

# Regan's Case For Animal Rights

**1. Intro:** Essentially, anthropocentrism is simply the claim that we never have duties TO animals. (Though we might, nevertheless, sometimes have duties that INVOLVE animals.)

An example: Your neighbor kicks your dog. This seems wrong. On the speciesist view, it is not wrong because it wrongs the DOG (or violates some duty to it, etc.), but because it wrongs YOU (violates some duty to YOU, such as a duty to not make YOU upset, or damage YOUR property, etc.). On this view, it would be wrong to kick your dog for much the same reasons as it would be wrong to say, smash the windshield of your car.

What could possibly justify the moral discounting of the dog's pain?

- Dogs don't FEEL pain? That's false.<sup>1</sup>
- Dog pain doesn't MATTER morally; only human pain matters? That's absurd. As Regan writes, "Pain is pain, wherever it occurs."

If you disagree, imagine I told you that an individual was experiencing intense pain in the next room—equivalent to, say, having your arm submerged in boiling water. Next to you is a button. I tell you that, if you push it, the pain will end.

Question: Do you have a moral reason to push the button? *Should* you push it?

Answer: Clearly, YES.

...But, wait. On the anthropocentric view, I have not yet given you enough information to answer this question. "I don't know," you should say. "It depends on WHAT individual is EXPERIENCING the pain. If it's a human, then I ought to push the button. If it's a non-human, then I have no moral reason to push it." [*Does that seem absurd to you?*]

Conclusion: Regan concludes that, at the very least, we must admit that we have SOME duties TO animals (not merely human-centric duties REGARDING them, but non-human-centric duties TO them). So, all that remains is to figure out the nature of those duties.

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<sup>1</sup> This was a common view, historically. For instance, Rene Descartes believed that having a soul was a prerequisite for consciousness, and the capacity for pain—and only human beings had souls. Animals can BEHAVE as if they are in pain, but this behavior is no different than that of a machine, which feels nothing. (See, e.g., *Letter to Mersenne*, 11 June 1640; and the end of part five of his *Discourse on Method*.) Famously, Descartes routinely nailed dogs to his wall and dissected them while still alive in order to study their anatomy—a once-common practice called 'vivisection'. (See part two of his *Description of the Human Body*.)

**2. A Rights-Based Account:** So, what is the correct view? We might take a Utilitarian approach (e.g., that of Jeremy Bentham and Peter Singer). It is SUFFERING that matters, morally—no matter the individual. White, black, man, woman, human being, animal—no matter the vessel, their suffering matters.

This view might AT FIRST seem like it promotes equality and respect for ALL individuals, both human and animal. But, ultimately, it does not. Consider, for instance, this story:

**Aunt Bea:** I have an old, but lively, rich aunt, and I'll inherit a large sum of money if she dies. If I had the money now, I could buy into a lucrative investment which will make me a LOT of money. On top of that, I plan to donate half of my profits to famine relief. Unfortunately Aunt Bea is still alive, and the investment opportunity won't be available much longer. So, I murder her in her sleep.

This seems clearly wrong to most of us, even though killing Aunt Bea would bring about the best consequences. (*And consider other similar cases, such as Organ Harvest.*)

What went wrong? Though utilitarianism seems to promote protections for all humans and animals alike, in reality, the humans and animals themselves are, on this view, mere RECEPTACLES for what REALLY matters: Namely, pain and pleasure.

It is this very disregard for the VESSEL of happiness that Regan dislikes. If only the PAIN matters, or the HAPPINESS, etc., then the vessel itself has no value. It matters morally only INSTRUMENTALLY, as a container of what really matters. In short, on utilitarianism, "neither you nor the animal have any value in your own right. Only your feelings do."

So, why is it wrong to kill Aunt Bea? The answer has to do with not merely seeing her as a RECEPTACLE of valuable things, but as a thing of value HERSELF. She is the sort of individual who is deserving of our RESPECT. And, as such, Aunt Bea has RIGHTS. Killing her for her money violates one of these—namely, her right to life.

Okay, but WHY does Aunt Bea have inherent value? WHY does she have rights?

- Because she's *intelligent*? But, then, infants and the cognitively disabled would lack value, or rights—which seems clearly false.
- Because she's *human*? But, this is just pure speciesism without explanation.

Answer: Because she is the sort of being that is capable of being made better or worse off; that is, her life has a degree of well-being (or welfare). Aunt Bea is capable of experiencing pain and suffering, or pleasure and enjoyment, of being satisfied or frustrated, and of having interests, desires, and so on.

In short, Aunt Bea is an “**experiencing subject of a life**”. In virtue of this, she has inherent VALUE. But, what’s more, animals are experiencing subjects of a life too:

“We are each of us the experiencing subject of a life, a conscious creature having an individual welfare that has importance to us whatever our usefulness to others. We want and prefer things, believe and feel things, recall and expect things. And all these dimensions of our life, including our pleasure and pain, our enjoyment and suffering, our satisfaction and frustration, our continued existence and our untimely death—all make a difference to the quality of our life as lived, as experienced, by us as individuals. As the same is true of those animals that concern us (the ones that are eaten and trapped, for example), they too must be viewed as the experiencing subjects of a life, with inherent value of their own.”

For instance, consider a dog or cat that wants to be fed, or go on a walk, and gets upset when you don’t do it—they seem to have preferences, expectations, frustrations, and so on. Animals are clearly “experiencing subjects of a life”.

What’s more, not only does each experiencing subject of a life have value—they all have it *equally*. He writes,

“All who have inherent value have it *equally*, whether they be human animals or not. Inherent value, then, belongs equally to those who are the experiencing subjects of a life.”

**3. Conclusion:** The failure of utilitarianism is that it fails to respect the INDIVIDUAL, the conscious being which EXPERIENCES satisfaction, suffering, and so on. On such a view, just as it would be permissible to kill Aunt Bea if the consequences were good enough, it is also permissible to slaughter animals for food, or experiment on them whenever the consequences of doing so are good enough.

But, on Regan’s view, just as it would be wrong to kill Aunt Bea DESPITE the good results that this would bring, it is also wrong to harm or kill animals, for food or research. Many people seem sympathetic to the claim that we ought to end factory-farming, but still eat “humanely slaughtered” animals; that we ought to stop testing beauty products on animals, but keep testing cures for diseases on them. Regan disagrees. (Just as you would not murder 10,000 humans to obtain a cure for cancer, we ought not murder 10,000 rats for that result either.) [*Is he right? What do you think?*]

In short, whereas Singer opposed the use of animals on utilitarian grounds—namely, that it is wrong to cause **SUFFERING**—Regan opposes the use of animals because it violates their **RIGHTS**. For, he says, all experiencing subjects of a life have a right not to be intentionally harmed.

In argument form:

**A Rights-Based Argument Against Harming Animals**

1. All individuals that are “experiencing subjects of a life” have intrinsic value.
2. All individuals that are intrinsically valuable deserve equal respect, and therefore have a right not to be harmed (i.e., we must not treat them as “mere receptacles” to be used to our own ends).
3. But, most non-human animals are experiencing subjects of a life.
4. Therefore, most non-human animals have a right not to be harmed.

*[I'd also like to draw your attention to the beautiful, final two paragraphs of Regan's essay, about the role of philosophy, of emotion, and of disciplined passion in ethics.]*

## Warren Against Regan's View of Animal Rights

**1. Against Equality:** Warren challenges Regan's claim that all ESOAL's have rights EQUALLY. It seems like being a subject-of-a-life comes in DEGREES. The capacity for pain and pleasure, satisfaction and frustration, and the complexity of one's preferences, expectations and so on—these all come in DEGREES. (Consider, for instance, the vast difference between what it's like to be a crow vs. an adult human being.) So, whether or not a creature is a subject of a life just does not seem to be a simple "yes or no" question! It doesn't make sense to say that all ESOAL's have EQUAL worth. Surely it's a matter of degree. So, why shouldn't inherent value and rights ALSO come in degrees?

What IS Regan's motive for resisting the claim that value comes in DEGREES, depending on the robustness of one's traits that make it an "experiencing subject of a life"?

Answer: He thinks that such a view would have unsavory implications. It would result in a hierarchical spectrum of value, where, say, Einstein was more valuable than YOU, and you were more value than someone with a severe cognitive disability. He thinks that, historically, this view that some individuals have greater inherent worth than others has been used to justify all sorts of abominable belief systems and practices, such as slavery, or the oppression of women. It's best to just abolish this way of thinking.

Warren's Reply: But, surely there is at least a major, morally relevant difference between most humans and most animals: Namely, our capacity for (moral) REASONING.

Consider: For example, we can't reason with a feral cat to stop killing some endangered species; or with a wolf to stop killing our livestock. Sometimes, the only answer is to kill them. Or, consider a bear that kills a hiker. We cannot reason with it to never kill again, or put in place a system of punishment which will dissuade it from—make it think twice before—killing again. We cannot reason with rats to please stop invading our homes. So, we kill the bear. We kill the rats. Unlike Aunt Bea, sometimes killing is the ONLY WAY to react to an animal's behavior. In short, Warren concludes that "the capacity to alter one's behavior on the basis of reasoned argument is relevant to ... full moral status."

The Boundary Problem: In addition, if the question of whether or not an individual had value were a mere 'yes' or 'no' question, then this would entail that there is some sharp line between those creatures that are subjects of a life and those that are not. But, it is not clear that any such sharp line be drawn. (If you disagree, then where is it!?) Perhaps all mammals and many birds are subjects of a life, but all what about insects or reptiles?

*[Reply: Regan could either insist that there IS a sharp line between subjects-of-a-life and non-subjects—just that we do not know where it is; or, alternatively, that perhaps there is NOT a sharp line, but that this does not entail that there are no such categories. For instance, where is the sharp line between bald and not-bald? There doesn't seem to be one. But, this fact does not entail that there is no such thing as baldness!]*

[Warren also takes issue with 'inherent value' in the first place. First, what does it even MEAN for something to have objective, intrinsic value, independent of what human beings believe, or say? Second, it's a bit odd that Regan spends so much time claiming that it doesn't matter what one is like—what traits one has, such as intelligence, skill, etc., are morally irrelevant—but then goes on to say that having the trait of being a subject of a life IS relevant? At best, Warren says, if we had to draw a sharp line somewhere, it's SENTIENCE that is morally relevant because it comes with the capacity to be made better or worse off (i.e., it comes with a level of well-being). But, weirdly, Regan only seems interested in securing rights for mammals, and disregards most sentient creatures. Third, Regan seems to think that having value entails having rights. But, this is not obvious. For instance, a pristine mountain landscape, or van Gogh's *Starry Night* might have intrinsic value, but surely they do not have RIGHTS. Similarly, biodiversity might have intrinsic worth, but surely "it" (?) does not have RIGHTS.]

**2. Warren's Moderate Position:** Both Singer and Regan believe that speciesism is unwarranted, because there are no morally relevant differences between human beings and animals to ground such a distinction. (On Singer's view, both humans and animals are capable of suffering; on Regan's view, they are both experiencing subjects of a life.) Warren disagrees, since only humans are able to "'listen to reason' in order to settle our conflicts and cooperate in shared projects." In other words, much like Cohen, she agrees that what separates humans from animals is our capacity for **moral reasoning**.

Conclusion: Yet, like Singer, she agrees that the capacity for suffering is morally relevant as well, and suggests that all sentient creatures have rights because of this—but that these rights come in DEGREES, as a function of "the probability that it is sentient and (if it is clearly sentient) its probable degree of mental sophistication." Ultimately, then, even though animals have rights on Warren's view, the rights of human beings are much STRONGER than those of animals because we have a higher degree of mental sophistication—In short, humans have robust rights in virtue of being capable of **suffering AND moral reasoning**, whereas animals are capable of suffering only.

*[Worry: But, then, INFANTS have the same moral status as animals? Warren bites the bullet here, admitting that, YES, they do. Nevertheless, it is still very wrong to kill them based on our SENTIMENTS toward them. This was exactly the implication of anthropocentric views that Regan thought was so absurd it was grounds for rejection!]*