

DO ANIMALS HAVE RIGHTS? *by Tibor R. Machan*

In recent years we have seen a growing phenomenon dubbed, not very surprisingly, the animal liberation movement. The main theoretician of animal rights is Professor Tom Regan, professor of philosophy at North Carolina State University. Other supporters from the theoretical side are Professor Peter Singer, of La Trobe University in Australia, although Singer speaks only of animal liberation. That is because as a utilitarian, who advocates that we all must advance the greatest happiness of the greatest number (of those capable of being happy), he follows Jeremy Bentham in rejecting anything like basic rights.

In more popular forums, Cleveland Amory is the most widely known defender of animals against their use as human food or resource for medical research. Various Hollywood celebrities have helped to popularize the issue. Recently CBS's *60 Minutes* devoted a segment to the movement.

What is at stake is relatively simple. Do animals have rights similar to those we as human beings are said to have? If animals do have rights, then by implication the government is responsible for protecting them from being killed, assaulted, or used against their will. Even the utilitarian support for animal liberation has similar practical implications. *Animal liberation implies vegetarianism and antivivisectionism.*

It is crucial to note that the issue is not simply kindness to animals, nor that animals should be treated with greater consideration for their capacity to feel pain. The kinds of stories usually told (and movies shown) to buttress the case for animal liberation do tend to paint a horrid picture of the pains human beings inflict on animals. Of course, it is not entirely clear just what animals do feel; so much of what we are told and shown gains its impact in part from our awareness of how we would feel in similar circumstances. But there is little doubt that animals can feel pain and pleasure and that some of what human beings do to and with them causes them great displeasure and, at times, excruciating pain.

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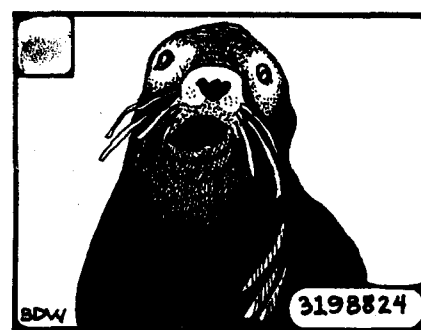
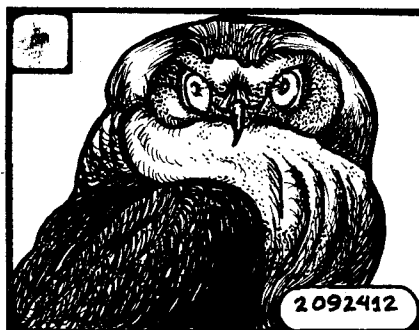
The issue of whether treating animals in these ways is right or wrong and what we should do about it is tied to the animal liberation movement. But that movement has far more radical aims than improvement of the ways we handle the animals which we use for food, for medical research, and for sports. The animal liberation movement holds that animals are not different from humans in any respect relevant to how they should be treated by us—except, of course, that they cannot speak out in their own behalf or protect themselves against us. Yet this last turns out to be a crucial exception. Because animals cannot defend themselves, they depend on us for their protection. It is indeed here that one begins to appreciate why the animal liberation movement is not, as it claims to be, analogous to the liberation of Black slaves or women.

In these cases human beings were clearly oppressing their own kind. Blacks were enslaved by whites, but except for their color no morally significant difference could be identified between the two groups. The same is true about women. They were kept second-class citizens, away from political and economic power, by other human beings who could not by any stretch of the imagination argue that women lacked "freedom and equality," the qualifications John Locke identified as necessary for citizenship.

Let us be clear about this. Animal liberationists do, in fact, claim that their movement is just a logical extension of the Black and women's liberation. Why? It is important to realize that they are convinced that between other animals and human (or rational) animals there are no significant differences. We, like other animals, are capable of feeling bad and feeling good, of seeking out some goals that we prefer, and this makes us all equal. But this capacity for feeling and preference is not a sufficient basis for equality.

To understand this we need to have some idea of what counts for moral significance. When we consider matters of morality, we are interested how, most fundamentally, we should act. Ethics or morality concerns itself with finding the answer to the question "How should I act?" But this does not tell the whole story yet. We need to consider what underlies our concern with morality.

Underlying the moral question is the thesis that (a) we are free to act (as well as free not to act, if we so choose), and (b) that some standard for deciding the meaning of "should" can be identified. We are free and able to be good or evil. If we cannot choose, the entire issue is moot, and if we cannot find a moral standard, then any claim about what someone should do would be as valid as any other (contradictory) claim, which would render the whole idea of morality unintelligible.



Morality or ethics requires free will and a standard of value. Philosophers have debated these issues for as long as we have been aware of them, and they will continue to do so. But this does not mean there is no answer, only that answers are not easy or uncontroversial.

As far as the issue of free will is concerned, this is vital for the present discussion, because a standard of value concerning animal life is not that difficult to identify. It simply consists of whatever enhances their health and welfare. This can sometimes involve the complications of psychological well-being; but even here matters can be quite straightforward. We are able to know, to a great extent, when animals are well, when they are ill.

But the idea of well-being does not make morality relevant to animals, unless one tends to confuse value theory with morality. Hedonism and to some degree utilitarianism do tend in this direction. From these perspectives, all that is at stake is maximizing pleasure or some other measurable value. But that is one reason why utilitarians and hedonists have a difficult time with morality.

The moral viewpoint requires a concern for what we ought to do, not just with what is good and bad. We could well have a theory of good and bad but still no idea what we ought to do, since moral obligation is also concerned with what we can do, our freedom to choose. This is why the free-will issue is crucial for this debate.

It is interesting that the animal liberation movement falters exactly where it needs to make its case most definitely—whether or not animals are every bit as sovereign a part of nature as human beings. The justification for human sovereignty is our capacity to choose a line of conduct, as well as the responsibility to choose it well, properly. To make room for this in society, we identify certain rights and establish legal means for protecting them.

However, animals do not possess free will and thus are not faced with the moral task of choosing their conduct well. Therefore, the same claim cannot be made for them. For something to have rights—to deserve liberation—it must be able to exercise these rights or the liberty to choose. Animals would have no use for these rights, not in the sense in which human beings do.

Some human beings also lack free will and moral responsibility—very young children, those in a coma, or the senile and retarded. These last are even less easily seen as able to make use of any human rights to freedom, although some find this troublesome about children as well.

Nevertheless, the position of these human beings is different from that of animals. A child is, of course, only a young human being and thus at the beginning point for

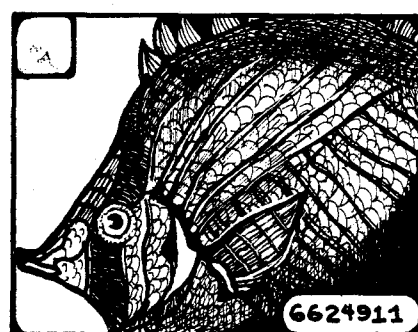
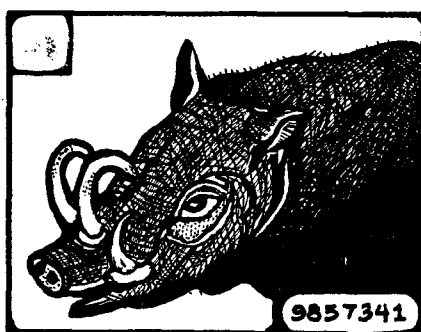
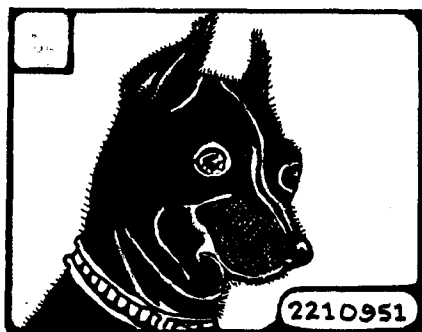
personhood. The matter is not easy to sort out but neither is it difficult to see that this does not make children equivalent of nonhuman animals. With the senile and retarded we actually understand that they lack certain rights of full personhood. But we also admit that the presumption should always lie in favor of membership in the human species.

There are many problems associated with any plan to elevate animals to personhood, with the rights and freedom of human beings. For example, animals kill each other, sometimes even when they belong to the same species, and it would be absurd to charge them with murder. Would animal rights require that they be prosecuted in a court of law? What of other aspects of animal relations? As one critic of moral vegetarianism asked, "Who should not eat meat, or what does a vegetarian feed his dog?" (Michael Martin, *Reason Papers*, Fall 1976). How, after all, would we feed the animals within our care? We could not use food made of other animals, at least not much of it—outside of what could be garnered from the natural death of animals (and humans?). Would we be obliged to sacrifice our well-being for the sake of animals in danger of dying?

Professor Peter Singer once noted that "Animal Liberation will require greater altruism on the part of mankind than any other liberation movement, since animals are incapable of demanding it for themselves, or of protesting against their exploitation by votes, demonstration, or bombs" (*New York Review of Books*, April 5, 1973). He is undoubtedly correct, but that is scarcely a reasonable justification for animal liberation. It does, however, raise some thorny questions about the scope of altruism.

Human beings *should* be more aware of the feelings of fellow sentient beings. Failure to do so indicates a lack of compassion and sensitivity. But compassion is one thing, animal liberation another. Human beings are special parts of nature and often must make use of the rest of nature for their own benefit, even pleasure. In a culture in which the doctrine of altruism is widely promulgated, this may be futile advice. More likely, people will continue to entertain a schizophrenic outlook. They will both seek their own well-being and pleasure, even happiness, and at the same time feel guilty about it, and lend their support to movements which would extinguish their chances for happiness on earth. This sort of hypocrisy can be dangerous. It would be much better to admit outright that we value ourselves more than other animals, be proud to do so, and then extend reasonable care to other animals. This would, I think, be best not only for us but also for the animals concerned.

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COMMENDABLES

Nightfall for Liberalism?

by Richard John Neuhaus

George Parkin Grant: *English-Speaking Justice*; Notre Dame; \$4.95 paper.

"Liberalism in its generic form is surely something that all decent men accept as good—'conservatives' included. Insofar as the word 'liberalism' is used to describe the belief that political liberty is a central human good, it is difficult for me to consider as sane those who would deny that they are liberals." In this spirited fashion, George Parkin Grant launches us upon a brief but painfully lucid examination of why liberal democracy may have reached the end of its tether.

Grant may be Canada's major public philosopher, but his work, to our great loss, is almost unknown south of the border. In this essay he argues that we in the English-speaking democracies have become incapable of intellectually defending the liberty that we affirm. And, at bottom, we cannot defend it intellectually because in modern modes of reasoning we have no place for moral judgment. That this is the case is evident in our floundering about in search of a definition of justice, the primary public virtue. And, of course, nobody

flounders more energetically than John Rawls of *A Theory of Justice*. One of the chief merits of Grant's little book is its incisive critique of the untenability, not to say absurdity, of Rawls's very influential argument. But I get ahead of myself.

"There was a time," writes Grant, "when lip service had to be paid to Christianity. In our present world, lip service must be paid to liberalism." The "two basic facts about our moral tradition" are, first, that liberalism is the only form of political thought which "can summon forth widespread public action for the purposes of human good," and, second, that liberalism today is naked of its theoretical defense. It is naked to its enemies, and they are legion. There are ideological enemies such as totalitarianism of the "left" and the "right." But Grant is most exercised about the enemy of "technology." Technology is his word for modern, scientific forms of power that conflate the ability to do something (*techne*) with the reason for doing it (*logos*). In the face of the technological juggernaut of government and corporate power, liberty stands little chance unless it is defended by a superior "logos" that is theoretically articulated and popularly affirmed. Liberty is not so defended today.

In its beginnings liberalism had such a defense, whether utilitarian or contractarian. "Among those who wrote political philosophy since Hobbes and Locke," says Grant, "there has been

little more than the working out in detail of variations on utilitarianism and contractualism, their possible conflicts and their possible internal unclarity." But Hobbes, Locke, Rousseau, and even Kant all had an ontological or metaphysical grounding for their theories. Rousseau saw the need for a civil religion built upon uniting truths. Locke's notion of contract was premised upon a "state of nature" which assumed prior realities to which social order must be responsive. And Kant's pure reason posited a moral absolute from which issued duties of categorical force. In sum, all these thinkers understood that liberty must be grounded in something other than the "value" of liberty.

But today's people such as Rawls would ground both liberty and equality in nothing more than the preferred "values" of deracinated persons designing a just society from behind their "veil of ignorance." In their ignorance, Rawls is careful to stipulate, they know nothing about themselves other than their interest in protecting their own wants. This is light years away from Aristotle or Plato and the assumption of a shared understanding of the good, but it is also a radical break from Kant's tenuous notion of an ordering reason.

The English-speaking democracies could for a long time muddle through, Grant argues, because such morally eviscerated philosophy interested only a few intellectuals. The actual content and practice of justice depended upon a popularly affirmed religion, mainly Protestant. But now such philosophy has largely penetrated and undermined Protestantism, and the time has come to pay the piper.

In all this, Grant does not hesitate to acknowledge that he is saying what Nietzsche saw 100 years ago. It is as though Nietzsche's time has come around at last, and on this Grant sounds very much like Alasdair MacIntyre (*After Virtue*). Nietzsche's scorn, writes Grant, was not turned primarily upon revealed religion and other presumably authoritative sources of truth and morality. He is most critical, rather, of those intellectuals who dismantle such authorities but refuse to recognize the consequences. They want to have their cake and eat it, too. Or, as Grant puts it, Nietzsche's "greatest ridicule is re-

BOOKS IN BRIEF

Kierkegaard and Literature: Irony, Repetition, and Criticism edited by Ronald Schleifer and Robert Markley; University of Oklahoma Press; Norman, OK. Kierkegaard, concedes one of the seven contributors, is no use to formalist, deconstructionist, and Marxist literary critics because of his "theocentrism and attention to the self." Others may find Denmark's most profound modern philosopher a penetrating guide through works as diverse as *Piers Plowman* and *Mill on the Floss*.

Pierre Mendes France by Jean Lacouture; translated by George Holloch; Holmes & Meier; New York. The biographer of Ho Chi Minh paints a flattering portrait of a premier whose policies kept him in office 245 days—long enough to give the communists North Vietnam and to undo the Fourth Republic.

American Fictions, 1940-1980: A Comprehensive History and Critical Evaluation by Frederick R. Karl; Colophon/Harper & Row; New York; \$19.95. A tendentious survey, faulting Bellow for his "intensely bourgeois soul" and Cozzens for his "antimodernist bias," while lauding Barth, Hawkes, and Barthelme for creating ingenious chaos out of normative order.