

## Introduction

Is it morally permissible to cause or contribute to animal suffering? To answer this question, we will primarily focus on the suffering of animals raised for food (though keep in mind that we also contribute to animal suffering in other ways—e.g., with animal experimentation, by demolishing habitats, and so on). Nearly all of the meat that is produced in the United States is the product of “factory farming”. **Factory farms** are basically factories that are in the business of making meat. Just as an automobile factory employs assembly lines and highly efficient, cost-effective methods of producing large numbers of automobiles very quickly, factory farms do just the same for meat. This often results in extremely **crowded**, **dirty**, and **painful** living conditions for animals before they are slaughtered. (See: [animalclock.org/](http://animalclock.org/))

### Number of animals killed in the U.S. in one year

- 8.1 billion chickens—99% of them raised in factory farms (*that's billion with a 'b'*)
- 124 million pigs—98% of them raised in factory farms
- 36 million cows—70% of them raised in factory farms
- 214 million turkeys—99% of them raised in factory farms

In short, nearly all chickens, cows, and pigs (about 99% of the animals we eat) experience very impoverished, nasty, brutal, and short lives before being sent to slaughter. Not to mention:

- Over 100 million mice and rats are killed in U.S. laboratories each year.
- There are roughly 100,000 primates currently in captivity in the U.S. being experimented on right now (over 75% of these experiments are labelled “harmful” in their project proposals; 90% if you include “minimally harmful” experiments).

Is this morally permissible?



Chickens



Cows



Pigs

Some videos: [\[Warning: EXTREMELY Disturbing\] Chickens](#) ; [Pigs](#) ; [If Slaughterhouses Had Glass Walls](#)

## Cohen Against Animal Rights

Cohen argues that animals do NOT have moral rights. First, he defines what a “right” is:

**Moral Right:** A moral claim that one can exercise against another.

Put another way, a right is a *moral demand* that one is *naturally entitled to make* against others. For example, if I have a right to life, this entails that you are morally obligated not to take my life. But, if you do come at me to take my life from me, then I am entitled to demand that you stop (and it is permissible for me to try to stop you).

Note also that moral rights are natural rights. Contrast this with LEGAL rights, which are human constructs (for example, the right to vote, or the right to an attorney). As our alumnus Thomas Jefferson put it, we are all endowed with certain “inalienable” rights (e.g., to life, liberty, and the pursuit of happiness). By “inalienable”, Jefferson means that they cannot disappear or be taken away. So, even if we all decided by majority vote that no one has a right to life, this wouldn’t make it true. We’d simply be mistaken.

*[Side note: Rights give rise to duties, but not vice versa. If I have a right not to be harmed, then you automatically have a moral duty (obligation) not to harm me. On the other hand, even if you are obligated to – for example – save a drowning child, it doesn’t seem to be the case that the child has a RIGHT to your aid.]*

Cohen’s claim: Since rights are claims that one exercises against others, it must be that **the only individuals who HAVE rights are those who CAN exercise claims against others**. He writes, “The holders of rights must have the capacity to comprehend rules of duty, governing all including themselves. In applying such rules, the holders of rights must recognize possible conflicts between what is in their own interest and what is just.”

The result: But, note that animals are not capable of exercising claims against others, or comprehending the rules of moral duty. Therefore, animals have no rights. Since human beings are the only beings capable of exercising moral claims against others, only human beings have rights (Note that other intelligent species WOULD have rights under this definition if they existed; e.g., aliens or hobbits).

But, if animals have no right not to be harmed, then it is morally permissible to eat them, experiment on them, etc. Yay!

**Objections:** Let’s examine some objections to this view.

**1. Animals Are Moral:** But lots of animals DO have the ability to reason, and communicate moral claims to one another, etc.! (e.g., they retreat when attacked; they “punish” others for stealing food by biting them; etc.) So they DO have rights!

Reply: Animals may have SOME ability to reason, problem solve, communicate, etc., but it is too rudimentary to render them moral beings. For, animals do not grasp moral arguments or apply moral principles to determine right and wrong action. And THAT is what is required in order to have rights. Cohen writes,

“Analogies between human families and those of monkeys, or between human communities and those of wolves, and the like, are entirely beside the point. Patterns of conduct are not at issue. Animals do indeed exhibit remarkable behavior at times. Conditioning, fear, instinct, and intelligence all contribute to species survival. Membership in a community of **moral agents** nevertheless remains impossible for them. Actors subject to moral judgment **must be capable of grasping the generality of an ethical premise** in a practical syllogism [i.e., formal argument]. Humans act immorally often enough, but only they—never wolves or monkeys—**can discern**, by applying some moral rule to the facts of a case, **that a given act ought or ought not to be performed**. The moral restraints imposed by humans on themselves are thus highly abstract and are **often in conflict with the self-interest of the agent**. Communal behavior among animals, even when most intelligent and most endearing, does not approach autonomous morality in this fundamental sense.” (emphasis mine)

The ability to recognize a conflict between self-interest and moral duty requires a pretty sophisticated mind. Here’s an example:

**Important Interview** You are on your way to an interview for your dream job. You can’t even believe it. By pulling some strings, a friend got you this ONE shot! But you have to be there on time. Just then, you see a child drowning in a pond nearby. You realize that, if you stop to save the child, you’ll never get that dream job. At best, you’ll arrive late, and covered in mud, and you’ve heard they’re very strict about punctuality. So, you keep walking, and you can hear the child dying as you walk past the end of the pond. (Good news though: You get that job!!!)

Is it permissible to ignore the child here? Seemingly no. But note what you’ve just done: You’ve **weighed** your own interests against some competing moral reasons, and then you **judged** that your duty conflicted with your self-interest. That’s pretty impressive!

It may help to ask: At what age do human beings become *morally responsible* for their behavior? That is, when is it the case that a person’s actions can legitimately make them worthy of praise or blame, reward or punishment? (And I don’t mean “punishment” in the sense of putting a toddler in a “time out” in an attempt to sculpt them or demonstrate to them that actions have consequences. I mean “punishment” as an appropriate reaction when someone is truly morally culpable for some wrongdoing.)

For example, imagine that a three year old (who has just come in from the swingset at the playground), runs up to someone at the top of the stairwell, and cries, “Pushy on the

swing!!” Then, that person falls to their death. ...Is the toddler a murderer? Should they be tried and convicted for their crimes? Should they serve hard time? Perhaps get the electric chair? Surely not. For this child was not yet the sort of being who is responsive to moral reasons in the right sort of way, which would make them truly morally culpable for what they did.

So I ask again: AT WHAT AGE does a human become morally responsible for what they do? 18? 16? 12? 8? Surely no lower than 5 years old? But note: Dogs and pigs are cognitively on a par with 2-year-olds. And even the most advanced animals (e.g., dolphins and chimpanzees) are only cognitively on a par with 3-year-olds. Simply put: *Animals are not morally responsible for their behavior* (i.e., they are not **moral agents**).

**2. Infanticide:** If the proposal above were correct, then infants and the severely cognitively disabled would have no rights, since they are not capable of exercising moral claims against others, or comprehending moral duties, etc. So, is Cohen suggesting that it is permissible to eat babies and experiment on the cognitively disabled?

Reply: Cohen clarifies his position, writing,

"[Animals] are not beings **of a kind** capable of exercising or responding to moral claims. Animals therefore have no rights, and they can have none."

Note, however that:

"The capacity for moral judgment that distinguishes humans from animals **is not a test to be administered to human beings one by one**. Persons who are unable, because of some disability, to perform the full moral functions **natural to human beings** are certainly not for that reason ejected from the moral community. **The issue is one of kind**. ... What humans retain when disabled, animals have never had."

Cohen's final, REVISED proposal seems to be something like this:

**An individual has rights if and only if it is a member of a KIND (*species?*) that is NATURALLY (*generally?*) capable of exercising moral claims against others, comprehending the rules of duty, etc. (*Is this a fair interpretation?*)**

Since human beings are GENERALLY capable of these things (i.e., it is our natural state, or majority state), infants and the severely cognitively disabled inherit these rights too.

In short, infants and the severely cognitively disabled have rights merely in virtue of being members of a species that, on the whole, fits the criteria for having rights.

**More Objections:** Even so, many worries remain:

**3. Speciesism:** Regardless of how intelligent animals are, *they can still suffer*. As Peter Singer noted (citing Jeremy Bentham), "**The question is not, Can they reason? nor, Can they talk? but, Can they suffer?**" And factory farming and animal experimentation cause animal suffering. Surely that is morally important. To believe and behave as if human suffering matters, morally, but animal suffering does not is "**speciesism**".

Racism and sexism are the beliefs that the well-being or suffering of one race, or one sex, matters morally, while that of another does not—or at least, matters a lot LESS. It is the belief that one group has certain rights that the other group does not. But, these beliefs are unjustified, and morally repugnant. So too is speciesism.

Reply: Forms of discrimination like racism and sexism are immoral because there is no morally relevant difference between races and sexes which might justify treating them differently. But there IS a morally relevant difference between humans and other species: Namely, WE have the ability to engage in moral reasoning, exercise moral claims, etc.!

If we were not speciesists, and all creatures were considered equally, we'd have to admit that either: (1) NO species has rights, or (2) They ALL do (in which case, even rats would have the same rights as humans). Either option is absurd.

*[Is this fair to Singer? Singer EXPLICITLY takes steps to clarify that he is not suggesting equal TREATMENT of animals; but rather only equal CONSIDERATION of INTERESTS. Since, e.g., rats do not have the ability to reason or consider political policies and issues, they have no interest in being given the right to vote. But, since they CAN feel pain, they DO have an interest in not being physically harmed, so we should consider this fact when making moral decisions that might cause a rat to suffer. Is Cohen being 'uncharitable'?)]*

**[Agents vs. Patients:** Think of it this way: There seem to be TWO categories of individuals which concern morality:

**Moral Agents:** The *bearers* of moral obligations and responsibilities; their actions are worthy of praise and blame.

**Moral Patients:** Things *toward which* moral agents can have moral obligations and responsibilities.

You and I are both moral agents AND moral patients. That is, you are the sort of thing that has moral obligations. And if you behave in certain ways (say, you harm someone), it would be appropriate to blame you, and even punish you. In short, you are a moral agent. But, you are ALSO the sort of thing that OTHER moral agents have OBLIGATIONS

toward. For instance, I, since I am a moral agent, have a duty to not harm you. In short, you are a moral patient.

It seems pretty plausible that all moral agents are also moral patients. But, it's probably NOT the case that all moral patients are also moral agents! Consider babies, for example. They don't seem to have any moral obligations. They're not even capable of acting wrongly, for the simple reason that they are not developed enough to even understand the rules of moral duty. If a baby caused someone to trip and fall, it would be entirely inappropriate to blame them, or (worse) punish them. Yet, surely WE have obligations *toward* them. For instance, surely we have a duty not to cause them to suffer. Thus, babies are moral patients, but not moral agents.

What makes something a moral patient? As we have seen, surely being a moral agent is not a pre-requisite! As Alastair Norcross puts it, "Full status as a moral patient is not some kind of reward for moral agency." (243) Peter Singer would say: Something is a moral patient merely in virtue of being SENTIENT—that is, capable of pleasure or pain. ), The question is not, Can they reason? nor, Can they talk? but, **Can they suffer?** Yes, animals can suffer. Thus, animals are moral patients, and we therefore have moral obligations toward them.]

**4. Counter-Examples:** Imagine the following scenarios.

**Smart Cow:** A cow has been born which is extremely intelligent, and has learned to talk. The cow is capable of engaging in moral reasoning, and writes a philosophical essay in which she argues that it would be morally wrong to kill her.

But IS it morally wrong to kill the smart cow? Intuitively, yes. But, on Cohen's revised view, it would NOT be wrong to do so. After all, assuming the smart cow is the only one of her kind, then apparently she is NOT a member of a species that is IN GENERAL capable of exercising moral claims, etc. Consider another case:

**Secret Population:** Unbeknownst to us, a MASSIVE population of 10 billion human beings with the mental capacity of a normal cow has been living for decades, hidden away in the Himalayan mountain range. Some explorers discover them today.

In this example, it turns out that RIGHT NOW the human race is NOT a species that is "generally" capable of exercising moral claims, comprehending moral duties, etc. If this story were true, would that mean that, our whole lives, we have been MISTAKEN about whether human beings had rights? i.e., as it turns out, we NEVER had rights at all!? That is completely absurd.

In short, on Cohen's view, it seems that I cannot know whether you or I have rights, or moral status, until we survey every other human being in order to determine what is "natural" for our species. **This makes our moral status unacceptably extrinsic.**

Suggested Amendment: What if Cohen were to AGAIN amend his principle by COMBINING his two proposals, such that an individual has a full set of rights if and only if it EITHER: (i) Can personally exercise moral claims against others, comprehend the rules of duty, etc., or (ii) Is a member of a SPECIES that is IN GENERAL capable of exercising moral claims against others, comprehending the rules of duty, etc.?

Rebuttal: On this hybrid proposal, it WOULD be wrong to kill and eat Smart Cow, because she meets criterion (i). It would also be wrong to kill and eat any of us "normal" adults Secret Population, because we too would meet criterion (i). So, problem solved!

Not so fast... Even on this hybrid proposal, NO human infants, and NONE of the 10 billion Himalayan humans would have rights, because those individuals NEITHER meet criterion (i) NOR criterion (ii). That's absurd. Surely the question of whether or not it is PRESENTLY wrong to kill a newborn baby does NOT depend on whether or not there is a secret population of humans in the Himalayans with the cognitive abilities of a three-year-old. Once again, **this makes the moral status of infants unacceptably extrinsic.**

*[A Final Worry: If Cohen is right, then it should be permissible to, say, brutally torture puppies. But, clearly this is morally wrong. So, Cohen must be mistaken.]*

*Cohen's Reply: Cohen does not think we can do ANYTHING to animals. For instance, he believes there are duties of non-maleficence (duty not to hurt others) and beneficence (duty to help others) that might give us obligations to at least act HUMANELY toward animals; i.e., we should not be cruel to animals. So, we cannot torture animals for NO reason. However, these duties do not imply that animals have rights.*

*Rebuttal: But, then, aren't factory-farms and animal laboratories immoral, since animals are NOT treated humanely there? Cohen's reply seems to undermine his whole project!*

*Possible Reply: Perhaps Cohen could suggest that, while we DO have duties to not harm animals for NO reason (i.e., it is wrong to harm an animal just for fun), this duty is overridden if we DO have a good reason for harming them.*

*Rebuttal: At best, wouldn't this merely justify using animals for projects which bestowed ENORMOUS benefit? (e.g., cancer research) Surely, it wouldn't justify using them for other purposes; e.g., testing cosmetics, eating meat, etc.*

*Possible Reply: Perhaps our duty not to harm animals is overridden so long as it bestows ANY benefit whatsoever, no matter how small.*

*Rebuttal: But, when someone tortures an animal for fun, they do it (as I've just said) FOR FUN. Having fun is a benefit—even if it is a small one. So this suggestion proves too much! (What do YOU think?)*