

ANIMALS DON'T HAVE RIGHTS:

A PHILOSOPHICAL STUDY

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**Libertarian
Alliance**

FOR LIFE, LIBERTY AND PROPERTY

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INGEMAR NORDIN

INTRODUCTION

"Eating meat is primitive, barbaric, and arrogant."

Ingrid Newkirk — National Director,
People for the Ethical Treatment of Animals

"My dream is that people will come to view eating an animal as cannibalism."

Henry Spira — Director, Animal Rights International

Animal rights attacks on slaughterhouse trucks and research laboratories are a manifestation of a general trend in modern welfarist society: the growth of neo-Puritanism and an increased intolerance as a result. Today it is obviously quite legitimate to show one's own intolerance of other people's lifestyles openly through "soft terrorism" and a call for legislation. It is a good thing, says the environmentalist, when the state punishes motorists with taxes so that they cannot afford to travel by car so much. It is proper, says the health zealot, that smokers are harassed by taxation and bans on smoking, and by lawsuits against the tobacco industry. It is excellent, says the xenophobe, that a harsh immigration policy is used to stop the immigrants, with their strange cultures. So it is only logical that defenders of animal rights want to force people to become vegetarians by striking a blow at the meat industry and farming.

That is the way I see it. And my expedition into the philosophy of animal rights has not significantly changed my opinion of its militant activists. I think that they are wrong on an essential point: Animals do not have rights comparable to human rights. The moral benevolence that is in order for animals is not of a kind that could legitimise the use of physical force, or the threat thereof, against other people or against their property. Unlike some critical voices in the animal rights debate, I do not view the fact that some vegan activism is undemocratic and non-parliamentary as the most important objection. If it were decided, by a democratic decision, that all Swedes must become vegetarians through forcing all animal farms and slaughterhouses to close down, it would still be wrong. Just as wrong as it would have been to continue, in the name of democracy, with breeding and slaughtering if indeed animals had rights. No, the main argument must be of a philosophical kind, and this question needs to be decided through a philosophical discussion. In what follows I will briefly go into the two main philosophical arguments which have been brought forward as a defence of the animal rights activism, namely utilitarianism (Peter Singer) and natural rights (Tom Regan). Each of these carries its own difficulties, but the basic problem, as I see it, is that their dismissal of a moral distinction between humans and animals is rather gratuitous and that they do not pay sufficient attention to the unique position of man as a moral and civilising being. I will especially focus on two arguments for the animal rights cause which often recur in the debate — irrespective of the basic moral position — and which have had a great penetrative power, namely the analogy between infants and higher pri-

mates, and the argument of the extended circle of compassion. These two arguments fail because there is no tenable ground for dismissing the distinction between man and other animals. My own proposal for such a distinction is based on what should be quite evident to everybody, namely that man — and only man — has the basic properties of reason which are needed in order to give any kind of meaning to moral action as such.

UTILITARIANISM

"An [animal] experiment cannot be justifiable unless the experiment is so important that the use of a brain-damaged human would be justifiable."

Peter Singer — philosopher

"Surely there will be some non-human animals whose lives, by any standards, are more valuable than the lives of some humans."

Peter Singer

In his *Animal Liberation* from 1975 (1990), the philosopher Peter Singer presents the basic utilitarian arguments as to why we should not eat meat or in any other way exploit (non-human) animals in our lives. This book has been called "the bible of animal liberation" since it has had a tremendous influence and in many ways has constituted the foundation for the new, global wave of veganism. To be a vegan means that you are a vegetarian for mainly ethical reasons, not just for your health. This implies not only that you choose not to eat meat, fish, milk or eggs, but also that you wish to fight and avoid all else that is based upon animal exploitation. Dressing in furs, using belts and shoes made of leather, hunting, and medical experiments with animals, are all examples of using animals to the benefit of man.

Naturally, vegans claim that vegetarian food is healthy *as well*. (However, to replace our normal meat-diet you have to be especially careful to supplement with vitamins B-12 and D, and check that you get sufficient quantities of calcium, iron and zinc.) There are studies that show that vegetarians have a lower mortality in respect of several chronic diseases than others do. (An alternative explanation of the good statistics could be given by referring to other factors of lifestyle, such as vegetarians in general being persons who are careful with their weight, tend to exercise regularly, and often abstain from smoking, alcohol and other drugs.) But this is not the main point of the vegan diet. The main point is ethical and based on the fact that animals can feel pain. We could perhaps distinguish between different closely related abilities that humans have, for example the abilities to experience pain, suffering and grief, and ask if the "animal liberators" assume that all animals have these abilities to the same extent or not. And it is possible that they would agree as to the differences, and they would perhaps even accept that only man fully possesses these abilities. But they would not agree that this makes any significant difference concerning the question of animal liber-

ation. Because it suffices to admit that animals have the most “simple” (i. e. the least demanding with respect to mental capabilities) of these abilities to claim that animals have important interests which we humans are morally obliged to respect.

The classical utilitarian principle says that we should act in such a way that the utility, or happiness, in the world is maximised. According to Peter Singer we shall act so that the interests, or preferences, of all individuals concerned are equally considered and optimally satisfied. Animals do have an interest in avoiding pain. Consequently we are obliged to avoid, as much as possible, causing pain to animals, even at the expense of some human interests of lesser importance.

According to Singer, to give special consideration to human pain because it is human would be a case of “speciesism”. To be a “speciesist” is just as bad as being a racist or a sexist according to animal rights philosophy, because it implies that one discriminates between living individuals on the grounds of what species they belong to, and that is just as improper as discriminating between humans on the grounds of sex or the colour of their skin. According to the animal rightist, what species the individual belongs to is completely irrelevant since pain is pain even if the individual happens to be a dog or a cat. Obviously, one and the same action, for example a heavy slap, may cause different *amounts* of pain, depending on to whom it is given. The same slap that would make a child or a dog cry out loud, would perhaps not inflict more than a blinking on a full-grown horse. But the main thing is that we speak about the same amount of *experienced* pain when we follow the principle of giving equal (irrespective of who the individuals are) consideration to the preferences of avoiding pain.

Singer gives many examples of how the human management of animals in agriculture is done and draws the conclusion that both the tending and the slaughtering inflict unavoidable pain on cows, sheep and pigs. According to Singer, this pain and suffering can in no way be outweighed by people’s wish to eat meat. In the same way he goes through the treatment of animals in hunting, fishing and animal experiments and concludes that all these activities should be stopped as soon as possible.

Singer’s plea for the liberation of animals is no “back-to-nature” philosophy. On the contrary, in the weighing between human and animal interests he presumes a sophisticated and fairly rich society where we humans are able to replace a meat diet with a nourishing vegetarian diet without dying or suffering too much. As regards shoes and clothes, he points to the fact that there are cotton and synthetic materials that we can use. As regards animal experiments in medical science, he assumes that they can be replaced by alternative methods such as computer simulations and genetic engineering (in principle we should not make experiments on animals unless we are prepared to make them on humans). But he does not try to hide the fact that animal liberation unavoidably will involve great costs and discomfort for some, at least initially and especially for the rich Western world.

This implies that an objection, such as “man is a hunter by nature, biologically fitted for a meat diet”, does not necessarily upset the animal rights argumentation. Singer would only answer: “It is possible that we are biologically fitted also for a meat diet and that man for a long time has been dependent on an exploitation of animals for his survival. But since this is no longer necessary we should now cease having such a diet and exploiting animals.” Nor would arguments from culture

be crucial. Concerning the possible objection: “Well, but most cultures — including our own — are based on animal farming or hunting. What would happen to the Eskimos, for example?”, Singer may answer: “Cultures are not sacred, they could be changed, at least in the long run. And if it turns out that it is difficult for the Eskimos and some others to manage without hunting and slaughter, the rich Western world will have to help them to survive on a vegetarian diet.”

Objections of this type concerning the difficulties involved in living as a vegetarian are of course not at all irrelevant for the utilitarian. On the contrary, it is precisely the weighing between various facts concerning the preferences and interests involved which forms the very essence of utilitarian ethics. The objections raised here against Singer’s philosophy of animal liberation are therefore relevant. How many human interests — wealth, health, and quality of life — have to be sacrificed in order to realise Singer’s vision of the good society? Some people might actually become ill from a purely vegetarian diet. What should be done with them? Is it all right that white, middle-class animal defenders from a wealthy Western (and mostly urban) culture force their own lifestyle on Eskimos, Indians and other old and meat-eating civilisations? How well grounded is the claim that we can do without painful animal experiments in medical research, a research which in all likelihood will enable us to obtain the capacity to prevent much suffering for both humans and animals in the future?

OBJECTIONS TO UTILITARIANISM

“We are not especially ‘interested in’ animals. Neither of us had ever been inordinately fond of dogs, cats, or horses in the way that many people are. We didn’t ‘love’ animals.”

Peter Singer

“Even granting that we [humans] face greater harm than laboratory animals presently endure if ... research on these animals is stopped, the animal rights view will not be satisfied with anything less than total abolition.”

Tom Regan — philosopher

I will not go further into a discussion of this type of objection here. Instead, I will set forth some classical objections to utilitarianism that other animal rights philosophers have also pointed to. One such critic is Tom Regan, who in 1983 published *The Case For Animal Rights* (second edition 1988).

One common objection to (hedonistic) utilitarianism is the one that focusses on its single-minded concern with sensations while the individuals having them are assumed to be completely without intrinsic value. This focus makes it easy to find situations where the application of utilitarianism is contrary to the moral intuition of most people.

Initially, there seems to be an air of self-evidence over the utilitarian principle, which makes it attractive. After all, to act in such a way that one tries to maximise positive experience and minimise what is negative seems to be what every mentally sound human being is doing anyway. In the choice between eating tasty or nauseating food I prefer, all things being equal, the tasty food to appease my hunger. We also weigh the long-range against the short-range. By abstaining from eating a delicious ice cream now I will have a hearty appetite for the even more delicious dinner one hour from now. And we also weigh pleasure against suffering. By abstaining from

another tasty apple now, I avoid stomach pains later. And so forth.

However, this self-evidence becomes much less self-evident as soon as we start to weigh the interests of *different* people against each other and to claim that it is our moral duty to optimise the positive experience of feelings, irrespective of who has them. Certainly, it appears generous of me if I, as the acting agent, not only think of myself but also try to maximise the pleasure and minimise the unhappiness of other people. But the utilitarian principle demands optimising even if this has to be done at the expense of other, even innocent, people.

The principle of equality says that we should pay equal regard to all interests of all parties concerned. Whether the interests in question happen to be yours or mine does not matter. The principle of maximisation says that we should compare and weigh together these interests in one single collective set and then try to get a result that maximises the satisfaction of the interests. In the extreme case, it may even come to sacrificing the life of an innocent human being. Let me present the example given by Tom Regan:

Tom's Aunt Bea is an inactive, grumpy and stingy old person. She is not, however, seriously ill and prefers to go on living. Aunt Bea is rather rich and Tom would be able to make a fortune if he could get his hands on her money, money that he will inherit in any event after her death. But she stubbornly refuses to share any of it now.

Should she however die now, Tom has plans. In order to avoid huge taxes he will donate a considerable amount of the money to the local children's hospital. Many, many children will benefit from his generosity, as will their parents, relatives and friends. The problem is that Tom needs that money immediately in order to make a very profitable investment, and without it the plans cannot be realised. It is a now-or-never situation. So, why not kill Aunt Bea? Provided that it can be done without any risk that anybody else finds out and thereby jeopardises the whole project.

Now, suppose Tom kills Aunt Bea, and that all the ideas about the investment, the children's hospital and a happy life for Tom work out exactly as planned. Has Tom done anything wrong? Not according to utilitarianism, because the amount of satisfied interests is greater than would be the case if Aunt Bea had lived on for a while longer. According to utilitarianism Tom even had the *obligation* to end Aunt Bea's life. Yet such conduct would of course be contrary to what people in general would consider to be a legitimate moral action.

Again, the problem seems to spring from the utilitarian focus on feelings or preferences as such, whereby the individuals having them are insignificant in the ethical context. The only important thing for a true utilitarian is a world filled with as few feelings of discomfort and as many feelings of pleasure as possible. The emotion of one person is counted as fully replaceable by that of another as long as the emotions in question have the same quality and intensity. If it were possible surgically to manipulate our brains in such a way that all discomforts disappeared and pleasure increased, then the utilitarian would be obliged to do precisely that, preferably in the case of everybody. Yes, it may even be the case that if the Buddhist view of human existence, as consisting more in suffering than in pleasure, is correct, then a collective human suicide would be preferable. (This is in fact not a completely alien thought among some defenders of animal rights, as shown by

the following declaration: "If you haven't given voluntary human extinction much thought before, the idea of a world with no people in it may seem strange. But, if you give it a chance, I think you might agree that the extinction of *homo sapiens* would mean survival for millions, if not billions, of Earth-dwelling species ... Phasing out the human race will solve every problem on earth, social and environmental." (Les U. Knight, 1991, p. 72))

There are really two problems here. One of them deals with the (im)possibility of measuring and comparing the subjective experience of different individuals. Utilitarianism presupposes that this can be done according to some objective scale. Yes, one would perhaps even need a quantitative measure in order to make a comparison between many different types of feelings. If an evaluation of an action implies that we have to weigh the interests of Aunt Bea against the interests of Tom and the children, then we need an objective yardstick where these interests can be added together and subtracted. Of course, the question then is how on earth such a yardstick is to be obtained. The subjective joy that a child feels about a new bicycle is perhaps not so easy to compare with the subjective happiness that an adult person may experience when, say, he or she gets married and gets a family. Is it at all possible to *know* if the zest for life of Aunt Bea is counterbalanced by the joy that Tom and the others would feel about the money? Is it at all a meaningful balancing? — This problem is a problem of the applicability of utilitarianism.

The second problem involves the fact that some of the acts imposed by utilitarian ethics seem to run counter to our moral intuition about right and wrong. Of course, it is true that our moral intuition is not always a reliable tool for judging good and bad actions (if it was, then we would hardly need any philosophical analysis at all). Actions that at first glance seem to be absolutely wrong may on second thoughts, and in the light of a fully-fledged ethical theory, appear to be quite reasonable. But in the case of Aunt Bea, and in many similar examples, not even a more worked-out utilitarian analysis seems to help. There is something suspicious about an ethical theory that does not give old aunts the indubitable right to go on living. — This problem is a problem of the *correctness* of utilitarianism.

ANIMAL RIGHTS

"The theory of animal rights simply is not consistent with the theory of animal welfare ... Animal rights means dramatic social changes for humans and non-humans alike; if our bourgeois values prevent us from accepting those changes, then we have no right to call ourselves advocates of animal rights."

Gary Francione — Professor of Law

"Not only are the philosophies of animal rights and animal welfare separated by irreconcilable differences, ... the enactment of animal welfare measures actually impedes the achievement of animal rights ... Welfare reforms, by their very nature, can only serve to retard the pace at which animal rights goals are achieved."

Gary Francione and Tom Regan

If we expand these critical thoughts beyond the human sphere and also include animals, then the difficulties are worsened. At least from the point of view of animal rights. Tom Regan is dissatisfied with the defence of animals that is offered by

utilitarianism. There are too many gaps and weaknesses there for a true animal rightist to feel comfortable.

For a start it does not appear to be easier to apply utilitarianism to animals. If it is difficult to compare human feelings and interests with each other, then, of course, it should be even more difficult to do it among animals, and between humans and animals. How can we judge the amount of suffering of a dog? Certainly, in this case we might study the physiological properties of dogs and observe their behaviour when they feel pain. A dog that whimpers and withdraws has perhaps the same amount of pain as when a child cries out and runs away. It is more difficult to draw any conclusions when we compare the behaviour of a whale with that of a dog. In addition there are several kinds of emotions that it is doubtful if animals even have, such as grief, melancholy, happiness and an interest in life as a whole.

However, the main criticism delivered by Tom Regan is not aimed at this. Instead, the correctness of utilitarianism is questioned. It is ethically unsatisfactory, he thinks, to allow the wellbeing of animals to be dependent on the abstract weighing of different interests. The problem with utilitarian calculation is that individuals are not given any intrinsic value. What is offensive to the moral intuition in the case of Aunt Bea is not that it is hard to believe that the positive consequences of killing her might be greater than the negative ones. What is the problem is that most people view murder as wrong, irrespective of the consequences. That is, most people simply regard Aunt Bea as having a *right to life*, which is inviolable.

It is not difficult to agree with Tom Regan this far. However, what is so special about Regan's philosophy is that he claims that what is valid for humans also must be valid for animals. Animals too have a right to life.

Just as society's moral view of rights has widened to include poor people, slaves and women, it is now time to widen it further to include the rights of the animals. The animals, he thinks, also have an inviolable right to life. It is now only a question of recognising this fact, and of really starting to respect their rights. We, humans as well as animals, all have a consciousness and a psychophysical identity over time. That makes us all a "subject-of-a-life", as Tom Regan calls it. And to be such a subject-of-a-life gives us an intrinsic value that demands unconditional respect.

It is no longer, as in the case of Singer, a question of weighing various interests against each other, a weighing which in certain special cases *could* justify a painful animal experiment being carried out if the consequences are sufficiently good in terms of avoiding future suffering. There are no inviolable rights in utilitarianism. In Regan's case however, the assumption is that all creatures have a consciousness, a psychophysical identity over time and therefore an absolute right to life and liberty. Animal breeding at the farms, the use of animals in research, and the slaughtering taking place in the slaughterhouses, are all examples of how animals are exploited for the sake of man. This is slavery, torture and mass-murder, and should be abolished altogether since it comes into conflict with a respect for the intrinsic value of animals.

Still, are there no important differences between animals and humans? Of course there are, says Tom Regan. Most adult humans do have a developed ability to think in a rational way, and to plan far into the future. They are able to speak a language and thereby acquire better knowledge about life and

death. One must therefore make a distinction between "moral agents" and "moral patients". Owing to their higher level of consciousness, the agents have an obligation to act ethically, while the patients merely should be objects of moral concern. But according to Regan this distinction does not in any way affect the moral status of animals as rights-holders. As is often pointed out, there is not much difference between small children and adult animals such as chimpanzees or pigs with respect to their ability to think rationally. If anything, animals often have a greater mental ability than babies do. But since we do not treat babies as without legal rights (we are not allowed to make painful experiments on them, or eat them), we should not treat animals in any other way. The reason for this, according to Regan, is that we are all — agents as well as patients — "subjects-of-a-life" with inviolable rights. Those who view things differently, i. e. want to favour babies simply because they are humans, are guilty of speciesism. And speciesism is illogical, unscientific and immoral.

Tom Regan's defence of animal rights differs from Singer's in that it makes no compromises. Animals must not be slaughtered, tormented or exploited. And that's that! The abolition of animal exploitation is a must, irrespective of the consequences for human interests. This has implications for how the struggle for animal liberation/rights should be carried on. Gary Francione makes a distinction between what he calls "welfarism" and the animal rights orientation. Not surprisingly it is the Regan wing that is the most militant and uncompromising. The welfarists support every reform, legislation and agreement that increases animal welfare in any way. The goal, they claim is just as radical as that of the rights-theorists, namely the liberation of animals and the abolition of all exploitation, but the road to it must be travelled in small steps. Each reform taken is a step in the right direction and it is just a question of never stopping demanding new reforms. However, the Regan wing believes that reforms may lead into a *cul-de-sac*. One must not compromise about the rights of living beings. Murder is wrong even if it is done painlessly. What would happen if we accepted the murder of infants on the condition that it was done with no pain? Or if we accepted slavery or imprisonment of innocent people on similar conditions? The advocates of strict animal rights also seriously doubt whether the welfarists really do have the same goal. After all, Peter Singer himself says that he can think of cases where human interests may carry more weight than the interests of an animal do. Both Singer and Regan agree that man — thanks to his greater rationality — in general does have more interests than animals. It may be the case, Singer speculates, that a hen is not intelligent enough to be capable of taking an interest in its life as a whole. The interests of the hen are perhaps limited to the experiences of pleasure and pain of the moment and possibly of the near future. According to the utilitarian calculus this implies that an adult human being has an automatic priority simply because she has more interests than that. This may also imply — although Peter Singer is very sceptical and cautious here — that letting a new hen be born and raised could wholly compensate for the painless killing of a hen. Given that the positive experiences of the new hen are as many and as intensive as those of the old one, then the world has not lost any values. The utilitarian maximising principle has been satisfied. According to Gary Francione (who belongs to the Regan wing), this is an unacceptable manipulation, which only shows the absurdity of utilitarianism, as it does not provide individuals with intrinsic value.

I will make a critical examination of the animal liberation philosophy as a whole in a moment. But first it is necessary to bring out a couple of the difficulties of Tom Regan's theory of animal rights. The question is if it measures up to the rigorous requirements of non-conflict, which a theory of rights must be able to handle.

A. Moral rights are such that you either have them or not, irrespective of the social and cultural context. This distinguishes them from legal rights, which of course only exist relative to a given legal system. It is always a crime to violate someone's moral rights. It does not matter whether the violation is done in China or in Sweden, today or 5,000 years ago. A consequence of this is that it could be argued that if animals have rights then we humans have *always* been criminals, not just today when we have industrial agriculture and carry out medical research on animals. It must have been just as wrong for us humans to hunt and kill animals when this was the only means of survival as it is today. It is just as wrong as the killing of innocent children would be if cannibalism were the only means of survival. It should not be the case that animals lacked rights five or ten thousands years ago when most moral agents happened to live in hunting societies, then suddenly obtained rights the moment that man was able to organise his survival in a different way. Accordingly, there should have been a genuine and unavoidable conflict between rights, which in a remarkable way doomed us to being criminals even at that time.

Against this line of reasoning an animal rights defender might object that in cases where rights come into conflict with each other one has to appeal to higher principles. One such principle suggested by Tom Regan is the so-called "Liberty Principle" (*The Case For Animal Rights*, p. 331): "Provided that all those involved are treated with respect, and assuming that no special considerations obtain, any innocent individual has the right to act to avoid being made worse-off even if doing so harms other innocents." This principle surely opens up for the possibility of violating the rights of animals in the case where killing them is necessary for the survival of a human being. But, on the other hand, if this is the case, then the rights of animals are strange rights indeed. The rights of animals turn out not only to be dependent on the existence of moral agents but also on what the conditions happen to be for those agents. If a human would be made sufficiently worse-off if she does not kill and eat the innocent animal, then the animal does not have the right to life (or its rights may be overridden).

Or suppose, for the sake of the argument, that we humans were decidedly beasts of prey who could live on meat only but who had the same human mental capacities otherwise. We would then still be moral agents and therefore obliged to respect all the rights of animals. But would the right of an animal not to be killed have any meaning if that were the case? According to the Liberty Principle we could go on killing and eating animals just as before, even if they have rights. So, why can them "rights" at all?

B. In view of Regan's distinction between moral agents and patients, it is true that there cannot be any conflicts between non-human predators and prey animals. The obligation to respect rights exists only for agents. But other strange things happen when we draw the analogy often drawn by animal rights defenders between animals and small children. We do not allow children to commit crimes even though, according to Regan, they cannot be considered to be moral agents. And

Regan would not, presumably, regard it as all right if children were allowed to inflict pain on, or to kill, animals. But why not? It is true that children are under the protection of adults. But it could be argued that since they are not agents, they at least should have the same rights as predators, namely the right to kill a hen, for example, without us trying to stop them. If, on the other hand, the animal rights advocates are of the opinion that it is our duty to intervene and stop the killing of animals by children, then we should have the same duty to intervene when animal predators are killing prey animals. And since rights are absolute, this intervention should be done no matter what the practical difficulties or the ecological consequences are. The animal rights advocates seem here to land up in a difficult moral dilemma.

CRITICISM

"If it [abolition of animal research] means there are some things we cannot learn, then so be it. We have no basic right not to be harmed by those natural diseases we are heir to."
Tom Regan — philosopher

"If natural healing is not possible, given the energy of the environment, it may be right for that being to change-form. Some people call this death."
Sydney Singer — director, Good Shepherd Foundation

There are a couple of recurrent arguments which, it seems, carry a lot of the persuasive force of animal rights. One of them refers to the fact that there has been a historical, step-by-step, widening of social rights to include slaves, workers, women and children. So, is it not logical to widen the "circle of compassion" also to include animals? The second argument rests upon the previously mentioned analogy between infants and seriously mentally retarded or senile people on the one hand and animals on the other. It is the denial of this analogy that leads to the accusation of speciesism. We need therefore to go deeper into these notions here and make a critical examination concerning their validity.

In an article in the American journal *Peace & Democracy* (summer 1993) the civil rights activist Henry Spira argues that the circle of compassion must be expanded. After a long-time engagement in the struggle for the rights of "old people, Afro-Americans, the poor whites, Latin-Americans, women, homosexuals, social activists, Indians and Asians, just to mention a few (*sic*) of our permanent outcasts" (citation from the Swedish magazine *Djurens rätt!*, 3/94), Spira believes it is high time that the political left should take the animals into its caring arms. "In the USA alone 20-50 million animals are used in research, tests and education, as if they were nothing but test tubes with whiskers; while an additional six billion animals live in hell until they are slaughtered in order to be eaten. ... The next rational step in the expansion of the circle of compassion is to include other species."

Henry Spira and others of like mind have evidently found the perfect target for their social commitment. If it is true, as he claims, that six billion individuals with "a mental capacity, an ability for rational thinking, a capacity for communication and for caring about others" and who furthermore want "to have a fair amount of joy in life", are tortured and murdered by farming in the USA, then this is evidently a very suitable group to represent. Therefore Henry Spira is fighting for the goal that animals should have the same kind of social rights as the rest of all the defenceless victims of American society. The con-

clusion seems obvious. But is this logic of the expansion-of-the-compassion circle correct? Is it inevitable that if we respect the human rights of women, children, workers and slaves, we also have to respect the corresponding rights of all beings that could be regarded as victims in society? Is it a logical or moral necessity that if we treat a certain group in a certain way we have to treat all other groups in the same way? This is an example of a so-called “slippery slope” argument. It is not deductively valid, but is instead founded on the possibility of making similar arguments regarding classes of objects that have certain properties in common. What is the case for group A must also be the case for group B since the individuals in group A are similar to the individuals in group B with respect to a certain property *x*. However, from a logical point of view, no such conclusion is possible.

Starting with the property *x*, we cannot simply shove all the mentioned categories of people together and put the same label of being a victim on them. Women, homosexuals and slaves are different kinds of groups. Slaves have certainly been victims of oppression, and so have some women and homosexuals. But it involves quite different kinds of oppression, the properties that gave rise to the oppression are different, and the oppression has been exercised by different categories of people. For example, during the days of slavery women and homosexual men also oppressed the slaves. Furthermore, it is true that children as a collective have been oppressed. Still, it seems quite morally proper that children should be treated differently from adult women. Adult women should of course enjoy full human rights (such as a right to property, a right to vote, a right to smoke and to drink alcohol, etc.), while small children should not be allowed all such rights.

Hence there is no logical or moral necessity forcing us to treat all groups equally just because they have certain properties in common or because some group members could be called “victims”. We will have to take the trouble to distinguish between groups, and to analyse their properties and the kind of oppression they have been exposed to. And on the basis of such an analysis we will have to decide what kind of “compassion” is appropriate, both from a practical and a moral point of view. That one has to make that kind of analysis and demarcation is evident if we consider the fact that the “logic” of expansion has no natural limit. If it is just a question of finding similar properties in different groups, then it is always possible to keep on extending our circle of compassion and, for example, to include insects, bacteria, viruses, trees, flowers and stones.

Tom Regan nearly falls into this trap when he says: “But attempts to limit its [i.e. that of the ethics of rights] scope to humans only can be shown to be rationally defective. Animals, it is true, lack many of the abilities humans possess. They can’t read, do higher mathematics, build a bookcase or make *baba ghanoush*. ... It is the similarities between those beings who most clearly, most non-controversially have such a value (the people reading this, for example), not our differences, that matter most.” The “similarity” which Regan finally settles for is, as we have seen, to be a “subject-of-a-life”. But he is not even quite sure of those limits. “Inherent value, then, belong equally to those who are experiencing subjects of a life. Whether it belongs to others — to rocks and rivers, trees and glaciers, for example — we do not know and may never know.” On the other hand, if we were sure that stones, rivers and glaciers are not living beings, and if we decided to discriminate against these objects by not assigning

them any rights, would not that make us guilty of “life-ism”, one wonders?

Accordingly, one cannot just focus on “similarities”; one has to make a choice about which properties are the most important. Tom Regan chooses the property to be a “subject-of-a-life”, Peter Singer chooses the ability to feel pain or, in general, to have interests. A Christian, or a humanist, chooses the property “to be human”. The important thing here is that each position actually involves being forced to choose some criteria that must be used for discrimination. Discrimination does not have to be bad (everything depends on whether it is morally correct). Anyhow, it is unavoidable. That, in turn, implies that each ethical position will be afflicted with problems of demarcation of its own.

The second, and perhaps the most important, argument for the standpoint of animal rights is the alleged similarities between on the one hand higher non-human animals such as apes and pigs, and on the other hand mentally undeveloped humans such as babies, the seriously retarded and the senile. Why, asks the defender of animal rights, should we treat the latter group differently just because they happen to be human?

Singer gives an example of a brain-damaged child (Singer 1990, p. 18). “Adult chimpanzees, dogs, pigs and members of many other species far surpass the brain-damaged infant in their ability to relate to others, act independently, be self-aware, and any other capacity that could reasonably be said to give value to life. ... The only thing that distinguishes the infant from the animal, in the eyes of those who claim it has a ‘right to life’, is that it is, biologically, a member of the species *homo sapiens*, whereas chimpanzees, dogs and pigs are not. But to use *this* difference as the basis for granting a right to life to the infant and not to the other animals is, of course, pure speciesism.” Even if, according to Singer, it is a more serious thing to kill an adult human than an animal or a child who may not have the same interests as an adult human concerning its own life, they all have a common interest in avoiding pain. “But pain is pain, and the importance of preventing unnecessary pain and suffering does not diminish because the being that suffers is not a member of our species. What would we think of someone who said that ‘whites come first’ and that therefore poverty in Africa does not pose as serious a problem as poverty in Europe?” (p. 220)

So the fundamental thing is the equality prevailing between humans and animals. “In case anyone still thinks it may be possible to find some relevant characteristic that distinguishes all human beings from all members of other species, let us consider again the fact that there are some human beings who quite clearly are below the level of awareness, self-consciousness, intelligence, and sentience of many non-human beings. I am thinking of human beings with severe and irreparable brain damage, and also of infant human beings.” (p. 239) Singer, therefore, is quite harsh with those who believe that treating animals and humans differently is justified. “Racists violate the principle of equality by giving greater weight to the interests of members of their own race when there is a clash between their interests and the interests of those of another race. Sexists violate the principle of equality by favouring the interests of their own sex. Similarly, speciesists allow the interests of their own species to override the greater interests of members of other species. The pattern is identical in each case.” (p. 9)

Tom Regan uses the analogy between animals and children in much the same way. For example, he brings up (and dis-

misses) the possible objection that even if animals have intrinsic value the intrinsic value of humans might be higher still. “What could be the basis of our having more inherent value than animals? Their lack of reason, or autonomy, or intellect? Only if we are willing to make the same judgement in the case of humans who are similarly deficient. But it is not true that such humans — the retarded child, for example, or the mentally deranged — have less inherent value than you or I.” “Were we to torture a young child or retarded elder, we would be doing something that wronged him or her ... And since this is true in the case of humans, we cannot rationally deny the same in the case of animals.”

One could say that this is a question of where to draw a line for human rights. Is there any morally relevant distinction between human infants and pigs? It is of course self-evident that there are *some* differences: they do not look alike, they have different types of bodily parts and inner organs, they have differences in their genes, and so forth. The question posed is if these differences, or some of these differences, are *morally* significant. Is there something that justifies a permission to kill pigs, but not babies?

As Tom Regan says, there is, as far as we know, a very big difference between the adult human and even the most intelligent animal. Only humans are moral agents. And we may add that only human language has a symbolic function (besides the signalling function) which can be used for transferring knowledge and for dealing with abstract concepts. Only man is able to carry out long-term planning, to invent various alternatives of action, to foresee their possible results and to make an evaluation. Only man can compare different goals and unravel hidden conflicts. Thanks to our productivity, *homo sapiens* is the only species on Earth which has managed to break out of the prison of biological necessity and create its own realm of abundance and freedom. Only man is capable of a systematic search for new knowledge about the laws of matter, life and the universe. Only man is capable of setting up his own life-goals, in that way making a conscious choice of his own identity. Only man is able to create new aesthetic and moral values in the world. Only man has the capacity for empathy and for making moral judgements. Only man has a culture and a history. Only man has a civilisation.

These are provocative and, for some, also boastful words no doubt. Nonetheless they are true.

But according to the defender of animal rights, all this is of no value whatsoever when it comes to finding any morally significant difference between humans and animals. In particular, there is no moral difference between animals and the younger and disabled members of the species that has achieved all these marvellous things.

Contemplate this proposition for a while. Is it not a bit strange, to more or less start out from the non-existence of any morally relevant difference between infants and pigs, between the species *homo sapiens* and other species? Is it not, seriously speaking, a bit narrow to look only at the similarities (such as being able to feel pain) between humans and other animals while ignoring the great, astonishing and unique properties of the human species as such? And, from the detected similarities in question, hastily draw the conclusion that there cannot be any crucial differences of importance for a moral demarcation? Should the defenders of animal rights not at least acknowledge the possibility that the basic biological differences between the species that really exist might be of moral importance? Is it not peculiar that persons who happen

to notice that only man has the ability to create science, technology, art, literature and systems of ethics, and who think that being a member of that species is therefore of moral importance, are immediately accused of being unscientific and irrational obscurantists, and of the same moral category as racists and Nazi camp guards? Is not this putting the burden of proof on the wrong shoulders?

But, on the other hand, why not? Let us turn the tables, for a while, and try to discover why being a human — retarded or not — makes a difference. Or at least, let me show why the animal rights conclusion is too rash and badly founded.

WHY MAN IS UNIQUE

“Six million people died in concentration camps, but six billion broiler chickens will die this year in slaughterhouses.”

Ingrid Newkirk

“Man is the most dangerous, destructive, selfish, and unethical animal on earth.”

Michael W Fox

— Vice President, Humane Society of the United States

In these environmentalist days it is not quite *comme il faut* to think that man is good. Look at what he does to unspoiled nature, to the animals, to the water, forests and the air, and to the Earth itself. “Vermin” and “parasite” seem to be the epithets closest at hand. Since I once in the early seventies shared it, I know how easy it is to accept such a point of view. But since then I have come to realise two things. Firstly that the division between man and nature is artificial. Man is an animal among others and those properties that we use for our survival have been gradually developed during millions of years. Our creations — cities, motorways and industries — are just as much a part of nature as cobwebs or birds’ nests. Secondly I have learned that what has become of humanity, especially during the last few thousand years, is something quite unique even though it is still a part of nature. We have created a distinctive evolution of a civilising character beside the biological one. Some would say that civilisation is just a thin layer. That may be. But it is there, and its evolutionary influences are undeniable.

The scientific view is that new phenomena and properties may arise from nature by chance and natural law. Life itself is such a phenomenon. Life is a special kind of organised matter, which also has the peculiar capacity to produce more and more living matter through the process of self-reproduction. I view the human mind as an emergent property created by chance and by natural selection. Individuals with a higher degree of memory, imagination and rationality have found it somewhat easier than those with a lower degree to reach sexual maturity and to breed and feed a new generation with the same inherited characteristics. Eventually a higher degree of consciousness spread to the whole population, and thereby was formed a new species. According to the theory of evolution we will also have to view the emergence of man’s moral ability, i.e. his ability to contemplate questions of right and wrong and to let such factors influence his behaviour, in a similar way. This ability probably had a survival value in a social environment similar to the one chimpanzees and gorillas live in today. Whatever the case may have been, we do now have such an ability, which together with our general rationality makes it possible for each individual to analyse and evaluate his or her own life. And there are no longer any

limits besides chance and the laws of nature to what man may achieve by his own strength.

Thinking about the evolutionary situation on Earth, this is not only astonishing but quite unique. The basic biological properties (which I will simply call the “disposition”, or “potential of rationality”) of the human brain that have the *function* to develop a rational ability — analytical, practical and moral — seem to belong to man alone. There is no natural necessity in this; not in the fact that human beings have this disposition for rationality, nor in the fact that we happen to be the only ones to have it. It is simply a fact that both things are the case. No other species seem to have developed anything similar. It is true that ants have societies, that birds can build nests and use some tools, that dogs can be taught not to steal and that the higher primates such as chimpanzees and gorillas have a certain amount of what we call “reason”. But none of them seem to be able to make a critical analysis, plan and evaluate their actions in a systematic way, consciously seeking to break old habits and creating what is genuinely new. New things may of course appear by chance, but not because it was planned. Man too has lived during periods where the creative and analytical activity was low or non-existent. Daily food, avoidance of physical pain, and reproduction, were the only motive powers. Still, he has had the *ability* to engage in such activities for a very long time — long before “historical” times. Perhaps he just did not always discover it, or did not know how it could be used. For the animals, however, it is not a question of any slumbering ability. They simply lack it.

“But” says the sceptical proponent of animal rights, who now has a presentiment of the direction of my argument, “do not try to use any discerning biological properties as a moral criterion. No such properties work!” — Well, that is exactly what I plan to do, and I believe that the disposition of rationality (even though we cannot give a precise description of it in physiological terms as yet) is an excellent criterion of demarcation, both biologically and ethically.

Both Tom Regan and Peter Singer agree that there are qualities that are unique to the normal, adult human being. To Peter Singer these qualities imply that the normal and adult human automatically weighs a little bit more than a child or a pig since she has more interests to be put into the utilitarian calculus. To Tom Regan these qualities imply that she is appointed a “moral agent”, in contrast to being just a “moral patient”. However, neither of them wishes to make this a moral demarcation between species. In the case of Singer, because children and pigs are comparable on the level of interests. In the case of Regan, because both adult humans and hens have similar basic rights in virtue of all being “subjects of life”.

I agree with the view that there is a difference between grown-ups and small children. The child’s abilities of rationality, language, creativity, moral judgement etc. are still not fully developed. But since the infant is human it has, *in contrast to dogs and pigs*, the potential to develop full rationality. Something in the build-up and structure of its brain, and in the inherited properties of its cells, has the biological *function* to develop rationality in course of time. That a property is merely potential does not mean that it does not exist. On the contrary, its prerequisites are present in the brain and in the cells irrespective of whether the potential is fulfilled in the individual or not, or whether the child survives until a mature age or not. And the same goes of course for sleeping, uncon-

scious and very drunken people who have little or no actual rationality. That the disposition in question has a biological function means that it has proved, in a natural selection process, to have a favourable influence on the survival and reproduction of organisms having it (see Peter Melander, 1997, for a more precise definition). The disposition of rationality is what the biologists would call *an adaptation*. Pigs or chimpanzees have neither the fully developed rationality nor the potential to have it. There is nothing that indicates that a baby pig or a baby chimpanzee has any potential properties of rationality that have been selected in their species in order to favour their survival and reproduction. Accordingly, I view the human disposition of rationality as a property that has emerged through an evolutionary process, which is in conformity with the view of biological science. It has been of vital importance in making man, as we know him. Created by chance, the germ of rationality has proved capable of giving man precedence over other great apes in the struggle for survival. Those individuals who carried it have been able to use their creativity and planning capability in order to obtain food more easily, in order to get away from wild beasts and other dangers, in order to utilise the protection of each other in societies, and in order to successfully give birth to, feed and educate an offspring carrying the same hereditary disposition as themselves.

It may be a future possibility to breed a foetus of a chimpanzee, manipulate its genes, and later apply brain surgery, use intensive training with human teachers and thus make it communicate in a language, to produce critical and abstract thinking, and to make moral judgements. It is reasonable that such a being would land up in the same moral category as humans, but it would no longer be typical of its species. Such a being would simply not be a chimpanzee anymore since it does not share the adaptations that are typical of and inherent in that species.

When it comes to humans with grave brain damage or old people suffering from grave senility it is, in a similar way, easy to distinguish them from pigs and apes. Since they belong to the human species they still bear actual, biological traits that have the function to develop rationality. What differentiates them from normal humans is that their brains do not work as they should. Their brains have *the same biological function* as all human brains do, i.e. the function to think, plan, speak, etc. But injury or disease prevents fulfilment of those abilities. Here it is important to note the difference between the human brain and the brains of apes or pigs. The latter kinds work in the normal case quite excellently — as brains of apes or pigs. As such there is absolutely nothing wrong with them, in spite of their not having full rationality either. They simply lack that function. Hence, from a biological point of view there is a very clear and obvious distinction between *lacking* traits and organs with a certain function on the one hand, and having organs that are *malfunctioning* on the other.

Let me give an example (from Peter Melander) to illustrate this distinction further. The bovine reticulum of a cow has the biological function to break down cellulose. It is a very important function, which strongly contributes to the survival and reproduction of the individuals. In other words, it is an adaptation. Now assume that the bovine reticulum of a certain cow suddenly fails to break down cellulose because of a widespread cancer tumour. The organ is then damaged, ruined, sick, and it no longer functions as it should. When we say that it no longer functions “as it should”, then, of course,

it is a normative statement. But it is of a (non-moral) kind that is quite justified within science, namely in the light of the theory of evolution. The damaged bovine reticulum still has the same biological function. The organ has been evolved by natural selection because it breaks down cellulose. And it is in relation to this evolutionary history that we may say that it no longer works as it should. Now, compare this to the human appendix. By contrast, a human appendix that fails to break down cellulose is not malfunctioning, for to break down cellulose is not a function of the human appendix. (Some would however say that to break down cellulose is a function the human appendix has *lost*.) So we cannot claim that the human appendix is an organ that is sick, damaged, or does not work. The appendix simply does not have the function of breaking down cellulose. In contrast to a malfunctioning organ, the lack of a function of the appendix does not affect our ability to survive or to reproduce in the least.

The difference between ape brains and human brains is similar. The brains of apes have no developed rationality because they lack that function, the brain of a gravely senile human being on the other hand still has the function in question, but has lost the developed rationality since the brain is damaged. This distinction shows that Peter Singer is mistaken when he claims that there is “a catch” in trying to find unique traits of humanity. “In most ways, human beings are not equal; and if we seek some characteristic that all of them possess, then this characteristic must be a kind of lowest common denominator, pitched so low that no human being lacks it. The catch is that any such characteristic that is possessed by all human beings will not be possessed only by human beings.” (Singer, 1990, p. 237)

Now let us turn to the moral questions.

RATIONALITY AND ETHICS

“How could animal liberationists argue on the one hand that humans were merely a part of nature, no better or worse than other animals, and on the other hand that our species alone was obliged to give up practices with which it has naturally evolved, like killing and eating animals and wearing their skins? How could they argue that humans have no inherent moral superiority, and at the same time argue that we have a high moral obligation to treat animals more humanely than they would treat us or each other?”

Richard Conniff — conservationist

“Once again this litany of human ‘specialness’ does not entail that we are special in the possession of rights.”

Tom Regan

I do not in any way deny that the ability to feel pain, or the quality of being a subject-of-a-life, has moral relevance. It has. As human beings and moral agents we should avoid inflicting pain on animals. And we should also show respect for the living, especially for life with a consciousness. Such things have in some sense an intrinsic value, besides being of value to us and to our civilisation. However, this does not imply that all values are equal.

Let me focus on where the animal rights philosophy differs from mine. Is it reasonable, as Peter Singer and Tom Regan do, to regard pain and being a subject-of-a-life, respectively, as the central moral factor? If not, why is the attribute of rationality more important?

For both man and beast it is natural to avoid pain and to strive for pleasure. That is the way we function and it obviously contributes to our survival. But in the moral world, as I see it, those things are not completely central. We have the ability to make free and well-considered choices of action that sometimes may involve both pain and suffering. We may for instance endure the sufferings of hard bodily or mental work in order to accomplish a higher value that we strive for. We may consciously expose ourselves to mortal danger and to painful burns in order to save a human being from a fire, because we consider such an act to be morally right. We may subject ourselves to painful, medical experiments in order to achieve greater knowledge about how the human body works. Not even in the world of non-human animals is the interest in avoiding pain always of the foremost importance. Mating instinct may cause the male cat to endure starvation, rain and cold weather in order to pursue the coveted female. The anger of two fighting male lions can make them not care a bit about the pain they feel from the claws and teeth of their opponent. It would therefore be quite wrong to view the interest in avoiding pain as the ultimate priority among those beings capable of having it.

Now, Peter Singer does not claim that the interest in avoiding pain is the only interest of relevance here. As mentioned before, adults also have other interests that must be included in the calculus. However, the interest in avoiding pain is brought forth by Singer as the common interest uniting man and animal, and which therefore works as the fundamental moral basis for his veganism. Avoiding pain becomes the overall important thing. But one cannot but wonder a bit about the arbitrariness in this choice of interest. If pain is the central moral factor, what about unconscious people? Will they be of even less priority than animals? And are there not other things that are just as important as pain, or even more important? I mentioned the interest of reproduction before. Is not that stronger and therefore more important for most beings? Or the basic urge to get food? The fact that these interests also are present in beings that lack central nervous systems is hardly an objection since they are obviously present as objective needs of all living organisms. And their existence gives rise to similar behavioural consequences. But, of course, if Singer had chosen such interests as his basis then the domain of his philosophy would have widened radically. Not only humans and higher animals would have been the target for the circle of compassion but also insects, spiders, bacteria and viruses. In that case, Singer would undoubtedly have had a very cumbersome philosophy, filled with conflicts.

Tom Regan, on the other hand, claims that the class of beings which have intrinsic value, and which therefore have rights, is defined by the concept “subject-of-a-life”. That is, they should have a consciousness, they should be able to be concerned with their own welfare, and they should be able to feel pain and pleasure, etc. But as with Singer one may question why being a subject-of-a-life should be the moral *basis*? Certainly, the property of being a subject-of-a-life is something which humans have in common with many animals. But to claim, for example, that this property is central since it is a *necessary* condition for rights is obviously not enough. There are many things that we rightly could claim are necessary for the existence of rights, for example life as such. Without life there cannot exist consciousness, feelings, interests, or rights. Then why not claim that living beings, and not just subjects-of-a-life, have rights?

We should also consider why being a subject-of-a-life would be *sufficient* for having rights. The property of being a subject-of-a-life has existed among animals for million of years, long before there were any humans. Animals have been tortured and killed daily by other animals for generations without this being of any moral significance whatsoever. I watched a television programme the other day where a group of lions hunted and brought down a big antelope. One lion threw herself upon it and broke its backbone. Another one had her teeth into one of its legs. And a third lion started to tear and chew at its soft parts. The antelope was still alive after the leg was tattered and its guts came out on the ground from its ripped-up belly. Such cruelties occur every day in nature. They are shocking and nauseous. But I agree with Tom Regan when he says that we cannot judge it from a moral point of view until moral agents, i.e. human beings, have entered the stage. If I understand him correctly, there cannot exist animal rights other than in relation to moral agents, and it would therefore be nonsense to accuse the lions of having grossly violated the rights of the antelope. We cannot condemn the beasts of prey for following their nature since they have not the ability to choose otherwise.

But if so, is it not a bit strange to claim, as Tom Regan does, that it is the property of being a subject-of-a-life that generates moral rights? When it obviously is not at all sufficient (due to the additional important condition that there must exist moral agents)? Is it not more reasonable to tie morality — a relatively new and a radically different aspect of reality — to precisely those properties that are characteristic of *moral agents*?

I believe that moral values — in contrast to subjective preferences — necessarily always have to be related to moral subjects, i.e. to individuals who have rational faculties and an ability to choose freely and to make moral judgements. It is we, the moral agents/humans, who focus our judgements and assign values, perhaps intrinsic values, to ourselves, to other beings and to objects. Without us there is no morality, nothing that is good or evil, nothing that is right or wrong. It is we — not the animals, the plants or the stones — that for example point to a piece of wilderness and claim it to be good or, which was more common formerly, evil. It is we — not the animals, the plants or the stones — that point to the killing of the antelope by the lions and judge it to be cruel. It is we — not the animals, the plants or the stones — that point to the slavery, torture and murder of other people and condemn it as unjust.

I believe that the natural cause of the existence of moral values on Earth is, as I have mentioned before, connected to the evolution of rationality. Our rationality is in that sense not different from any other property. It is an emergent property that has evolved step-by-step, by natural selection, among the higher apes. But this does not make it any less central from a moral point of view. Rationality, including the moral ability, is the necessary and sufficient condition for the existence of moral values. It is this fact, that it is the direct evolutionary cause of morality, which makes rationality a unique moral property. There are many other properties and objects in the world that have a moral value. But since rationality, unlike the interest in avoiding pain or being a subject-of-a-life, is the origin of the moral dimension in the world, it has a fundamental intrinsic value.

(If there should be moral values, existing quite independently of moral subjects, it is still reasonable to claim that the ability

to choose freely and to make moral evaluations is especially valuable. This is so since this ability is a precondition for moral actions, for good or evil deeds. Without this ability the possible intrinsic values of the universe would have no influence whatsoever on any actions, or on the course of the world. Such a world would surely be of less value.)

Neither Peter Singer nor Tom Regan does of course deny that a moral ability is necessary in order to make moral judgements or that moral agents are necessary for the emergence of rights and duties. Still, strangely enough they do not regard rationality as the fundamental intrinsic value. Maybe this is due to their mistaken view that infants and the mentally retarded are of equal merit with chimpanzees and pigs. Given their point of view, the choice seems to be either to count grown-ups as fundamentally more valuable than children and the mentally retarded, or to choose another property that measures adults, infants, pigs and chimpanzees on the same scale — for example on the “pain scale” or on the “subject-of-a-life scale”. But the latter alternative leads — as I have tried to show here — to the problem that the choice of such a property becomes rather arbitrary and *ad hoc*. And it leads to the necessity to somehow discard rationality as something rather unimportant in the moral context.

However, it is hardly possible to discard rationality as central to moral values and moral action. And there is therefore strong reason not to count infants and the mentally retarded among the same group as chimpanzees and pigs. Because all humans (including new-born babies, sleeping or unconscious persons, the mentally retarded and the gravely senile) have the factual properties — the disposition — whose biological function is to develop rationality. In my view, such properties deserve a special respect, even if the ability in question is not fully developed due to age, sickness or injury. It is this function that is the immediate cause of the moral dimension on Earth. If we respect the function of rationality as such, then it is reasonable to respect all individuals that bear it, even if the rational ability is not fully developed or out of operation because of injury or disease. Therefore the disposition of rationality seems to be a much better (in the sense of being more fundamental and relevant) criterion than the ones of Singer and Regan.

DISCUSSION

“We also must keep hitting the fact that opponents of the animal rights movement are defending their financial self-interest. When we get people to see that, I think they will automatically discount the kinds of things professionals say against us.”

Peter Singer

“There is something even more intolerable in the sufferings of animals than in the sufferings of people. For with the latter it is at least admitted that suffering is evil and that the person who causes it is criminal. But thousands of animals are uselessly butchered every day without a shadow of remorse. ... And that is the unpardonable crime. That alone is the justification of all that people may suffer. It cries vengeance upon all the human race.”

Romain Rolland — Nobel Laureate

My aim has been to argue that there is a fundamental moral difference between animals and humans — not that animals lack moral value. That we should treat animals with respect and that we should avoid causing them unnecessary harm is beyond question. All those examples of cruelty to animals in

certain types of animal farming and in certain types of scientific research, that Peter Singer and Tom Regan give us, are shocking and a disgrace to the human civilisation. I do not agree with them in their radical condemnation of practically *all* kinds of animal breeding and *all* kinds of animal experimentation, but unfortunately there are too many cases where the treatment of animals has gone beyond all borders of what is ethically defensible.

Animals are not machines but are sentient, living beings with an interest in their own wellbeing — just like us. But they do not have what we call morality. The animals live according to the natural laws that hold for their species and for their environment. But they do not, and cannot, live according to any ethical rules. That is only possible for man, and that makes him unique. The very fact that we do care about how animals and the environment should be treated from an ethical point of view makes us a peculiar phenomenon in nature. But that is not all. According to the view argued for here, it also makes us morally unique. It makes us entitled to special respect.

In my view it is wrong to force (with physical violence, or with the threat of such violence) other grown-up people to act in a certain way, unless we are dealing with pure self-defence. It is also wrong to force others to believe in a certain religion, to support a certain political opinion or to share a certain ethical view of, for example, animals and the environment. One reason for this is that man needs his freedom of thought and action in order to develop his rationality. When it comes to morality, we do not have any absolute and certain truths to stand by, but each and every one of us must be allowed to make his or her own moral judgement. Paying such respect to people's opinions and actions — abstaining, that is, from using physical force — implies that one acknowledges the natural rights of all people.

In the case of children and the gravely retarded it may not always be possible to avoid using some physical coercion. (A parent has, for example, the right — and according to most, a duty — to hold on to her child so that it does not run into a busy street to fetch a ball that rolled over it.) But their right to life, health and protection of their dispositions of rationality are inviolable. This is so because even if their rationality is not fully developed they still have properties whose function it is to be developed into such rationality. And these properties should be respected by abstaining from harming them. That is, the physical coercion that is used paternalistically may never be such that the individual's potential for rationality and moral action is threatened.

Non-human animals lack absolute and inviolable rights in this sense. They have neither full nor partial natural rights. The reason is that they simply lack the biological disposition for being moral agents. Contrary to the case of humans, the method of survival and development does not build on rationality. Instead there are other properties, such as speed, strength, fertility or ability to feed on grass, that have made them what they are. The distinguishing quality of mankind, to survive with the help of its rationality, has at the same time involved the creation of a new dimension of reality, namely the world of moral values. But in order that man shall be capable of exercising his moral judgement it takes rights — and these rights entail mutual human respect. Other animals have what they always have had, namely the natural properties for survival and reproduction that are theirs.

Again, this does not imply that animals lack moral value. But we must not forget that it is man who directly or indirectly

assigns value to them. Yes, there is nothing to prevent people from granting animals a kind of rights — call them cultural or social rights. And that is perhaps what we should do. But such rights would then be based on voluntary agreement between humans within a certain culture or social community. Just as was done in the case of the cows among Hindus in India. But these are rights of another kind than those I have been concerned with here since the latter kind would be a precondition of, and hence more basic than, the former.

Well, is all this talk of the difference between humans and animals a manifestation of speciesism? Actually, no. I do not suggest that a person has special rights *because* she belongs to the species *homo sapiens*. Instead I claim that she has special rights because she has those properties and dispositions that are fundamental to morality. It is therefore quite possible that there might exist, or that there will exist, other species and individuals that have these abilities. As mentioned above, it might for example be possible in the future to make a rational being out of a chimpanzee with the help of brain surgery and gene technology. All such individuals, irrespective of their species, would then be moral agents and have the same rights as man. But as far as we know, man happens to be the sole possessor of rationality (at least on our planet). This implies that we in practice may draw the moral line at precisely the line of the species. One could say that, today, there are good reasons for being a speciesist in practice, if not in theory.

I have argued that neither the criterion of Peter Singer (ability to feel pain) nor that of Tom Regan (subject-of-a-life) is the most central. They miss the most fundamental thing, namely that which has to do with rational and moral ability. This causes them to make the mistake of placing for example children on an equal footing with pigs. And if my criticism is correct, then both main arguments for animal rights fail. The second main argument was that it is logical, or at least natural from a historical point of view, to widen the circle of compassion. I have criticised the logic of the argument already, and I should now like to show that the conclusions drawn from the argument of widening the circle of compassion are not even natural or reasonable.

The argument says, in short, that just as “we” (i.e. prejudiced, white, rich, Christian, and heterosexual men?) have been forced to realise that women, homosexuals, coloured people, slaves and heathens have the same rights and human value as we do, we will also be forced to recognise the same rights and value of animals. There is not much to be said against the first “widening” here. All humans have the same basic value and should therefore be granted the same right to life and liberty. The reason, of course, is that all humans, irrespective of religion, race, gender or sexual bent, have the same disposition for a rational and moral mind, even though the ability to develop and/or use it varies between individuals. This gives all individuals a human value. But the second step is not correct. Since animals, as far as we know, lack such a disposition they do not have the same basic value as humans. They therefore cannot have the same right to life and freedom from exploitation as man. If people, for other reasons, choose to treat them as equals, that is a different thing altogether. That is something that is up to the judgement of each individual moral agent, and which must not be forced upon her by other moral agents. The conclusion of the argument of widening the circle is therefore not at all natural or reasonable, much less binding.

Furthermore, it is not quite correct, from a historical point of view, to regard the compassion for animals as something new or developing. The human attitude towards animals has varied from time to time, and from culture to culture. For example, in the Jewish tradition it has, for thousands of years, been commanded that the domestic animals should be given a day of rest on the Sabbath, and the slaughtering should be carried out painlessly and with due respect to the animal. And the orthodox Hindu is a vegetarian for ethical reasons. But viewed from a limited Anglo-Saxon and Christian perspective during the last fifty years or so, it may be the case that the attitude towards animals is more intensely discussed and that it is changing.

SUMMARY AND CONCLUSIONS

“It would be necessary to recognize that animals (or, more properly speaking, the guardians of animals) have a standing to articulate these interests against property owners, which would functionally require that some sort of guardian be recognized.” Gary Francione

“The \$10,000 microscope was destroyed in about 10 seconds with a steel wrecking bar we purchased ... for less than \$5. We consider that a pretty good return on our investment.” Animal Liberation Front

I have mentioned two of the most important philosophical theories behind animal rights and veganism, utilitarianism and the theory of rights. It is possible to criticise utilitarianism with regard both to its applicability and to its correctness. Utilitarianism presupposes that it is possible to make comparisons concerning pain and pleasure between individuals of different species, and then add and subtract in such a way that it is possible to optimise the latter. It is very uncertain whether such comparisons can be made in any reliable or, indeed, meaningful way. Furthermore, it is only sensations and interests — not individuals — that are of any importance in utilitarianism. As a consequence, it may well be the case that one has to sacrifice single individuals in order to get an optimal outcome of the aggregated set of pleasure in the world. Individual lives are not sacred, irrespective of whether we discuss animals or humans. This contradicts the moral intuition of a lot of people.

According to the ethical rights view, both animals and humans, i. e. all subjects-of-a-life, have inviolable rights. The distinction between moral agents and moral patients is not considered to be of any relevance to the possession of these rights. But to assign the same rights to animals as to humans leads to strange consequences. First, it makes man a criminal even during those ages when he had to hunt in order to survive. Second, the analogy between animals and small children implies that either children must have the right to kill animals, as do beasts of prey, or we — the moral agents — have an obligation to intervene against, and in practice exterminate, all beasts of prey.

I have also, at length, discussed two recurrent arguments in the vegan movement that are the same in both kinds of philosophies. Without doubt, the most important of these is the analogy between infants and gravely retarded or senile persons on the one hand, and “higher” non-human animals such as pigs, dogs and chimpanzees on the other. My objection here is that it is unbiological, unhistorical and narrow-minded not to notice, and to a large extent ignore or suppress, the

enormous differences that actually exist between the species. What I have called the property of rationality is an innate characteristic of humans, and the traces of it, or the conditions for it, exist in each and every human individual. Therefore it is not at all difficult to distinguish between, for example, infants and pigs. And, given that rationality is morally significant, there is no special reason why we should throw both these groups of individuals into the same moral category.

The second recurrent argument I have called “the argument of the extended circle of compassion”: Since we have, step by step, granted rights to slaves, women, coloured people etc., it is logical that we should go one step further and also grant equal basic rights to animals. My main objection here is that even though it is fully justified to treat all the individuals in the first groups equally with respect to basic rights, it does not follow, either logically or morally, that it is also justified to treat the individuals in the last group in the same way. On the contrary, the individuals in the first groups should be regarded as of equal value by virtue of their equal disposition of rationality. The individuals in the last group, however, do lack precisely that important disposition (even though we have other morally relevant properties in common).

I have argued that rationality is definitely much more important from an ethical point of view than both “the interest in avoiding pain” of the utilitarian and “being a subject-of-a-life” of the animal rightist. Contrary to the latter, rationality is the direct cause of morality as such. Good and evil, right and wrong, are irrelevant things in nature as soon as we leave the human sphere. That dimension belongs intimately to man and his ability to make moral judgements and to act according to his own lifeplans. There are certainly many creatures that have a conscious mind and an interest in avoiding pain, but the ability to put their actions in a moral perspective belongs to humans only.

So, what practical and political consequences does this have for the animal rights movement?

In Sweden the public primarily knows the militant vegans; by their terrorist actions in Umeå, Stockholm and Gothenburg. There they have set fire to trucks belonging to slaughterhouses, destroyed hot-dog stands, vandalised fur and leather shops, and broken into research laboratories, sprayed the walls with slogans and “liberated” the animals. The number of attacks increased by more than 400% between 1996 and 1997. So far no humans have been seriously injured but there has been a considerable material loss for those that have been hit. And there have been many threats. According to statements in the media, the militant vegans wish to defend these violent actions by claiming that they are comparable to carrying out sabotage against Nazi concentration camps and to saving people from the torture chambers of the Gestapo.

It may seem to be positive and praiseworthy that young people become involved for the sake of the weak and exposed groups in society. And who can be more weak and exposed than our animal friends, who neither understand the encroachments they might be exposed to nor are able to plead their own cause? Somebody has to do it for them. But for me it is difficult to view these actions as just another charming youthful involvement. From the animal rights perspective, the analogy with concentration camps and torture chambers is no exaggeration. On the contrary, it must be taken quite literally. That is precisely what scares me.

One wonders a bit about where these ideas might lead. If slaughterhouses are comparable to Nazi concentration camps, and if medical research laboratories are comparable to torture chambers, how does one view the persons working there — the butchers and the scientists? Furthermore, if the butchers and the scientists are comparable to Nazi executioners and tormentors, what is so terribly wrong with letting a few of them be killed if necessary? After all, the actions are aimed at saving innocent individuals from torture and murder, executed by professional killers.

It does not seem probable that apparently peaceful philosophers like Peter Singer and Tom Regan actually would wish to defend such thoughts or deeds. But the question is whether the logic of their teachings does not lead to this, to consequences that I find it hard to believe they are totally unaware of. It is true that Singer, for example, would protest and say that there were humans, not animals, in the real, historical concentration camps and torture chambers. And since adult human beings (even if they happen to be camp-guards and tormentors) have more interests than animals it would not, from a utilitarian point of view, be legitimate to kill humans in order to save animals. But at the same time Singer preaches, without reservation, that there is a moral equality between infants and pigs — which does not make the parallel any less terrifying. Because, surely, would not slaughterhouses butchering infants instead of pigs be just as bad as Nazi death camps? And would it not be quite proper to compare scientists carrying out experiments on children to the inhuman henchmen of the Gestapo?

Unfortunately, for the philosophers of animal rights the question of terrorism (against both material property and humans) does not come down to principles. For such a person it is more a question of tactics and practicality: it would not be good for the vegan movement if people were injured or killed. Therefore true animal activists should abstain from such actions. Animal rights activists have a mission to fulfil, namely to be the spokesmen of the animals and to defend them against an evil humanity. And this holy mission must not be messed up by offensive and too violent actions even if these should be quite legitimate from an animal rights perspective.

The problem with this kind of tactical argument is precisely that it is not based on principle. It would imply that the very day that acts of violence could be carried out without provoking anger, except within some minorities, and where the consequences are regarded as good for the animals, these actions would be all right. Yes, brave vegan soldiers might even regard it as a duty to save, at all costs, the animals from imprisonment on our farms and from death in our slaughterhouses. After all, according to the animal rights philosophy, not to be a vegetarian, or buying leather shoes, is just as criminal as eating new-born babies and buying lampshades made out of human skin.

Without doubt the parallel that is made between humans and animals works as a very strong incentive to take a hard line against our meat-eating society. But I believe that this parallel, or analogy, is a very serious philosophical mistake. And the acceptance of it among vegans is astonishingly light-hearted, considering the fatal consequences of similar earlier downplaying of the concept of human dignity during this century.

Animals are not humans and there is no valid ground for putting infants, the gravely retarded or senile elderly on an equal moral footing with pigs and cows. It is an insult to these

people to be counted among the animals in this way, even if the intention is that animals should be treated as humans. And the consequence of this analogy becomes another insult, namely to all those millions of human victims who suffered and died in real Nazi and communist death camps. A human killing another innocent human being is murder, but a human killing an animal is not. It is no more a murder or an execution than when a tiger or an eagle does the same.

Only humans have an absolute and inviolable right to what is commonly called “human dignity”. Whatever is put into that concept, this does not imply that one shall not become involved in the welfare of animals. Maltreatment and cruelty to animals does not belong in a civilised society. But it does imply, I would say, that the methods used for the sake of animals may not include coercion and terrorist actions — not against people nor against their property. Because man, being a rational creature with an ability to make moral judgements, must have the basic freedom to use this ability. Otherwise the equality of human dignity would be denied. People should treat each other with respect — that is, without force or violation of rights. It is not the case that only some humans — vegans — happen to possess superior knowledge of what is right or wrong, and that they, and only they, have the right to force all others to live in a particular way. Instead, proponents of animal rights may peacefully boycott products, shops and companies. They may write articles and books, and they may live according to their conviction. In short, they should do what all the rest of us may do, namely use their rational ability to analyse, argue and awaken public opinion for the cause of mistreated animals. Because this is in accord with the principles of rationality — and it is the only decent form of social intercourse for a moral being like man.

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A SMALL DICTIONARY

adaptation — an organ, or a property, of a species that has been obtained through a process of natural selection.

ad hoc assumption — an assumption that is made solely to suit a certain purpose, for example to fit a preconceived view.

agent, moral — an individual that possess *rationality* and has the ability to think and act in moral terms, for example to respect the rights of others.

animal rights — the view that animals have a *right* to life and liberty equal to the rights of humans.

circle of compassion — the range of people and other beings that should be objects of moral concern.

deductive argument — logically valid argument, based on the condition that if the assumptions are true then the conclusion must also be true.

disposition of rationality — those properties of the brain that have the potential, or the evolutionary *function*, to develop an ability to think, plan, communicate and make moral judgements.

emergent property — a property that comes about by the aggregation and organisation of parts that do not have the property themselves; for example, a computer has the emergent property of being able to perform mathematical calculations to a certain degree, but the individual electric circuit does not have such an ability.

ethical rights view — a system within moral philosophy based on *rights*; it usually concerns natural rights that regulate whether — and if so, when — physical force may be used between rights-holders.

function of rationality — the phenomenon/organ has a function of rationality if, and only if, it is an *adaptation* for, i.e. if it has been selected for its ability to develop, *rationality*; the biological, or natural, function of the organ has its origin in the history of evolution, and it is therefore determined by what such organs normally perform, not by the actual performance of a particular organ.

inherent — being a part of something, independent of the surrounding world.

interests — wishes, also in the long term; objective interests are such states and satisfaction of needs as are good for the animal/human irrespectively of her immediate wishes.

intrinsic value — a value in itself, in contrast to having a value as a means to something else; a work of art could be regarded as having an intrinsic value, while the brush that is used in order to make it only has an instrumental value.

normative statement — a statement about how things should be in relation to a goal, for example economic efficiency, biological survival or ethical values.

patient moral — a being that — in spite of being unable to treat us in a moral way — should be the object of our moral concern.

potential property — a property that, given the actual properties of the organism and a normal situation, will be developed; for example, a new-born baby is not able to talk, but has the potential property to talk; potentiality is here only used in the biological evolutionary sense; see also *function*.

the **principle of maximisation** says that we should compare and weigh together the *interests* of all concerned and then choose the action that maximises satisfaction of these interests.

the **principle of equality** says that we should give equal consideration to all the *interests* of those involved, i.e. we should not dismiss the interests of some individuals simply because they belong to an alien species.

property of rationality — those properties of the brain that make a person able to think, plan, communicate and make moral judgements.

psycho-physical identity — an identity that is linked by memory, and is identified by emotions and by the body, and which has certain properties constant over time, for example its genetic set-up.

rationality — see *property of rationality*.

right — an obligation for other people, for example, not to kill or injure the rights-holder; moral or natural rights must be respected independently of which kind of society one lives in; juridical rights, on the other hand, are only valid within a legal system or with respect to an explicit contract between persons; see also *animal rights*.

rights-theorist — see *ethical rights view*.

slippery-slope argument — if you say A you feel obliged to say B, even though B does not logically follow from A.

signalling function — the signalling function of a language or behaviour is for giving warnings, drawing attention or making the receiver react in a certain way.

speciesism — to make moral evaluations according to the biological species; compare racism or sexism.

subject-of-a-life — an organism that has a consciousness (and is able to experience things at a minimum level) and has a *psycho-physical identity* over time, for example human beings and other mammals; an ant-hill has a physical identity but does not have a conscious mind and is therefore not a subject-of-a-life;

symbolic function — the symbolic function of a language is for transmitting information, arguments, or knowledge to the receiver.

utilitarianism — a system within moral philosophy based on the principle that one should act to satisfy as many *interests* as possible; see the *principle of maximisation* and the *principle of equality*; the value of an action is judged only by how far it fulfils this principle, not by the intention of the action or by whether it violates people's rights.

veganism — a lifestyle where one abstains from eating meat and exploiting animals, usually motivated by the moral conviction that animals have *rights*.

vegetarian — a person who, for various reasons, only eats vegetarian food, but who does not necessarily share the vegan philosophy or life style in other respects.

welfarism — an ideology that pragmatically works for lessening the suffering of animals; its advocates differ from the advocates of animal rights in that they regard every reform in this direction as progress, even if animals still lack freedom and if their sufferings have only lessened a little.

xenophobia — dislike or fear of strangers.