

## Regan's Case For Animal Rights

Consider our intuitions about the following 3 items:

- (1) Discrimination: It is wrong to discriminate based on certain traits (e.g., race or sex).
- (2) The Mentally Disabled: It is wrong to kill someone who is mentally disabled (i.e., people with low cognitive abilities, but who are not human "vegetables"). (Note: In fact, we might think it is actually MORE wrong to kill them, because they have some sort of special claim to our assistance.)

For #3, first consider this story:

- **Aunt Bea:** I have a very old, but lively, rich aunt, and she'll give me her large inheritance if she dies. I could kill her tonight and give all of her money to famine relief. (assume, perhaps, that she may change her will and give it to someone else if I don't act soon)

- (3) We think it would be wrong to kill Bea, even though doing so would maximize the consequences.

**Subjects of a Life:** What makes it wrong to kill Aunt Bea or mentally disabled individuals? Regan suggests that the best explanation of why killing these individuals is wrong is that they are "**experiencing subjects of a life**"; that is, individuals with certain sorts of mental capacities which make them capable of experiencing pain and suffering, and having desires, beliefs, expectations, etc. He says:

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.

ALL individuals of this sort have inherent value. But, then, animals have value too. Given these intuitions, we can construct the following argument:

### **A Rights-Based Argument Against Animal Suffering:**

1. All individuals that are "experiencing subjects of a life" have intrinsic value.

2. All individuals that are intrinsically valuable deserve equal respect, and 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.

Animals seem to fit the description of “experiencing subjects of a life” just as much as humans do. (e.g., 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). If Regan’s argument is sound, then it is wrong to use animals for food. Note that **even animal experimentation would be wrong**; for, even if we could save a lot of lives by curing cancer (e.g., by experimenting on rats), it would still be wrong on this view (remember Aunt Bea, whom you should not kill, even to save a lot of lives).

Whereas Singer opposes 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.

### **Warren Against Regan’s View of Animal Rights**

Singer and Regan seem to do a nice job of establishing that human beings have rights (Regan), or that we have duties not to harm them (Singer). Furthermore, they point out that any attempt to say that we have moral obligations to humans but NOT to animals must supply some morally relevant difference between the two groups. Their position is that no relevant difference exists.

Mary Anne Warren offers one. She first notes two problems with Regan’s view:

- (1) First, Warren notes that Regan seems to treat inherent value and rights as synonymous, or at least as going hand in hand. In other words, if something has inherent value, then it also has rights and vice versa. But, this is not obviously true. For instance, a pristine mountain landscape might have intrinsic value, but surely it does not have RIGHTS. Similarly, perhaps the Mona Lisa or some beautiful work of art has intrinsic worth, but surely does not have RIGHTS.
- (2) Second, she notes that Regan insists that all subjects of a life have EQUAL worth. But, this presumes that there is some sharp line between those creatures that are subjects of a life and those that are not. But, can such a sharp line be drawn? If so, where is it? Perhaps mammals and many birds are subjects of a life, but all insects and most (all?) reptiles are not? This seems strange. Asking whether or not a creature is a subject of a life is not simply a “yes or no” question. Warren points out that it seems that the amount of self-awareness, expectation, ability for frustration or pain and suffering comes in DEGREES. So, it is inconsistent to

claim that all things that have the property of being subjects of a life have EQUAL worth, when this property actually constitutes an entire spectrum of properties that **come in varying degrees**.

Replies:

(1) It seems that Regan is not WEDDED to his claim that value entails rights. It might simply be the case that subjects of a life have both value AND rights, but he need not insist that these 2 things always go hand in hand.

(2) First, Regan could say that the line between subjects and non-subjects of a life IS vague, but this need not imply that there are no "yes" and "no" answers to the question of whether or not something IS a subject of a life. (for instance, where is the sharp line between bald and not-bald? The mere fact that the answer is vague does not imply that there is no such thing as baldness)

Second, Regan only says that animal RIGHTS are equal to ours. But (so he says) this is consistent with sometimes placing humans above animals. For instance, if you have to either throw a dog or a human overboard to keep a lifeboat afloat, you should throw the dog overboard (because death is WORSE for humans). So, while we have an equally strong duty to not murder dogs and humans, when we HAVE TO CHOOSE, we should choose humans.

[Problem: Is this really consistent with saying that dogs and humans have "equal" rights? Note that the claim that "humans and dogs both have a right to life" is not the same as the claim that "humans and dogs both have an EQUALLY STRONG right to life." Which claim is Regan making?

Regan seems to be making the latter claim. His position is that the fact that mental life comes in degrees does NOT entail that individual rights (to life; to not be harmed; and so on) also come in degrees. For instance, this seems to be his point when he mentions that it is clearly just as morally wrong to kill a severely mentally disabled human being as it is to kill a fully rational adult.]

Warren then goes on to suggest that there IS a morally relevant difference between humans and animals. Namely, humans are able to "'listen to reason' in order to settle our conflicts and cooperate in shared projects." In other words, we have RATIONALITY.

Conclusion: Rights come in degrees. Whether or not something has a right (e.g., to life, or not to be harmed) depends on "the probability that it is sentient and (if it is clearly sentient) its probable degree of mental sophistication." Therefore, even if animals have rights, the rights of human beings are much STRONGER than those of animals because we have a higher degree of mental sophistication.

## Anderson's Case for Speciesism

Elizabeth Anderson takes a closer look at the supposed "Argument from Marginal Cases" (AMC). Ultimately, she defends a version of speciesism.

(1) Case #1: Language Rights. Consider this case:

- **Language for Parrots and Chimps:** Disabled humans, chimps, and parrots all have a toddler's, or a mentally disabled human's capacity for language. Ask: Is it morally wrong to not attempt to teach a disabled human being any language? What about a parrot or a chimp?

Anderson believes that it is obvious that it WOULD be morally wrong to not even attempt to teach the disabled human any language, but NOT wrong to fail to do so for parrots and chimps. Therefore, humans must have a RIGHT to learn a language, which those animals do not have—EVEN IF THE COGNITIVE CAPACITIES OF THE HUMANS AND ANIMALS IN QUESTION ARE THE SAME.

Conclusion: If our moral rights depend solely on our mental capacities and not on species membership, then parrots and chimps have a right to language. But, this is absurd. So, moral rights DO depend on species membership.

Objection: But, chimps and parrots have nothing to gain by learning human language (especially those in the wild), whereas language is a GOOD for disabled humans. They have an INTEREST in learning language because they are immersed in an environment where they have to interact and communicate with speaking humans all the time.

Singer suggests that, while all creatures have DIFFERENT interests, their interests nevertheless all MATTER, morally. The fact is that disabled human beings have a greater INTEREST in learning language. It is THIS difference that explains the intuition above—and so does NOT entail the conclusion that humans interests are MORE important than those animals (they simply have *different*—and perhaps *more*—interests).

(2) Case #2: Anderson shifts her case to one where both animals and disabled human beings DO have exactly the same interests. Consider the following case:

- **Caring for Alzheimer's Patients and Dogs:** Imagine two cases: (1) In the first, you go over to your friend's house, who is caring for their severely mentally disabled grandmother with Alzheimer's Disease. You find your friend's grandmother naked, dirty from not having bathed in a month, crawling around on all fours, eating with her face out of a bowl on the floor. (2) In the second, you go over to your friend's house. They are a dog-owner. Your friend's dog is naked and unbathed, on all fours, eating with its face in a bowl on the floor.

You would probably think your friend was a moral monster for keeping their Alzheimer's grandmother like that; and yet, we would not think the same if they kept a dog like this. This indicates that human beings DO have more rights than animals, regardless of mental capacities.

Objection: But, human beings are a part of a species, the NORM for which is to be civilized, clean, and clothed. We see all human beings as deserving of a certain dignity.

So, while the interests of the dog and the Alzheimer's patient are the same in this case, the latter is a member of a particular social community the norm for which is to be CIVILIZED, while the former is not a member of that community. But it IS possible to do something that does not harm the dog, but nevertheless removes its dignity. Arguably, dressing up a dog in human clothes and filming it using utensils removes its dignity. See [here](#). Simply put, there is a "complex system of social relations and meanings" which also must inform our decisions about which individuals deserve what sorts of treatments—but not because one species is more IMPORTANT than another, but rather because different species belong to different social COMMUNITIES.

(3) Case #3: Rights to Care. Anderson then focuses on a case where both animals and disabled humans DO have the same interests AND the situation is not dependent on the individual's social relations with other individuals. Consider this case:

- **Care for Dolphins:** Mentally disabled humans have the same cognitive capacities as parrots, chimps, and dolphins. Ask: Is it morally wrong to fail to give care (e.g., food, shelter, care, love, etc.) to the disabled human? What about a pack of starving dolphins in the wild who will die without our help?

Anderson suggests that surely mentally disabled humans have a right to food, shelter, care/love, etc. But, if our moral rights depend solely on mental capacities, then we have a moral obligation to provide these things for chimps, parrots, dolphins, etc.—since THEY TOO have an interest (an equal one) in receiving food, shelter, care, etc. (we're talking only about cases of dying chimps, parrots, or dolphins, etc., which need aid in order to survive). But, this is absurd. Anderson writes, "**in general, individual animals living in the wild do not have a moral right to our direct protection and provision, even if they need it to survive.**" So, moral rights DO depend on species membership.

Note: This is not to say that we have no moral duties to care for pets, zoo animals, etc. We may think that we have in some sense "agreed" to care for these animals, and so are obligated to care for them.

[Problem: But, many people also think that we do not have obligations to save starving HUMANS in the world—even though the majority of them are NOT mentally disabled, but are cognitively at the same level as any normally functioning human being. So, perhaps the dolphin case does not support speciesism, but rather the idea that people

care less about suffering when those who are suffering are “out there”, far away and out of sight. In reality, there is precedence for the fact that we DO care about suffering animals when it is more personal. For instance, consider the 3 whales that we spent \$1 million to save in Barrow, Alaska; see [here](#).]

**The Problem of Predation for Singer and Regan:** Even if animals are not moral AGENTS, but we still have moral duties to them as moral PATIENTS (e.g., they have a right to life, and a right not to be harmed, etc.), this seems to entail that we have a moral obligation to prevent gratuitous suffering in the wild (e.g., due to predation). This seems to be a problem for philosophers like Singer and Regan.

Reply: They may reply, “Yeah, but lions NEED to kill zebras in order to survive. In that sense, it is an act of necessity. We are not obligated to prevent necessary harm, only gratuitous harm.”

Rebuttal: Nevertheless, it seems that there IS a lot of gratuitous harm in the wild. For instance, prey animals often suffer a lot at the hands of predators while they’re being eaten. Isn’t the better option to go into the wild and quickly and painlessly kill prey animals and feed them to predators? Furthermore, there is a lot of killing in the wild that is NOT necessary for survival (e.g., animals just killing each other while sparring, etc.). Do we have a moral obligation to go into the wild and stop instance of this kind of killing? If not, why not? It seems that the answer is that, in at least SOME contexts, **humans have more rights than animals.**

Ultimately, Anderson DOES favor animal rights, but these are limited by several factors:

- (1) Possibility of Co-Existence: A pre-requisite for an animal’s having rights is that the animal must be ABLE to co-exist with humans (thus, it is not morally wrong to destroy “vermin” that are invading our homes, such as rats, cockroaches, etc.).
- (2) Actual Co-Existence: A pre-requisite for an animal’s having rights to life and care is that the animal is ACTUALLY co-existing in human society (thus, we have special duties to pets, zoo animals, farm animals, etc., but NOT to wild animals).
- (3) A Right to Co-Existence: An animal has a right to be incorporated into human society when they NEED to be incorporated into society in order to survive (thus, we have special duties to kittens and puppies, since they were bred in captivity and could NOT survive easily in the wild).
- (4) A Right AGAINST Co-Existence: An animal has a right NOT to be incorporated into human society when such incorporation would be BAD for it (thus, we have a special duty not to force wild animals into captivity if, e.g., it would make them worse off in some way).

Several points of note:

- Factor (2) may entail that we have an obligation NOT to factory farm animals, since this causes animals under our care unnecessary suffering.
- Factor (4) entails that most instances of captivity are wrong (e.g., keeping penned farm animals, or animals in zoos).
- [• But, factor (3) may also entail that we DO have an obligation to, e.g., save the starving troupe of dolphins. Is this a problem for Anderson's view?]

So, this is really a limited argument for speciesism. On Anderson's view, it actually turns out that most instances of animal farming, animal experimentation, zoos, etc., are not morally justified. (Though, note that she is explicitly in FAVOR of animal experimentation if the potential benefit is to save many human lives)

### **My Own Attempt to Save Speciesism**

Consider the following case (inspired by a lifeboat case of Regan's):

- **Lifeboat #1:** You are in a lifeboat that seats 2, and you have managed to climb aboard after your ship sank. You have room for one more. Swimming toward you are (1) your adopted dog, Sparky, a german shepherd whom you have raised from a pup and love very dearly, and (2) a mentally disabled human being, with the capacity of a german shepherd, whom you do not know.

Which of these 2 individuals should you let onto the lifeboat? My suspicion is that we might think it is morally WRONG to let your dog onto the boat and deny the human being, even though it is YOUR dog, whom you might have some special obligation to. [Do you agree?] Now consider another case:

- **Lifeboat #2:** You are in a lifeboat that seats 2, and you have managed to climb aboard after your ship sank. You have room for one more. Swimming toward you are (1) your adopted son, Jack, a mentally disabled child who has the mental capacity of a german shepherd, and whom you have raised from an infant and love very dearly, and (2) a normal adult human being, whom you do not know.

Which of THESE 2 individuals should you let onto the lifeboat? My suspicion is that we might think it is morally WRONG to let the stranger onto the boat and condemn your son to death (even if he was adopted and is not genetically related to you).

• **Lifeboat #3:** You are in a lifeboat that seats 2, and you have managed to climb aboard after your ship sank. You have room for one more. Swimming toward you are (1) a mentally disabled human child with the mental capacity of a dog, whom you do not know, and (2) a normal human child, whom you do not know.

Which child would you let onto the boat? This will be controversial, but one MIGHT argue that you should let the normal child on board. If this is true, notice that:

- (1) In Lifeboat #1, species membership trumps special familial obligations (when mental capacity is the same).
- (2) In Lifeboat #2, familial obligation trumps mental capacity (when species membership is the same).
- (3) In Lifeboat #3, mental capacity may be a trumping factor (all else being equal).

This suggests that, while cognitive capacities CAN play a role in moral obligations, the strongest factor at play here is species membership. Therefore, we might conclude that human beings have stronger rights than animals, regardless of their degree of cognitive capacities. [What do you think of these observations?]