various approaches to animal welfare, and looks at their relevance today.

PREVIOUSLY in this series, we have looked at several aspects of animal rights ethics and issues surrounding sentiency and animal advocacy.

This is the second part of the preceding article (April 7 issue), which focused on the issue of morality, its definitions and associated philosophical ideals.

This article will present relevant definitions relating to the moral status of animals, moral rights and associated attitudes, before ending with a summary of this particular chapter.

Indirect duty and utilitarian views

The indirect duty view (IDV) implies that animals do not have moral status because, according to the IDV, our moral obligations or duties are directed only towards human beings. Any obligations regarding animals (such as not to cause them to needlessly suffer) are grounded in human interests, such as the advantages to humans of not fostering cruelty.

However, it should be obvious that cruelty towards animals is wrong, even in hypothetical situations in which harmful consequences for humans are impossible (for example, if the human concerned was the last living person on earth).

Utilitarian moral concerns are considerations of what produces the greatest good for the greatest
number. A utilitarian would override someone’s interest when doing so would tip the balance toward benefit over harm. A utilitarian would attest a right to a human or animal in the equal consideration sense, but not in the utility trumping sense.

**Respect principle and perfectionist view**

According to Regan, human and animal rights are validated with respect to moral principles. The most important is justice, which is addressed through his “respect principle”. He says: “We are to treat those individuals who have inherent value in ways that respect their inherent value” (Regan, 2004).

Regan’s stance seems preferable to the utilitarian view, by which a wrongful act against an innocent (usually an animal) is justified if it brings about the greatest net satisfaction of interests. It is also preferable to the so-called “perfectionist view”, by which an individual’s moral status is based upon the degree to which he or she possesses certain attributes such as intelligence or artistic ability.

This is a view that has led to the unfair exploitation of those with lesser degrees of these chosen attributes.

Regan asserts that justice is our paramount duty, “the duty not to treat individuals differently in the absence of a relevant dissimilarity” (Regan, 2004). By his respect principle, all subjects of a life, as a matter of justice, have a basic moral right to respectful treatment, which recognises their inherent value.

**Representative views**

- **Human dominion stance**

  We have dominion over animals. That is, they have value only as means to our ends.

  - **Associated attitudes.** Everything under animal welfare is permitted, including animal exploitations like dog fighting, circuses, rodeos, bullfights and hunting or injuring animals for “entertainment”.

  - **Underlying philosophical basis.** Animals have no moral standing because they lack consciousness, including consciousness of pain.

  Therefore, it doesn’t matter - morally speaking - how we treat them. No treatment of animals can be judged immoral, except in virtue of its indirect effects on humans.

- **Animal welfare stance**
We are stewards of animals; their lives and experiences have intrinsic value, but it is up to us to decide how to maximise value in the aggregate by using animals in various ways.

- **Associated attitudes.** Various traditional uses of animals are permitted, as long as they serve non-trivial ends and are conducted in ways that eliminate unnecessary animal suffering.

These reasons include such processes as medical research, humane animal slaughter and hunting, at least to prevent wildlife overpopulation.

- **Underlying philosophical basis.** Firstly, we have a moral obligation to balance the benefits and harms. Secondly, if an animal can suffer pain, then we have to balance this harm against the benefits of human use of the animal. Thirdly, we should not use animals when the benefits to us outweigh the costs to them and, in doing so, we should eliminate unnecessary animal suffering.

- **Animal rights stance**

Animals have moral rights. And when individuals have moral rights, we cannot treat them as means to our ends.

- **Associated attitudes.** Many or most traditional uses of animals are opposed, including everything listed as permissible under the above views, plus such things as consuming animal by-products, captive breeding programmes for endangered species and keeping pets.

- **Underlying philosophical basis.** Firstly, if an animal has rights, then harming it cannot be justified just because the benefits to humans outweigh the harms to animals.

Secondly, some non-human animals have mental lives similar to those of some humans (if only very small children).

Thirdly, therefore, if we recognise rights for all humans (including very small children), then we should recognise rights for those animals.

Fourthly, for those animals, we cannot justify harming them just because the benefits to us outweigh the harms to them.

**Conclusion**

If we are to act morally, then animals are not at our disposal to use as we choose. Our recognition of the basic rights of animals as individuals with complex subjective worlds requires fundamental changes in our institutions, including the elimination of confinement agriculture, animal experimentation, hunting, and the use of animals in most forms of entertainment, such as circuses, zoos and bull-fighting.
To require just treatment of animals is to ask for nothing more than in the case of any human to whom justice is due. Human and animal rights are closely related because they are based on essentially the same moral principles.

The question of whether animals have rights has been discussed by philosophers through the ages, but the arguments for and against have remained mainly of academic interest.

However, we must now accept that the animals for which we are responsible clearly have rights. This is an ethical issue of our time, and we must take it seriously - just as the question of the rights of human slaves had to be faced 150 years ago.

It has taken more than 2,000 years to accept that - at least in theory - every human being has equal rights. Perversely, we have to thank the recent activities of celebrity chefs to highlight some animal issues (in particular, issues regarding consumer ethics and animal welfare). Although far removed from the animal liberation issue, these animal advocates nevertheless seem to have brought a number of the relevant issues into the public arena. But, as these programmes clearly demonstrated, humans (vegans and possibly vegetarians excluded) have a long way to go before the appreciation of our questionable and schizophrenic attitudes and acts towards animals may force us to reconsider the exploitation and killing on an industrial scale, merely for humans to delight in nutritionally unnecessary meat.

Empathy and compassion towards humans and animals ought to be taught - ideally, at kindergarten, but certainly at school level. Humanistic educators emphasise that the curriculum in schools needs to foster a spirit of justice, goodwill and humanity towards all life, and they maintain that children’s motivation for social action comes from their engagement in all four domains of humanistic education: cognition, behaviour, affect and values (Darom, 1988; Thomas and Beirne, 2002).

Issues of animal rights are deeply embedded in ethical and moral considerations concerning humanity’s responsibility towards other beings. The existence of animals needs to be perceived beyond their instrumental values (economic and environmental); animals need to be recognised for their intrinsic value and receive protection.

Until humans decide to abandon animal use altogether (animal liberation), we must, in the meantime, urgently rethink our exploitative, transgressional relationship with animals.

We ought to refrain, in particular, from careless, superfluous and decadent animal use and consumption. One only has to be reminded of the truly unimaginable proportions of meat consumption in the USA alone: in 2006, almost 10 billion animals were slaughtered for human consumption. This consisted of eight billion chickens, 236 million turkeys, 96 million pigs, 32 million cattle, 26 million ducks and three million sheep or lambs.
Using the dominion argument as a convenient excuse for ignoring the plight of animals and the drawing up of various criteria for animals to be afforded rights and, therefore, protection from exploitation, is no longer acceptable and, in an increasingly (re-)enlightened society, is also hard to defend.

Most animal rights advocates have long realised that true change for animals may only come about if animals are to be afforded legal protection.

This legal rights argument, together with the frequently misunderstood dominion argument, will be discussed in the forthcoming article.

• A reference list will be made available with the final article in this series.

(1) After Gary Varner and Gary Comstock, see http://philosophy.tamu.edu/~gary/bioethics/index.html (last accessed 20/01/08).

(2) See the author’s first article within this series.

(3) In Jamie Oliver’s Fowl Dinner, a Channel 4 programme screened in January 2008, Oliver brought together consumers, producers and retailers to discuss how chickens and eggs are produced and consumed in the UK and how consumer ethics needed to change. Oliver used demonstrations, films and interviews to highlight key aspects of chicken and egg production. This included stocking densities, growth rates, the difference in living conditions for “standard” broiler and battery chickens, “enriched cages”, barn, free range and organic birds and how chicks and chickens are actually being killed. Stating that 95 per cent of meat chickens and 63 per cent of egg-laying hens are still intensively farmed in the UK, Oliver wanted also to highlight the welfare implications for the birds as a result of our persistent demand for cheap food.

(4) A programme with a similar intention and topic as described above, presented by Hugh Fearnley-Whittingstall, was also screened in January 2008 by Channel 4. Called Hugh’s Chicken Run, the programme primarily dealt with the intensive farming issues of broiler chicken. In the wake of the programme, a campaign for free-range farming methods was started, named “Chicken out!” - see www.chickenout.tv/ and www.channel4.com/food/ on-tv/river-cottage/hughsc江ickenrun/ (last accessed 26/01/08).
(5) *Kill it, Cook it, Eat it* ([www.bbc.co.uk/bbcthree/programmes/kill_it/](http://www.bbc.co.uk/bbcthree/programmes/kill_it/) - last accessed 26/01/08) was a series demonstrating the rearing, inspection and killing (slaughter process) of veal, milk-fed lambs, kid goats and suckling pigs, which are slaughtered regularly in UK abattoirs to feed a small but growing appetite for younger, more succulent meat.

(6) Francione (2000) describes society’s moral attitude on animals as schizophrenic, for the reason that, collectively, humans would agree that it is morally wrong to impose unnecessary suffering on animals, and yet a majority of farming methods involves just that.

(7) The animal liberation movement (sometimes called the animal personhood movement or animal abolitionist movement) is the global movement (sometimes described as a social reform movement) of campaigners encompassing academics, lawyers and organised groups who oppose the use of non-human animals in research, as food, as clothing, or as entertainment.

(8) The dominion argument relates to the Old Testament’s description of man as made in God’s image, and says: “Dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth” (Gen 1: 26.). Our society has interpreted this as: “Man has dominion over the animals. God does not prohibit using animals. It is permissible to use animals to satisfy our needs and interests.”

A forthcoming article argues that the *Bible* recognises that animals have value and function, independent to the uses to which we put them.

**Terminology and a selection of philosophical stances**

**ARISTOTLE (384 BC - 322 BC)**

Aristotle said every living organism has been made for the sake of man.

**RENE DESCARTES (1596 - 1650)**
Rene Descartes held that animals lack all consciousness because, in his view, they lack language and reason. Descartes’ view is that, because animals are not conscious (and therefore not capable of feeling pain), animal experimentation raises no ethical issues at all (the Cartesian view).

DAVID HUME (1711 - 1776)

Hume concludes that reason is merely habit, custom and conditioning, and that if men can be said to reason, so too can animals.

For Hume, the scientist who expects a given mixture to behave the way other such mixtures have behaved in the past is in exactly the same position as the chicken that expects to get fed when it hears the farmer come out in the morning. Just as the farmer may kill the chicken the next morning, so the world may change for the scientist, and his or her predictions (carefully based on past experience) can be totally invalidated. The net effect of Hume’s work was to call science and reason into question.

IMMANUEL KANT (1724 - 1804)

According to Kant, ethics are unique to rational beings. Rational beings, unlike other beings, are capable of formulating universal truths of mathematics, science and so on. Rationality and intelligence are the only criteria for admittance into the sphere of moral concern.

According to Kant, humans have no direct duties towards animals, as animals are not self-conscious or rational - animals are there merely as a means to an end and the end is man.

JEREMY BENTHAM (1748 - 1832)

Mankind is withholding rights from animals on the basis of tyranny. He said: “The day may come when the rest of the animal creation may acquire those rights that never could have been withheld from them except by the hand of tyranny. The question is not ‘can they reason?’ nor ‘can they talk?’ but ‘can they suffer?’”

PETER SINGER

With utilitarianism, nothing is inherently or intrinsically wrong - any action could be justified under some possible circumstances.

With regard to animal rights, a utilitarian position could endorse some types of experimentation under some circumstances.

As a utilitarian, Singer is not against animal experimentation in principle, but is against it because
he doubts that the benefits to humans significantly outweigh the costs to the animals (Hinman LM, 1996).

The principle of equal consideration of interests is an egalitarian and moral principle that states that one should include all affected interests when calculating the rightness of an action and weigh those interests equally; a minor interest must not count over a major interest.

For example, the minor interest that one may have in wanting to eat meat should not be counted above the animal’s major interest in living, which is lost to provide for one’s minor interest (Vardy P and Grosch P, 1999).

Speciesism refers to the widely held belief that the human species is inherently superior to other species and has rights or privileges that are denied to (sentient) animals.

**TOM REGAN**

Regan takes an anti-utilitarian view and is a proponent of affording moral rights to animals and of “subject-of-a-life” criterion and the respect principle and perfectionist view (see main article). One way of characterising rights views in ethics is that there are some things that, regardless of the consequences, are simply wrong to do to individuals; moral rights single out these things. To defend the moral rights of animals is to claim that certain ways of treating animals cannot be justified on utilitarian grounds. Any being with a complex mental life, including perception, desire, belief, memory, intention and a sense of the future (among other attributes), according to Regan, is “subject-of-a-life” and has a right to be treated justly.

**R G FREY**

In *The Case Against Animals*, he says animals cannot have rights because they have no interest.

**MATTHEW SCULLY**

In *Dominion, The Power Of Man, The Suffering Of Animals And The Call To Mercy*, Scully argues that assigning rights to animals is less important than simply treating them decently.

**STEPHEN RICHARD LYST ER CLARK**

Clark argues that we ought to respect animals, not on the basis of their resemblance to humans, but instead on the basis of their difference (in Almond B, 1995). Humans and animals are, with this view, simply to be regarded as different creatures sharing the resources that the earth has to offer and respecting each other on this basis. This avoids the need to identify various indicators of personhood in living beings before moral consideration can be extended to them.
STEVEN M WISE

Wise’s position on animal rights is that some animals, particularly primates, meet the criteria of legal personhood and should, therefore, be awarded certain rights and protections. His criteria for personhood are that the animal must be able to desire things, must be able to act in an intentional manner to acquire those things and must have a sense of self - it must know that it exists. Wise argues that chimpanzees, bonobos, elephants, parrots, dolphins, orangutans and gorillas meet these criteria (Contemporary Authors [2004], Gale Reference Team, Thomson Gale).

References

- 1. Modern study of animal cognition makes it implausible to hold that animals entirely lack reason and some studies suggest they can master the rudiments of language. Still, even some contemporary philosophers hold that animals may entirely lack consciousness.
- 2. This radiation of placing animals clearly outside the realm of morality or ethical significance, on the grounds that they do not possess rational minds, is often referred to as the “absolute dismissal argument”.
- 3. Speciesism can also be used to describe the oppressive behaviour, cruelty, prejudice and discrimination associated with such a belief.
The author draws parallels between human slavery and animal use.

Photo: ISTOCKPHOTO/NUNO SILVA
Aristotle said every living organism has been made for the sake of man.

Photo: ISTOCKPHOTO/PHIL SIGIN

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