

[From] Animals

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IN ORDER to satisfy the human taste for flesh, over 5 billion animals are slaughtered every year in the United States alone. Most chickens, pigs and calves raised for food never see the light of day. These animals are often so intensively confined that they are rarely able to turn around or spread a wing. An estimated 200 million animals are used routinely in laboratory experiments around the world annually. A large portion of the research causes the animals pain and discomfort while providing absolutely no benefit to human beings. An estimated 250 million wild animals are shot and killed each year by hunters in the United States. Over 650 different species of animals now threatened may be extinct by the turn of the century. These realities have caused many people to question our relationship to non-human animals.

The conditions under which animals are kept and the ways in which they are used by factory-farmers, experimenters, furriers, commercial developers and others tend to disregard the fact that animals are living, feeling creatures. Peter Singer's 1975 publication, *Animal Liberation*, challenged the attitude that animals are ours to use in whatever way we see fit and offered a 'new ethics for our treatment of animals'. This book also provided the moral foundation for a budding and boisterous animal liberation movement, and at the same time forced philosophers to begin addressing the moral status of animals. The ensuing discussion led to a general agreement that animals are not mere automata, that they are capable of suffering, and are due some moral consideration. The burden of proof shifted from those who want to protect animals from harm to those who believe that animals do not matter at all. The latter are now forced to defend their view against the widely accepted position that, at least, gratuitous animal suffering and death is not morally acceptable.

A few defences have been attempted. In his book, *The Case for Animal Experimentation*, Canadian philosopher Michael A. Fox set out to prove that animals are not members of the moral community and therefore humans have no moral obligation to them. He argued that 'a moral community is a social group composed of interacting autonomous beings where moral concepts and

precepts can evolve and be understood. It is also a social group in which the mutual recognition of autonomy and personhood exist'.¹ An autonomous person, according to Fox, is one who is critically self-aware, able to manipulate complex concepts, capable of using sophisticated language, and has the capacity to plan, choose, and accept responsibility for actions. Members of the moral community as described are morally superior. Animals, not having valuable lives of their own to lead, cannot function as members of the moral community. He concludes that 'full members of the moral community may use less valuable species, which lack some or all of these traits, as means to their ends for the simple reason that they have no obligation not to do so'.²

Picking out one or more characteristics that are thought to differentiate non-humans from humans has been a constant theme in discussions regarding our relationship to animals. In the Christian tradition the line was drawn at possession of a soul: only creatures who had a soul mattered. When leaps of faith became unacceptable grounds for argument, the focus shifted to other 'measurable' differences such as tool use or brain size, but these did not prove particularly helpful in maintaining the desired distinction. The line-drawing concepts that Fox relied on, i.e., language use and autonomy, are more commonly used.

Some philosophers, most notably Donald Davidson in *Inquiries into Truth and Interpretation* and R. G. Frey in *Interests and Rights*, have argued that beings cannot have thoughts unless they can understand the speech of another.³ Language, according to this view, is necessarily linked to propositional attitudes, such as 'desires', 'beliefs', or 'intentions'. A being cannot be excited or disappointed without language. While a being's ability to conceptualize and thus be aware of its role in directing the course of its life may indeed grant that being different moral status, the desired exclusion of all animals and no humans by virtue of their alleged lack of these abilities fails. It would be nonsensical to hold a lion morally responsible for the death of a gnu. As far as we know, lions aren't the sort of creatures that can engage in deliberations about the morality of such behaviour. Similarly, however, an infant cannot be held responsible for destroying an original sculpture, or a child held culpable for accidentally shooting her sister. Animals are not moral agents. While they may have choices, their choices are not the sort we would call value choices—choices which underlie ethical decisions. Infants, young children, developmentally impaired people, those in comas, victims of Alzheimer's disease, and other disabled human beings are also incapable of making moral decisions. All of these beings cannot be considered members of the moral community, as Fox would have it. Therefore, according to Fox's own logic, animals are not the only beings whom moral community members can use as we wish: the 'marginal' humans are also fair game.

Recognizing this problem, Fox attempts to bring humans, of whatever capability, into the protective moral community by arguing that their condition could very well have been our own. I might have been born without a brain, autistic or otherwise mentally impaired and if I had been, I would not want to

be treated as if my suffering did not matter. Thus, 'charity, benevolence, humaneness, and prudence require' that we extend the moral community to include 'under-developed, deficient or seriously impaired human beings'.⁴ One could argue, however, that I can no more imagine what it would be like to be autistic than I could imagine what it would be like to be an armadillo. Simply being part of the same species doesn't grant me a particularly special insight into another human's perspective, especially one who has a severe disability: my autonomous awareness doesn't necessarily provide me with a sensitivity toward deficient humans that I don't also have, or could not cultivate, towards animals. Fox's readiness to include the former but not the latter is arbitrary.

Recognizing this, and other mistakes in his work, Fox radically changed his views.⁵ Less than a year after his book was published, Fox rejected the main thesis of his book, stating: 'I eventually came to believe that our basic moral obligations to avoid causing harm to other people should be extended to animals, and since I could not see any justification for our benefiting from harm caused other humans, I inferred that it would likewise be wrong for us to benefit from the suffering of animals.' Yet there is another conclusion that could have been drawn after recognizing that one couldn't find a moral basis for drawing the line around the human species while excluding non-humans. This is a position that is maintained by R. G. Frey. Frey recognizes that animals and 'marginal' humans deserve certain moral considerations and includes them within the moral community because they are beings who can suffer. However, he believes that their lives are not of comparable value to those of normal adult human beings, beings who are autonomous persons. Because he bases his argument on quality of life and assumes that the quality of life of a normal adult human is always greater than that of an animal or a deficient human, he concludes that one cannot invariably use animals in preference to 'marginal' humans. He writes, 'the only way we could justifiably do this is if we could cite something that always, no matter what, cedes human life greater value than animal life. I know of no such things'.⁶

Others have tried to argue that species membership is enough. Animals are not ethical beings and since they are not we owe them no moral considerations. They insist that this cannot be refuted by the argument for marginal humans because marginal humans are still humans and our obligations to them are derived from the essential nature of human beings, not from borderline cases. Frey, himself a proponent of a limited use of both animals and 'marginal' humans, has a compelling response to those who hold this human supremacist view. 'I cannot see that species membership is a ground for holding that we stand in a special moral relationship to our fellow humans . . . how, through merely being born, does one come to stand in a special moral relationship to humans generally?'⁷

Frey's position also has its problems. One might question his claim that normal adult humans necessarily have lives more worth living than normal adult animals. Yet Frey's evolving position, unlike those attempts to maintain a total

rejection of the claim that animals matter, has benefitted tremendously from the arguments presented by the defenders of animals, arguments to which I will now turn. While there are a number of them, I will discuss two of the most common ethical positions, the rights argument and utilitarianism. I will point out some of the problems with these views and attempt to clarify common misunderstandings. I will then propose a less common way of looking at the question and suggest that this alternative may be worthy of further exploration.

Rights

The view that animals deserve moral consideration is often labelled with the words 'animal rights'. Journalists and activists alike have taken this slogan to refer to a wide range of positions. While 'animal rights' serves as a catchy way to draw attention to the plight of animals, much the way 'women's rights' did a couple of decades ago, it really refers to a very specific philosophical position. The view that animals have rights was most eloquently articulated by Tom Regan in *The Case for Animal Rights*.

Regan's view, greatly abbreviated, goes like this: only beings with inherent value have rights. Inherent value is the value that individuals have independent of their goodness or usefulness to others and rights are the things that protect this value. Only subjects-of-a-life have inherent value. Only self-conscious beings, capable of having beliefs and desires, only deliberate actors who can conceive of the future and entertain goals, are subjects-of-a-life. Regan believes that basically all mentally normal mammals of a year or more are subjects-of-a-life and thus have inherent value which allows them to have rights.

The rights which all subjects-of-a-life hold are moral rights, not to be confused with legal rights. Legal rights are the products of laws, which can vary from society to society. Moral rights, on the other hand, are said to belong to all subjects-of-a-life regardless of their colour, nationality, sex, and as Regan argues, species. When people speak of animal rights, then, they are not speaking of a cow's right to vote, a guinea pig's right to a fair trial, or a cat's right to religious freedom (three examples of legal rights that adults have in the United States), but about the right an animal has to be treated with respect as an individual with inherent value.

According to Regan, all beings who have inherent value have it equally. Inherent value cannot be gained by acting virtuously or lost by acting evilly. Florence Nightingale and Adolf Hitler, by virtue of the fact that they were subjects-of-a-life, and that fact alone, had equal inherent value. Inherent value is not something that can grow or diminish based on fads or fashion, popularity or privilege.

While this position is egalitarian and respects the value of individuals, it does not provide any guiding principle for action in cases where values conflict. Consider the following example, which Regan mentions: 'Imagine five survi-

vors are on a lifeboat. Because of limits of size, the boat can only support four. All weigh approximately the same and would take up approximately the same amount of space. Four of the five are normal adult human beings. The fifth is a dog. One must be thrown overboard or else all will perish. Whom should it be?'⁸ Regan argues that we should kill the dog, because he says 'no reasonable person would deny that the death of any of the four humans would be a greater *prima facie* loss, and thus a greater *prima facie* harm, than would be true in the case of the dog. Death for the dog, in short, though a harm, is not comparable to the harm that death would be for any of the humans. To throw any one of the humans overboard, to face certain death, would be to make that individual worse-off (i.e., would cause *that* individual a greater harm) than the harm that would be done to the dog if the animal was thrown overboard.' He goes further and suggests that this would be true if the choice had to be made between the four humans and any number of dogs. He writes 'the rights view still implies that, special considerations apart, the million dogs should be thrown overboard and the four humans saved.'⁹

Regan argues that a human being is made worse off by being killed than a dog is, no matter who the dog or the human is. While it is true that humans can aspire to things that animals can't, such as finding a cure for AIDS or retarding the greenhouse effect, it is not obvious that the value of these aspirations plays any morally significant part in determining the severity of the harm that death is. For example, if I am thrown overboard before I get home to write the play I so often dream of writing or a dog is killed before he gets to go for one more run by the river, we both are having our desires thwarted and thwarted to the same degree—totally. One can only say that I am worse off because one thinks writing a play is more important than running by the river. But it surely isn't more important to the dog. The desire that a person has to accomplish their goals is presumably just as great for a dog, even if the goals are very different. As Dale Jamieson has put it, 'Death is the great equalizer. . . . Black or white, male or female, rich or poor, human or animal, death reduces us all to nothing.'¹⁰

Regan's rights view does have problems. It is a view that must either leave one paralysed when making tough decisions or force one to contradict oneself by maintaining that all are equal but in certain cases some beings are more equal than others. His view is one that tries to preserve the value of the individual apart from any consideration of that individual's worthiness or usefulness to others. However, in his attempt to minimize the impact on the individual of claims to promote 'the greater good' or 'welfare', Regan fails to provide a consistent prescription for action.

Utilitarianism

A utilitarian position does not focus on the equal value of all beings and therefore does not leave one unable to choose in conflict situations. Utilitarian-

ism is, nonetheless, an egalitarian position. A utilitarian holds that in any situation the equal interests of all beings affected by an action must be considered equally. The equality that is important for this view is not the equal treatment of individuals, *per se*, but the equal consideration of their abilities to experience the world, most fundamental of which is the ability to suffer.

Like the rights view, a utilitarian position is one which does not allow arbitrary or prejudicial attitudes to influence moral judgements. All like interests are counted, regardless of the skin colour, sex, or species of the interest holder. As Peter Singer has stated, 'If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—in so far as rough comparisons can be made—of any other being.'¹¹

The utilitarian position works very well when the moral issue at hand involves making a decision that will cause pain or bring about pleasure. If an evil tyrant forces you to decide whether to slap your mother or have your cat's eye put out, a utilitarian would slap her mother and thus bring about the least amount of suffering, all else being equal. It should be pointed out that the principle of minimizing pain and maximizing pleasure does not apply only to physical suffering, but should also be looked to when psychological pain or pleasure is at stake, although, admittedly, that is harder to determine. But the utilitarian does run into problems when killing is involved. Let's return to Regan's lifeboat, only this time let's fill it with utilitarians and see what happens.

For a utilitarian, the lifeboat case becomes very complex. Because decisions must be based on a range of considerations, the example must be clarified before proceeding. Throwing any one of the passengers overboard may have effects on others who are not immediately present, such as their families and friends. Since a utilitarian must take into account the pain or suffering of everyone affected, not just those immediately present, we will have to assume that the survivors on the lifeboat lost all of their friends and family in the catastrophe which brought them to their current situation. This way, the only being affected by the act is the being who gets thrown overboard. We will also have to assume that whoever is thrown overboard will be painlessly killed by a lethal injection before being dumped in the ocean. No being's death will be longer, or more painful, than any other.

For a classical utilitarian, the answer is now fairly straightforward. The being who should be thrown overboard is that being who is the least happy now and is not likely to be particularly happy throughout his life. Since dogs are generally easily satisfied, this could mean that one of the humans should be thrown overboard. What matters to the utilitarian is not the species of those beings capable of contributing to the overall happiness of the moral universe, but the amount they contribute. In this situation, one is forced to reduce the total pleasure in the universe by removing one of the passengers in the lifeboat.

In order to minimize the overall loss of happiness, the being who is the most likely to lead an unhappy life will be the one to go.

Most people, even those who consider themselves utilitarians, can't easily swallow this decision. Indeed, it is exactly this sort of analysis that has spawned such theories as that held by Regan. Singer, however, defends a more sophisticated version of utilitarianism, namely preference utilitarianism, which attempts to sidestep this unsavoury conclusion. Singer argues that self-conscious, rational human beings are capable of having a specific preference for continued existence. Killing the humans on the lifeboat would clearly be in direct conflict with this preference. It is not clear that dogs have distinct preferences for continued existence, although they may have other preferences which would require continued existence in order to be satisfied. The conclusion that an 'enlightened' utilitarian might reach is similar to that reached by Regan, but the reasons are very different.

This agreement in practice is not uncommon. Those who agree with the rights argument as well as those who adhere to utilitarianism will not eat animals, but for different reasons. The former will be vegetarians, and perhaps vegans (those who avoid all animal products, including milk and eggs), because to use animals in such a way is not consistent with treating them as beings with inherent worth. To a person who holds the rights view, using an animal as a means to an end, in this case as food for the dinner table, is a violation of that being's right to be treated with respect. A utilitarian will abstain from eating animal products as long as the process that is used to raise them involves a net balance of suffering. If the animals live happy, stress-free, natural lives before they are painlessly killed, the utilitarian may not object to their use as food.

In the case of using animals in experimentation, the conclusions reached again differ more sharply in theory than in practice. According to Regan, 'the rights view is categorically abolitionist. . . . This is just as true when they [animals] are used in trivial, duplicative, unnecessary or unwise research as it is when they are used in studies that hold out real promise of human benefits. . . . The best we can do when it comes to using animals in science is—not to use them.'¹² Singer's position is very different. He would not advocate abolitionism in theory because 'in extreme circumstances, absolutist answers always break down . . . if a single experiment could cure a major disease, that experiment would be justifiable. But in actual life the benefits are always much, much more remote, and more often than not they are nonexistent . . . an experiment cannot be justifiable unless the experiment is so important that the use of a [brain-damaged] human being would also be justifiable.'¹³

Singer is not advocating that brain-damaged humans be used in experimentation, although some have accused him of holding this view. The point being made is that it is wrong to decide to experiment on animals rather than on humans with similar abilities to comprehend their situation if the readiness to experiment is based only on the fact that the animal is a different species. This

bias in favour of one's own species has been called 'speciesism' and is considered morally on par with sexism and racism.

As the animal liberation issue has become more popular, species-based discrimination has become synonymous with bigotry. This is a dangerous simplification. Discrimination is not always unjust, and in fact, in some cases it may be crucial. As Mary Midgley has pointed out, 'It is never true that, in order to know how to treat a human being, you must first find out what race he belongs to. . . . But with an animal, to know the species is absolutely essential.'¹⁴ The difference between an African and a cheetah is not the same as the difference between an African and an Eskimo. We do animals a great disservice if by including them in our sphere of moral concern we overlook their vast, marvellous differences from us, some of which may be relevant in moral deliberations.

Sympathy

Regan and Singer argue that giving greater weight to the interests of members of one's own species is indefensible. They suggest that animals and humans share the same morally relevant characteristics which provide each with equal claims. In a very simple world, this suggestion would not be problematic. But animals are not just animals—they are Lassie the dog and the family's companion cat; bald eagles and bunnies; snakes and skunks. Similarly, humans are not just humans—they are friends and lovers, family and foe. Kinship or closeness is a very important element in thinking about virtually every feature of our daily lives. To deny the reality of the influence this factor has on our decision-making in favour of some abstraction, like absolute equality, may be considered saintly, but probably is not possible for most mortals faced with complex decisions.

This focus on abstraction is not unique in moral theorizing. Philosophers long before Regan and Singer postulated that in order for a decision to be ethical it must go beyond our own preferences or partiality. Ethics, it has been said, must be universal, and universality can only be accomplished through abstract reasoning. If one values the life of a being who can enjoy life, then one must value every life of like beings in the same way. As Regan says, 'We know that many—literally, billions and billions—of these animals are subjects-of-a-life in the sense explained and so have inherent value if we do. And since, in order to arrive at the best theory of our duties to one another, we must recognize our equal inherent value as individuals, reason—not sentiment, not emotion—reason compels us to recognize the equal inherent value of these animals and, with this, their equal right to be treated with respect.'¹⁵

In the preface to *Animal Liberation*, Singer describes the justification of opposition to the Nazi experiments and animal experiments as 'an appeal to basic moral principles which we all accept, and the application of these principles to the victims of both kinds of experiments is demanded by reason, not emotion'. Obviously, reason has played a tremendous role in discussions of morality in

general and particularly in discussions pertaining to the way moral principles apply to animals. If reason were the sole motivator of ethical behaviour, one might wonder why there are people who are familiar with the reasoning of Singer's work, for example, but who nonetheless continue to eat animals. While many have suggested that to act rationally entails acting morally, reason is only one element in decision making. Emotion, though often dismissed, plays a crucial role as well. Feelings of outrage or revulsion, sympathy or compassion are important to the development of complete moral sensibilities. As Mary Midgley has said, 'Real scruples, and eventually moral principles, are developed out of this kind of raw material. They would not exist without it.'¹⁶

Recognizing that appeals to sympathy are avoided by other proponents of animal liberation, John Fisher suggests that the very project of including animals in the moral community may be undermined by neglecting the powerful role sympathy plays. He argues that sympathy is fundamental to moral theory because it helps to determine who the proper recipients of moral concern are. Fisher suggests that those beings with whom we can sympathize must be morally considered. Presumably, how we treat those beings would be a function of our ability to sympathize with them.¹⁷

By arguing for the inclusion of animals in the moral sphere on the basis of reason, not emotion, philosophers are perpetuating an unnecessary dichotomy between the two. Certainly it is possible that a decision based on emotion alone may be morally indefensible, but it is also possible that a decision based on reason alone may be objectionable as well. One way to overcome the false dualism between reason and emotion is by moving out of the realm of abstraction and getting closer to the effects of our everyday actions. Much of the problem with the attitude many have towards animals stems from a removal from them. Our responsibility for our own actions has been mediated. Who are these animals who suffer and die so that I can eat pot roast? I do not deprive them of movement and comfort; I do not take their young from them; I do not have to look into their eyes as I cut their throats. Most people are shielded from the consequences of their actions. Factory-farms and laboratories are not places where many people go. The sympathy that people might naturally feel towards a being who is suffering, coupled with reasoned moral principles, would probably cause most to object to these institutions. While it is not possible for everyone directly to experience the effect of each and every one of their actions, that is no reason not to try. As feminist theorist Marti Kheel suggests, 'in our complex, modern society we may never be able to fully experience the impact of our moral decisions, we can, nonetheless, attempt as far as possible to experience emotionally the knowledge of this fact.'¹⁸

While there are different philosophical principles that may help in deciding how we ought to treat animals, one strand runs through all those that with-

stand critical scrutiny: we ought not to treat animals the way we, as a society, are treating them now. We are very rarely faced with lifeboat decisions; our moral choices are not usually ones that exist in extremes. It simply isn't the case that I will suffer great harm without a fur coat or a leg of lamb. The choice between our baby and our dog is one that virtually none of us will be forced to make. The hypothetical realm is one where we can clarify and refine our moral intuitions and principles, but our choices and the suffering of billions of animals are not hypothetical. However the lines are drawn, there are no defensible grounds for treating animals in any way other than as beings worthy of moral consideration.

Notes

1. M. A. Fox, *The Case for Animal Experimentation* (Berkeley: University of California Press, 1986), 50.
2. *Ibid.*, 88.
3. D. Davidson, *Inquiries into Truth and Interpretation* (Oxford: Oxford University Press, 1984); R. G. Frey, *Interests and Rights: The Case Against Animals* (Oxford: Clarendon Press, 1980).
4. Fox, *Case for Animal Experimentation*, 61–63.
5. M. A. Fox, letter in the *Scientist*, 15 December 1986, and "Animal Experimentation: A Philosopher's Changing Views," *Between the Species* 3 (1987): 55–60.
6. R. G. Frey, "Moral Standing, the Value of Lives, and Speciesism," *Between the Species* 4 (1988): 197.
7. Frey, *Interests and Rights*, 199.
8. T. Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983), 285.
9. *Ibid.*, 324–25.
10. D. Jamieson, "Two Problems with Regan's Theory of Rights" (Paper presented at the meeting of the Pacific Division, American Philosophical Association, 1985).
11. P. Singer, *Practical Ethics*, 2nd ed. (New York: Cambridge University Press, 1993), 57 [this volume, 54].
12. T. Regan, "The Case for Animal Rights," in *In Defense of Animals*, ed. P. Singer (Oxford: Basil Blackwell, 1985), 24.
13. P. Singer, *Animal Liberation*, 2nd ed. (New York: Random House, 1990), 85.
14. M. Midgley, *Animals and Why They Matter* (Athens: University of Georgia Press, 1983), 98.
15. Regan, "Case for Animal Rights," 23–24.
16. Midgley, *Animals and Why They Matter*, 43.
17. J. Fisher, "Taking Sympathy Seriously," *Environmental Ethics* 9 (1987): 197–215.
18. M. Kheel, "The Liberation of Nature: A Circular Affair," *Environmental Ethics* 7 (1985): 135–49.