"We are very fortunate to have this anthology in its third edition available for classroom use. The essays cover a wide range of topics that make it easy for teachers to devote a whole course (or a part of a course) to the topic of animal ethics. The selections are judicious and the introductions insightful. I especially like the blend of theoretical and practical concerns, a blend that makes perfect sense from a pedagogical point of view."
DANIEL DOMBROWSKI, *SEATTLE UNIVERSITY, USA*

The Animal Ethics Reader is an acclaimed anthology containing both classic and contemporary readings, making it ideal for anyone coming to the subject for the first time. It provides a thorough introduction to the central topics, controversies, and ethical dilemmas surrounding the treatment of animals, covering a wide range of contemporary issues, such as animal activism, genetic engineering, and environmental ethics.

The extracts are arranged thematically under the following clear headings:

- Theories of Animal Ethics
- Animal Capacities: Pain, Emotion, Consciousness
- Primates and Cetaceans
- Animals for Food
- Animal Experimentation
- Animals and Biotechnology
- Ethics and Wildlife
- Zoos and Aquariums
- Animal Companions
- Animal Law and Animal Activism

Readings from leading experts in the field including Peter Singer, Bernard E. Rollin, and Jane Goodall are featured, as well as selections from Tom Regan, Donald Griffin, Temple Grandin, Ben A. Minteer, Christine Korsgaard and Mark Rowlands. Classic extracts are well balanced with contemporary selections, helping to present the latest developments in the field.

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With a new foreword by Bernard E. Rollin.

Susan J. Armstrong is Professor Emerita and 2004 Outstanding Professor at Humboldt State University in California. She has published widely on animal ethics and affiliated subjects and continues to be very concerned with animal welfare. With Richard G. Botzler, she edited *Environmental Ethics: Divergence and Convergence*.

Richard G. Botzler is Professor Emeritus of Wildlife, Humboldt State University, in California, where he taught courses in wildlife diseases, environmental ethics, and general wildlife. He was HSU's outstanding professor in 1991, and California State University outstanding professor in 1992. His publications include topics in wildlife diseases and, with Susan J. Armstrong, *Environmental Ethics: Divergence and Convergence*.

ETHICS

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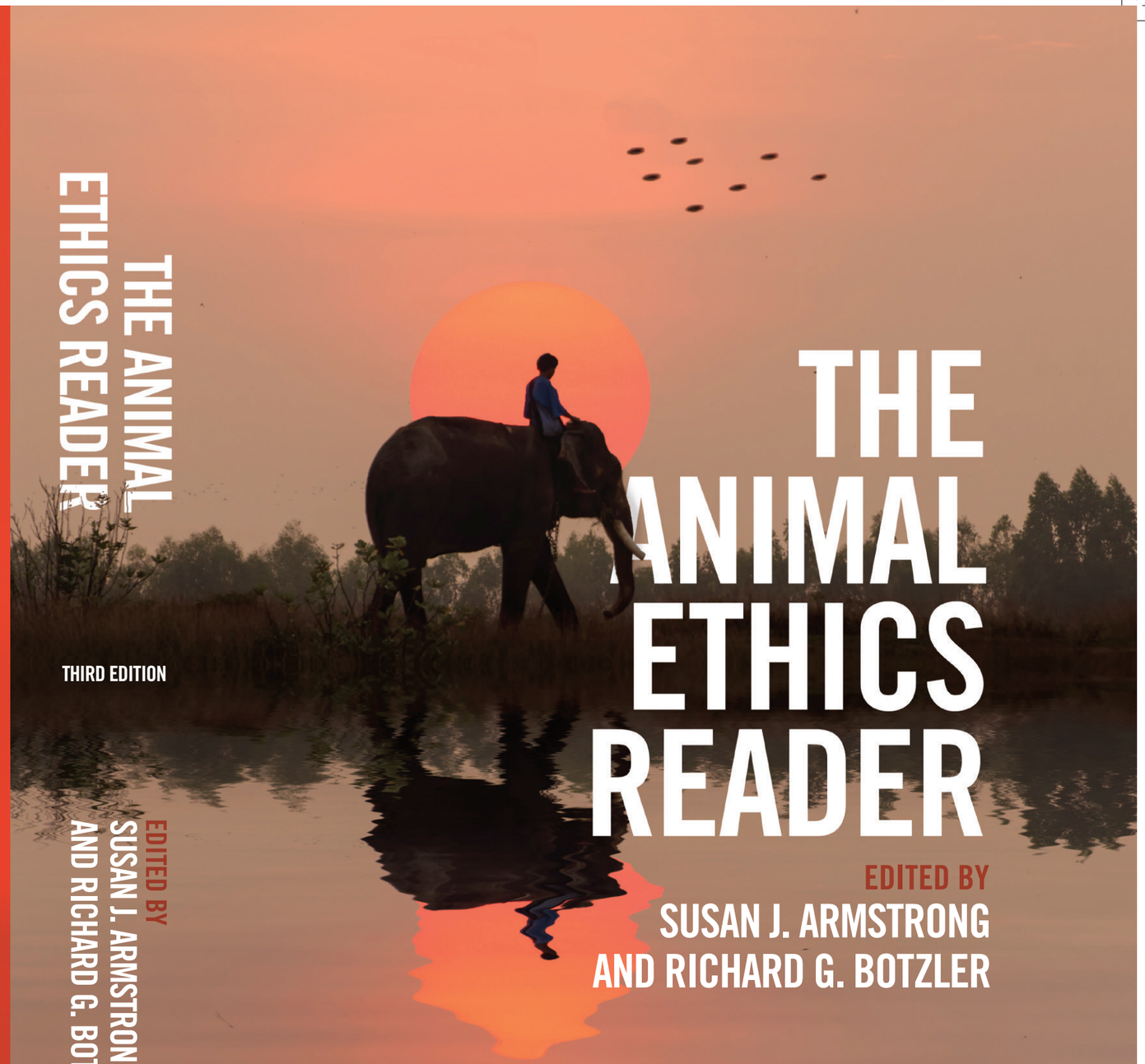
THE ANIMAL ETHICS READER

EDITED BY SUSAN J. ARMSTRONG AND RICHARD G. BOTZLER

ROUTLEDGE



THIRD EDITION

THE ANIMAL ETHICS READER

EDITED BY
SUSAN J. ARMSTRONG
AND RICHARD G. BOTZLER

THIRD EDITION

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The Animal Ethics Reader

Third Edition

Edited by Susan J. Armstrong and Richard G. Botzler

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Dedicated in gratitude for my children Tom, Summer, Alex and Emily

S.J.A.

Dedicated to:
our many students over the years who have stimulated our thinking and added so richly to our classes, and to my children: Emilisa, Tin, Dorothy, Sarah, and Thomas, with love and pride

R.G.B.

Contents

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Foreword

We should all welcome the third and most recent edition of Armstrong and Botzler's *Animal Ethics Reader.* In most cases, a field of study defines textbooks for that field. More rarely, the appearance of a textbook defines and delineates the field of study, as was the case with Copi's *Introduction to Logic.* It is unquestionable that the Armstrong and Botzler volume performed that function for the field of animal ethics. As the person who wrote one of the first two books on animal ethics published in the 1970s and began to teach that area to students shortly thereafter, I searched in vain for a fair and balanced textbook covering the major topics essential to the field, as I developed courses introducing the material to biology students, philosophy students, and veterinary students, each student population demanding a different set of readings. It was not until the first edition of this book appeared in 2003 that I could rest, comfortable that there would never be a better textbook as useful for introducing major topics in animal ethics to such heterogeneous student groups.

There has been an exponential increase in societal concern for issues in animal ethics since the 1970s. Probably the first milestone occurred in 1985 with the passage of federal law providing some protection for animals used in research. After a literature search I undertook at the request of Congress in 1982 revealed a mere two published papers on analgesia for laboratory animals utilized in research, Congress mandated the control of pain in animal experiments. During the ensuing years, many other changes in animal experimentation were mandated. For example, in 2013 Europe banned cosmetic testing on animals. Research on great apes has been truncated across the world. The book includes discussions of a number of these issues.

Particularly noteworthy has been the increase of public attention to farm animals and their well-being. The referenda developed by the Humane Society of the United States abolishing gestation crates, the raising of veal calves in small boxes, and the production of eggs by chickens kept in extremely cramped, impoverished cages that make no concessions to the natural behavior of chickens or their psychological needs have passed by healthy margins in all states where they have been attempted. In such states as Colorado, the referendum was dropped in favor of legislation supported by both the humane community and the agricultural community, a sure sign of a mainstream issue.

Perhaps the most dramatic step forward has been the relinquishment of gestation crates by the world's largest pork producer, Smithfield Farms. Given what is known of natural behavior in swine, as well as what is known of their intelligence, the small 2′ by 3′ by 7′ cage in which pregnant sows are housed for their entire productive lives was widely perceived by the general public as unacceptable. In 2007, I spent two days in detailed conversation with two prominent Smithfield executives pointing out to them the desirability of phasing out such unnatural accommodations for mother pigs. I indicated to them that, by my calculations, approximately 75% of the general public found this approach to sow housing morally unacceptable. I urged them to examine this question for themselves, and a couple of months later they informed me that I was wrong—it was not 75% of the public that objected to sow stalls; it was 78%! Shortly thereafter, Smithfield announced that in a few months 300,000 sows would be relocated to open housing. They were as good as their word, and it seems clear that such confined housing now has an extremely limited lifespan, despite almost obsessive support from the industry.

At about the same time, the Pew Commission on Industrial Farm Animal Production, staffed by fifteen commissioners with backgrounds in all aspects of agriculture, including environmental considerations, sustainability, public health, animal welfare, rural sociology, air and water pollution, as well as Confined Animal Feeding Operation involvement in human illness, issued its report based upon three years of exhaustive study. In this report, the Commission recommended the rapid abolition of high confinement animal agriculture for reasons of animal welfare and public health. The report received approximately 800 positive editorials in newspapers across the U.S.

It seems clear that public attention to animal welfare will continue to grow. The new edition of this book helps to ensure that people interested in these questions will have up-to-date information and access to excellent ethical thought. This is essential to rational social progress, or else the best intentions of society can be subverted by special interests. This has in fact occurred with the issue of feeding antibiotics to effect growth promotion in confinement agriculture, as well as to compensate for the excessive crowding that is characteristic of such agriculture. The result is in effect to breed for pathogens that are resistant to standard antibiotics, thereby directly endangering human health. (In fact, the Pew Commission began when researchers from Johns Hopkins were studying water quality in the Delaware-Maryland-Virginia poultry production region and were horrified to find the water contaminated with vancomycin, a cutting-edge human antimicrobial apparently being employed in poultry production.) Thus, what was traditionally seen as an issue largely pertaining to animal welfare in fact has major ramifications for human health. Despite extremely strong and repeated recommendations from the Pew Commission to forestall the use of antimicrobials essential for human health in confinement animal agriculture, Congress refused to act, evidencing the political power of food companies to block legislative action for the benefit of human health that is predicated on curtailing the use of antibiotics in the production of food animals. In fact, knowledge of Congress's refusal to act might prompt someone of a cynical nature to declare that the United States has the best legislature money can buy.

The new, third edition includes a considerable amount of novel material that is highly relevant to contemporary, pressing issues. There is a considerable amount of discussion of animal mentation, pain, and consciousness. (Interestingly enough, it was only in 2012 that a consensus conference was held at Cambridge University acknowledging that animals have thoughts and feelings.) The material on primates and cetaceans is very timely, given the debates being conducted internationally on using primates for research and on keeping killer whales in captivity in the wake of the killing of a trainer at Sea World San Diego, and the release of the movie *Blackfish*, which has created an international sensation. Other papers discuss the restoration of extinct species by way of biotechnology. And there is a growing movement in society—utopian though it may be—to reject euthanasia as a solution to irresponsible acquisition of companion animals.

Probably the most profound compliment I can pay to this book is to point out that in my animal ethics classes, I assign a relatively small number of papers from the book as required reading. Yet invariably the students inform me that they read well beyond the required readings, because the material "is so fascinating." They also tell me that "this is a book they intend to keep and never sell." That is high praise indeed!

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Preface for the Third Edition

This third edition includes thirty-one new articles in the various fields covered by the *Reader*. We hope the book will continue to be of value to undergraduate and graduate students, as well as to their instructors and to the general reader. We appreciate the supportive comments we have received from students in courses which have used the book.

Since the 2008 publication of the second edition, animal ethics has continued to become more prominent, in the discipline of philosophy and in the social and natural sciences, as well as the culture of the world. We have included a new article on basic rights for animals, as well as new articles on assessments of the experiences of animals, including self-awareness and suffering; consciousness in primates and cetaceans; use of animals in research, including reasons why some scientists avoid thinking about ethics; genetic engineering and "de-extinction"; wildlife controversies such as hunting and non-native species; and issues related to zoos and aquariums. We have also included a new report on industrial farm animal production, which details the changes which need to be made. There is also a new discussion of animal rights in the Jewish tradition. The question of whether Christianity is irredeemably speciesist is carefully evaluated by Rev. Andrew Linzey.

Animals are welcomed in the homes of many people. Sometimes that results in cruelty, both to animals and to people. For many of us, euthanasia of an animal must be faced. Animals are also more and more active in assisting the disabled. We have included new articles which address these areas.

The question of whether animals have legal rights continues to be debated. Christine Korsgaard maintains that while animals do not have legal rights, they deserve to be treated as ends in themselves, not subordinated to the interests of people. And animal activism is alive and well in advocating and protesting for animals.

We have made some hard decisions to delete material in favor of incorporating more contemporary thinking and enriching the variety of ideas. The *Reader* contains updated Introductions to each of the Parts, to the Further Reading sections and Study Questions.

We are happy to report that the page format and the type size have been slightly increased for ease of reading.

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General Introduction

Animal Ethics: A Sketch of How It Developed and Where It Is Now

> "All human communities have involved animals."
>
> Mary Midgley, *Animals and Why They Matter* (1984: 112)

Historians estimate that the "hunter-gatherer" stage of human societies began around 500,000 years ago and lasted until about 11,000 years ago (Serpell 1999: 40). While there are problems with using living or recent hunter-gatherers as representatives of our pre-agricultural ancestors, a "remarkable degree of consistency" in attitudes and beliefs toward animals exists among present-day hunter-gatherer societies. Animals are perceived as being fully rational, sentient, and intelligent, with bodies animated by non-corporeal spirits or souls (Serpell 1999: 40). Hunted animals must therefore be treated with proper respect and consideration. Serpell locates the origin of contemporary hunting rules and rituals in these beliefs (Serpell 1999: 41). These respectful beliefs may have been fueled in pre-historic times by the fact that a number of carnivores were large enough to prey on stone-age humans. These carnivores include some of the sabre-tooth cats, as well as the prehistoric wolves, hyenas, and bears (Kruuk 2002: 103–14).

Agriculture and animal husbandry began roughly 11,000 years ago, producing a "dramatic shift in the balance of power between humans and the animals they depended on for food." At first animal guardian spirits were elevated to the status of "zoomorphic gods" (Serpell 1999: 43). For example, the first known written expression of prohibition of cruelty to animals is found in ancient Egypt, and this prohibition seems to be at least partly based on the belief that "all creatures were manifestations of the divine" (LaRue 1991: 3). Some gods assumed animal form. The list of sacred animals included "the vulture, hawks, swallows, turtles, scorpions, serpents" (LaRue 1991: 3). Chapter 125 of the Egyptian *Book of the Dead* prohibited mistreatment of animals (LaRue 1991: 34). While the ancient Egyptians ate animals, humans were expected to treat other creatures with respect and kindness, "for in the afterlife the treatment of animals would be included in actions to be judged" (LaRue 1991: 35). Cattle, particularly bulls, were the preeminent models for power and fertility. In Egypt, as well as other ancient civilizations, both dogs and snakes were strongly associated with death and healing. In early Mesopotamia, sheep began to fulfill an important surrogate religious role as substitute cattle (Schwabe 1994: 48–9).

This respectful relationship was not to last. As Serpell (1999: 43) points out, over time the connections between the gods and animals became more and more tenuous. The gods became increasingly associated with the agricultural cycle, and wholesale animal sacrifice was used as a way to please them. Religious belief systems became increasingly hierarchical.

This change was slow and complex, as can be seen in the intermittent history of vegetarianism (Dombrowski 1984: 1–2). Vegetarian communities may have existed as long as 8,000 years ago in the Mesolithic period.[1] Ryder affirms that by the time of the Middle Kingdom in Egypt, vegetarianism was common at least among priests, and neither pork nor beef was widely eaten (Ryder 1998: 6). The Greek poet Hesiod told of a Golden Age in which the first race of human beings were free from all sorrow, toil, grief, and evil. They were fed out of a boundless cornucopia of fruit. This Age of

Cronus was followed by other, less idyllic ages, but the nostalgia for earlier times remained into the time of the pre-Socratic philosopher Empedocles (495–435 BCE), who said that to kill an animal for food or sacrifice was "the greatest abomination among men" (Dombrowski 1984: 19–22).

The mathematical genius and mystic Pythagoras most probably lived in the sixth century BCE. In common with Hindu, Buddhist, and many Aboriginal societies, Pythagoras taught the doctrine of the transmigration of souls between animals and humans. He seems to have based his vegetarianism on this religious belief, as well as on concerns for health and basic ethics. These ethical concerns included the affirmation of moderation and care for animals. Although there is disagreement over the extent of his vegetarianism (Steiner 2005: 48–50), according to at least one ancient commentator even in moments of great mathematical achievements Pythagoras remained true to his vegetarian principles by sacrificing an ox made of dough (Dombrowski 1984: 38). Pythagoras' ethical concerns were founded on a principle of moderation. He believed that we have no right to cause unnecessary suffering. Animals have the same soul as we do; those who senselessly kill animals are murderers (Dombrowski 1984: 46).

While Socrates (470–399 BCE) was generally indifferent to what he ate (Dombrowski 1984: 55), Plato (428–347 BCE), strongly influenced by Pythagoras, affirmed both that those living in the Age of Cronus were vegetarians and that philosophers should be vegetarians (Dombrowski 1984: 58ff). Animals share with humans the part of the soul which is mortal but not intrinsically irrational (Timaeus 69c-77c, 90e-92c). Nevertheless Plato does not condemn hunting, butchering, or raising livestock for consumption.

Aristotle (384–322 BCE) not only permitted meat-eating but seemed to have been opposed to vegetarianism (Dombrowski 1984: 65–6). He affirmed that in each animal "there is something natural and beautiful" (*On the Parts of Animals*, Bk. I, ch. 5) and taught that animals do possess sentient souls. However, because animals lacked reason, for Aristotle they had no moral status (Steiner 2005: 57–92). Augustine and Thomas Aquinas both followed Aristotle in this view, thus greatly influencing the development of the Christian view of animals (Ryder 1998: 8). For example, Thomas Aquinas taught that "[the] life of animals . . . is preserved not for themselves, but for man" (*Summa Theologica*, Q64,1,1466).

Beginning in the first century CE, Stoic philosophers believed that *logos* (reason) was both divine and a cosmic law and that everything serves some purpose. Thus animals cannot be members of our moral community because they lack reason; nevertheless, their usefulness to human beings reflects divine intention (Boersema 2001: 202–3). While the Romans Seneca and Ovid advocated vegetarianism, animals simply did not count morally for most Romans (Dombrowski 1984: 85).

Plutarch (45–125 CE) was a Greek priest at Delphi. Dombrowski notes that he may have been the first to advocate vegetarianism on grounds of universal benevolence, rather than on the basis of transmigration of souls (Dombrowski 1984: 86–7). He strove to convince the Stoics that animals are indeed rational, arguing that sentience implies a reasoning mind through which to experience sentience (Preece 2005: 55). Plutarch was the only early thinker whose beliefs have had a demonstrable influence in later ages (Boersema 2001: 208). Plutarch suggested that sentiency is a matter of degree (Dombrowski 1984: 88). For Plutarch the difference between domesticated and wild (and harmful) animals is morally significant; we may not harm harmless animals. "Plutarch challenged his antagonists to use their teeth to rend a lamb asunder and consume it raw, as true carnivores do" (Boersema 2001: 209). Overall, Plutarch exhibited a love of animals, "but never at the expense of the human race" (Boersema 2001: 210).

The great neo-Platonic philosopher Plotinus (204–270 CE) as well as his distinguished pupil Porphyry (232-c.305 CE) were vegetarians. Plotinus affirmed transmigration of souls and animals' capacity for suffering. But Porphyry went far beyond these affirmations. According to Dombrowski, he deserves recognition for having provided "the most comprehensive and subtly reasoned treatment of vegetarianism by an ancient philosopher" (Dombrowski 1984: 107). He not only offers the best possible reasons for vegetarianism but he collects the best reasons against it (Dombrowski 1984: 109–19). Nevertheless, despite the views of thinkers such as Plutarch and Porphyry, the attitude

toward nature and animals in ancient cultures was largely dependent upon whether nature or the animals in question were perceived as helpful or harmful to human beings.

During medieval times, many were deeply ambivalent toward animals.[2] The importance of animals was taken for granted, and as a consequence animal symbolism was pervasive. But over the centuries there were changes in how animals were perceived. For early Christians animals were profoundly different from humans. But by the twelfth century, thinkers began to share the Greco-Roman view of humans as existing on a continuum with animals. Despite these changes, lay culture continued to attribute human traits and feelings to animals throughout the medieval period (Cohen 1994: 68).

Salisbury notes that since saints were considered ideal humans, the stories of the interactions between saints and animals can illuminate the medieval understanding of what it means to be human. Many early Christian saints showed deep concern for animals – for example, in rescuing animals from hunters, talking with animals, sharing their food, and caring for sick or wounded animals. St Benedict (c. 480–547), the founder of the Benedictine order, stated that monks should not eat meat except when sick. (This rule was ignored, however, after the reinterpretation of Christianity by Thomas Aquinas in the thirteenth century.) In the early Middle Ages most interactions between saints and animals demonstrated the power of saints to suspend the bestial nature of animals. Some animals even acquired human qualities. Animals are grateful, kind, and bring food to saints. Because animals were so different from people, "any human-like behaviour on the part of the animal was considered miraculous in itself" (Salisbury 1994: 173). The prevalence of such medieval tales indicates that a mark of saintliness was the caring for our fellow creatures (Waddell 1970).

In the twelfth century, the early medieval paradigm began to break down. Saints continued to overturn beastly behavior, but now animals begin to show evidence of reason. St Francis of Assisi (c. 1181–1226) saw all creatures as mirrors of the creator. Legend tells of him prevailing upon a wolf to stop eating townspeople (Ryder 1989: 33). Saints even save animals' lives without expecting a human return. Thus animal lives had some intrinsic value. The Hermit of Eskedale was killed in 1159 after sabotaging a hunt (Ryder 1998: 34–5). An extreme example of a saint's cult that eliminated the lines between humans and animals is that of Saint Guinefort, a greyhound that was unjustly killed after rescuing a child. He was venerated as a saint that could be called upon to protect children (Salisbury 1994: 175). In the thirteenth century the Inquisition attempted to stamp out the veneration. Animals were kept as pets, considered to possess human virtues, and were even tried by the courts and convicted of crimes. Masses were said for horses, and sick animals were shown the eucharistic bread to cure them (Ryder 1998: 14). Despite these medieval practices, it remains true that the Bible provides conflicting views of the human–animal relationship. Thus the larger question of whether traditional Christianity offers an ethic of compassion toward animals involves the question of whether Christianity is a "fixed set of canonical doctrines or a living phenomenon that can change with the times" (Steiner 2005: 113ff).

The sixteenth and seventeenth centuries in Europe were a time of great social change. The confluence of early capitalism, the beginnings of modern science, the dualistic thinking expressed by Rene Descartes (1596–1650) and others, as well as the emergence of Protestantism, helped ensure that Christians ended any lingering deification of nature. Humans asserted their own importance, throwing off their medieval belief in the unity of creation and seeking to deny their own animal natures by emphasizing the boundaries between man and animals. Renaissance writers insisted on the uniqueness and importance of human beings. Nature, including animals, was no longer an organic whole but dead, soulless matter, indeed a machine, from which the minds and immortal souls of human beings were entirely distinct. All things were created principally for the benefit and pleasure of "man." According to Descartes and many others, human beings were distinguished from animals by the possession of speech and reason, the capacity for moral responsibility, and an immortal soul. Bestiality became a capital offense in 1534 and, except for a brief period, remained so until 1861 (Thomas 1983: 30). Cruel medieval practices such as bear-baiting, bull-baiting, and persecution of cats continued, to be joined by the dissection of living animals (vivisection) for scientific purposes.

Thomas asserts that "the most powerful argument for the Cartesian position was that it was the best possible rationalization for the way man actually treated animals" (1983: 34). The view that there was a total qualitative difference between humans and animals was "propounded in every pulpit" and underlay everyone's behavior (Thomas 1983: 35–6). Yet there were prominent dissenters throughout these centuries, including the vegetarian Leonardo da Vinci, who purchased birds in the marketplace to free them; the essayist Michel de Montaigne, who attacked cruelty in his essays of 1580; and William Shakespeare, who vividly depicted the suffering of animals. Martin Luther and John Calvin expressed concern for God's creatures. Sir Isaac Newton (1642–1727) invented cat flaps, and the great English philosopher John Locke (1632–1704) affirmed that children should be brought up to show kindness to animals. British Chief Justice Sir Matthew Hale wrote in 1661: "I have ever thought that there was a certain degree of justice due from man to the creatures, as from man to man" (Ryder 1998: 13–14). And in 1683 Thomas Tyron, a Christian theologian, produced what may be the first printed use of the term "rights" in connection with animals (Munro 2000: 9).

Despite these examples of compassion for animals, in the seventeenth century the most common view held by intellectuals was that "beasts" had an inferior kind of reason which included sensibility, imagination, and memory but no power of reflection (Thomas 1983: 32–3). Thus, perhaps not surprisingly, the reform movements of the sixteenth and seventeenth centuries were based on the same ideology of human domination as were the oppressions they sought to reform. Slavery was attacked because people were being treated like animals, but the slavery of animals was taken for granted. The main dispute during this period was thus between those who held that all humanity had dominion over the creatures and those who believed that this dominion should be confined to a privileged group of humans (Thomas 1983: 48–9).

But at the same time there were social changes which worked against the idea of human dominion. For example, pet-keeping had been fashionable among the well-to-do as well as among religious orders in the Middle Ages, but it was in the sixteenth and seventeenth centuries that pets seem to have established themselves as a normal feature of the middle-class household (Thomas 1983: 110). Pets included monkeys, tortoises, otters, rabbits, and squirrels, as well as hares, mice, hedgehogs, bats, and toads. Cage-birds were also common, including canaries as well as wild birds of every kind. Gradually, the idea that tamed animals were property was developed. Pets were distinguished by being allowed into the house and by going to church with their human companions, by being given individual personal names, and by never being eaten. The spread of pet-keeping created the psychological foundation for the view that some animals were entitled to moral consideration (Thomas 1983: 110–19).

In England, the growth of towns and the emergence of an industrial order in which animals became increasingly marginal to production were significant factors in the development of concern for animals' rights (Thomas 1983: 181). The reformist ideas were expressed either by well-to-do townspeople or by educated country clergymen (Thomas 1983: 182). The professional middle classes were unsympathetic to the warlike traditions of the aristocracy, which had valued hunting because it simulated warfare, and cock-fighting and bear-baiting because they represented private combat (Thomas 1983: 181). By the later seventeenth century the human-centered (anthropocentric) tradition itself was being eroded. According to Thomas, this erosion is one of the great revolutions in modern Western thought, a revolution to which many factors contributed (Thomas 1983: 166).

Thomas cites factors such as the growth of natural history, which gradually resulted in classifications of animals according to the animals' structure alone, as well as a delight in the world's diversity at least somewhat independent of human standards. Second, people's actual experience of animals on the farms and in their houses conflicted with the theological orthodoxies of the time. Animals were everywhere and consequently were often thought of as individuals, since herds were small. Shepherds knew the faces of their sheep and some farmers could trace stolen cattle by distinguishing their hoof prints (Thomas 1983: 95). Anthropocentrism was still the prevailing outlook, but by the eighteenth century non-anthropocentric sensibilities became much more widely dispersed and were more explicitly supported by the religious and philosophical teaching of the time (Thomas 1983:

174–5). Cruelty to animals began to be regularly denounced. Ryder speculates that one reason for this moral awakening was the extreme cruelty which had been practiced in England for centuries (Ryder 1998: 16). English reformists targeted bull-baiting and bear-baiting, the treatment of horses, the treatment of cattle being driven to slaughter through the streets of London, and the traditional Shrove Tuesday sport of tying a cockerel to a stake and stoning him to death (Ryder 1998: 16). The campaign against cruelty to animals was enhanced by a new emphasis on sensation and feeling as the true basis of moral status (Thomas 1983: 180), as expounded in the utilitarianism of Jeremy Bentham. Once it had been accepted that animals had feelings and therefore should be treated with kindness, it seemed increasingly repugnant to kill them for meat (Thomas 1983: 288). From about 1790 there developed a highly articulate vegetarian movement (Thomas 1983: 295). An increasing number of people felt uneasy about killing animals for food, and so slaughterhouses were concealed from the public eye (Thomas 1983: 300).

By the later eighteenth century the most common view was that animals could indeed think and reason, though in an inferior way. A number of thinkers affirmed the kinship between man and "beast." Humphry Primatt published his dissertation *The Duty of Mercy and the Sin of Cruelty to Brute Animals*, which presented almost all the arguments used in later centuries (Munro 2000: 10). There was an increasing tendency to credit animals with reason, intelligence, language, and almost every other human quality (Thomas 1983: 129). Perhaps most decisive was the revelation by comparative anatomy of the similarity between the structure of human and animal bodies (Thomas 1983: 129). The growing belief in the social evolution of humankind encouraged the view that humans were only animals who had managed to better themselves (Thomas 1983: 132).

Christians continued to be mixed in their attitude toward animals. In 1772 James Granger preached against cruelty to animals and received "almost universal disgust" at his daring to discuss dogs and cats from the pulpit (Passmore 1975: 200). On the other hand, a substantial number of biblical commentators took the view that animals would be eventually restored in heaven to the perfection they had enjoyed before the Fall (Thomas 1983: 139). The idea of animal immortality made more headway in England than anywhere else during this period (Thomas 1983: 140–1). In 1788 the vegetarian John Wesley, founder of the evangelical movement of Methodism, preached a famous sermon entitled "The Great Deliverance." In it Wesley proclaimed that the "whole brute creation" will be delivered into a far higher degree of vigor, strength, and swiftness than they had enjoyed on earth (Preece 2005: 163).

Courts in both Germany and Britain began to punish cruelty to animals on the basis that while animals themselves had no rights, maltreatment of animals violated the direct duty to God (Maehle 1994: 95–8). Eighteenth-century American writers Thomas Paine and Hermann Daggett affirmed the moral status of animals. British politicians introduced a bill to outlaw bull-baiting in 1800, but the bill was defeated. The Lord Chancellor Thomas Erskine, who had once physically attacked a man he found beating a horse, joined with Richard Martin to produce a successful bill in 1822 to make it an offense to wantonly beat, abuse, or ill-treat any horse, donkey, sheep, cow, or other cattle (unless it was the property of the offender). "Known as Martin's Act, this was the first national law against cruelty to animals enacted by full parliamentary process," according to Richard Ryder, though bull-baiting was not stopped until 1835 (1998: 19).

The organized animal welfare movement emerged at this time. One reason for the timing of this emergence was that after the Reformation in northern Europe "good works became increasingly secularized" (Ryder 1998: 25). Also the new general affluence of the period, teamed with increasing democracy, allowed compassionate people to institutionalize their concerns, whether it be opposed to the slave trade or to ill-treatment of animals. In addition, the Industrial Revolution was reducing the dependence on animals, particularly on horses and dogs (Boersema 2001: 237).

In 1824 a group of Members of Parliament as well as three churchmen met to establish two committees: one to publish literature to influence public opinion and the other to adopt measures for inspecting the treatment of animals. In its first year the Society for the Prevention of Cruelty to Animals (SPCA) brought "150 prosecutions for cruelty and engaged in campaigns against bull-baiting,

dog-fighting, the abuse of horses and cattle and the cruelties of the main London meat market at Smithfield" (Ryder 1998: 21). The society also condemned painful experiments on animals. Shortly thereafter societies were formed elsewhere in northern Europe. In 1840 Queen Victoria "granted the society the royal prefix," so that it became known as the "Royal Society for the Prevention of Cruelty to Animals" (RSPCA). Four of the society's founders were already well-known reformers who opposed slavery; two opposed the death penalty for minor offenses (Ryder 1998: 21–2). Kalechofsky (1992: 64) notes that throughout the nineteenth century there were "porous boundaries between the various reform causes, and those involved in anti-slavery, prison reform, and child abuse reform were often the same people involved in the women's movement, anti-vivisection, slum clearance, and the hygiene or sanitary movement." This observation works against the thesis argued by Turner (1980: 36–8), and still widely accepted, that concern for animals arose as a displaced compassion for human suffering. Finsen and Finsen (1994: 28ff) name Turner's view the "Displacement Thesis" and propose instead the "Extension Thesis": namely, that those who are concerned about one exploited group will often extend that concern to other groups.

The greatest campaign of the Victorian era in Britain was against the use of live animals in experiments. Such campaigns started as an outcry against demonstrations on cats and dogs by a French experimenter, and were augmented by reports of unanesthetized horses being tied down and slowly dissected by students. Protests were made to the French authorities. In England the Cruelty to Animals Act was passed in 1876, requiring licenses and certificates from the government. The bill was an inconvenience to researchers, though few prosecutions under the act were successful. After much public agitation, a Royal Commission recommended some improvements to the administration of the Act (Ryder 1998: 26–8).

Women were prominent in this anti-vivisection movement, beginning with Descartes' niece, Catherine, who famously rejected his doctrine of the "animal-machine" (Kalechofsky 1992: 61). To undermine women's effectiveness, nineteenth-century scientists viewed women as infantile, animal-like, and belonging to nature rather than to civilization. In contrast, the scientific "intellectual edifice" was identified as masculine, logical, and rational; anyone who opposed animal research was considered irrational, sentimental, and "womanly." These views were shown to be false by the many knowledgeable and intellectually powerful women who combated the scientific cruelty of the time (Kalechofsky 1992: 70).

Finsen and Finsen point to the anti-vivisection movement as the ancestor of the animal rights movement, because the anti-vivisection movement, in contrast to the humane movement as represented by the RSPCA, "challenged an entire institution" (1994: 38). However, at the same time, the medical profession was attaining greater political power due to the successes in experimental medicine in the 1890s in connection with medical microbiology. The medical microbiology revolution required numerous forms of animal experimentation (Finsen and Finsen 1994: 39). For these and other reasons, as detailed by Finsen and Finsen, "the antivivisection movement ceased to be a vital and mass movement after the turn of the century," since it based its case not only on the immorality of vivisection but also on its scientific worthlessness (1994: 41). Complicating the assessment of vivisection is the presence of anthropomorphism within the laboratory as well as outside it: experimental animals were at times assimilated by the investigators to asylum inmates, infants, and patients in a hypnotic trance. The questions of which procedures are legitimate and who has the authority to intervene on behalf of the animal or human were and are entangled (White 2005).

While much of the U.S. concern for animals derives from British precedents, a body of laws protecting animals had in fact been approved by the Massachusetts Bay Colony in 1641. Anti-cruelty laws were passed early in the nineteenth century in several states, but organizations did not form until the 1866 birth of the American Society for the Prevention of Cruelty to Animals (ASPCA). Its founder, Henry Bergh, "rapidly became notorious for defending abused and overworked carriage horses in the streets of New York City." Bergh achieved many successful prosecutions, including those for cruel treatment of livestock, cock-fighting, and dog-fighting. George Angel I founded the Massachusetts SPCA, with an emphasis on humane education. Societies modeled on Bergh's soon

cropped up all over the country. Shortly thereafter the American Society for the Prevention of Cruelty to Children was formed. And, as was the case in England, many of the American animal welfare pioneers were active in the anti-slavery movement.

However, the American anti-vivisection movement was unsuccessful. It appears that proponents of animal research had learned from the British lesson and formed an effective lobbying force for vivisection (Finsen and Finsen 1994: 48–9). Some vivisectors portrayed themselves as rational men of science whose work was being retarded by "middle-class, city-based female 'cranks' in humane societies" (Munro 2000: 18). Ryder speculates that the pioneering spirit of America may have welcomed the innovations of science more enthusiastically than did British culture. He notes also that American anti-vivisectionists lacked the equivalent of royal support (Ryder 1998: 28). During this same period, as Munro explains, the animal protection movement in Australia had begun with the 1873 formation of the Animal Protection Society of New South Wales. Due to circumstances peculiar to Australia, the animal protection movement developed in concert with the environmental movement, the first joint campaign being the elevation of the koala from vermin and a commercial fur source to the "national pet" (Munro 2000: 14).

Vegetarianism was adopted by some during this period in both Britain and America, the word itself being coined in 1847 at Ramsgate, England, from the Latin word *vegetare*, meaning "to grow." By the end of the century, vegetarianism was established among a "minority of the middle class," including Henry David Thoreau, George Bernard Shaw, Susan B. Anthony, Anna Kingsford, Howard Williams, and Henry Salt. The great Romantic poet Percy Bysshe Shelley urged, "Never take any substance into the stomach that once had life" (Kenyon-Jones 2001: 121). Mohandas Gandhi in the twentieth century attributed his commitment to vegetarianism to reading Henry Salt's *Plea for Vegetarianism* (1897) (Finsen and Finsen 1994: 25).

After World War I the animal welfare movement seemed to lose its mass appeal in both the U.S. and Britain. There were undoubtedly several reasons for this decline. It may be that incorporating meat into the diet during periods of disease and war was thought to be important for human health. Ryder comments that wars tend to revive the view that worrying about suffering is cowardly; compassion is dismissed as weakness and effeminacy. In any case, those who called for bans on the exploitation of animals tended to be regarded as cranks or extremists (Ryder 1998: 28–9). Animal welfare organizations in Britain and America declined into charities for lost or abandoned dogs and cats, ignoring the "steady increase in the applied technology of cruelty in the laboratory, meat and wild-killing industries" (Ryder 1998: 29), Henry Salt (1851–1939) in Britain being an exception.[3] Although the National Anti-Vivisection Society was founded in 1929, significant progress in the U.S. did not occur until the 1950s, when the Animal Welfare Institute and the Humane Society of the United States were founded. The Society for Animal Protective Legislation, founded in 1955, achieved the passage of the Humane Slaughter Act and the 1959 Wild Horses Act. During this period the International Society for Animal Rights and the Fund for Animals also came into being. In general, however, the postwar period in both Britain and the United States saw little progress in improving conditions for animals. Finsen and Finsen (1994: 3) assert that one reason for this lack of progress was that the humane movement had "promoted kindness and the elimination of cruelty without challenging the assumption of human superiority or the institutions that reflect that assumption," but they also note that the political climate was very conservative during this period.

Beginning with the 1960s in Britain, the humane concern for animals began to be transformed into the animal rights movement, which insists on justice and fairness in our treatment of animals. Guither (1998: 4–5) argues that the modern animal rights movement is "radically different" from the earlier anti-vivisection groups and the traditional humane societies. While this may be an overstatement, it is certainly true that many advocates of animal rights affirm the moral status of animals and oppose all ways in which animals are confined and used by human beings (1998: 4–5). One expression of this demand for justice was the formation of the Hunt Saboteurs in 1963. This British group "appears to be the first organization to speak openly and uncompromisingly of members

as proponents of rights of animals in the modern sense" (Finsen and Finsen 1994: 55). The group employed confrontational tactics of direct action; it also represented a significant broadening of the animal movement to the working class. In 1964 Ruth Harrison published *Animal Machines*, a book which initiated much of the public concern for the welfare of farm animals. She is believed to have been the first to label confinement livestock and poultry production as "factory farming," calling attention to the fact that animal agriculture had come to be conducted behind closed doors (Ryder 1998: 30). In response to these concerns, the British Parliament set up an official committee of inquiry made up of scientists and concerned citizens, which issued the influential Brambell Report in 1965. The Report recommended certain mandatory standards and called for the government to establish regulations defining animal suffering; it set the stage for animal welfare reform in the United Kingdom and other northern European countries.

A powerful collection of essays titled *Animals, Men and Morals* was published in 1971 by a group of young philosophers and sociologists at Oxford, employing the new term "speciesism," coined by Richard Ryder. Peter Singer reviewed the book and was invited to expand his review into a book of his own. The resulting work was *Animal Liberation*, published in 1975, known as the first philosophic text to include recipes—vegetarian, of course. The book included clear and powerful argumentation together with well-documented descriptions of the conditions of animals in factory farms and research laboratories. Parliamentarian Douglas Houghton with others led the struggle to "put animals into politics," a campaign which issued in the (British) Animals (Scientific Procedures) Act of 1986 (Ryder 1998: 33).

Overall there was a marked increase in direct action, both legal and illegal, during the 1970s and 1980s. Ronnie Lee launched the Animal Liberation Front (ALF) in England in 1972, leading to raids on animal laboratories, factory farms, and abattoirs all over Europe and North America, and the International Fund for Animal Welfare broadened the move to include wildlife (Ryder 1998: 34). However, the climate of opinion changed in Britain during the years of Margaret Thatcher as prime minister, and the animal rights movement began to be looked at as a subversive threat to capitalism (Ryder 1998: 35). Acts of violence by groups such as the ALF led to a backlash within the animal rights movement as well as to long prison terms (Finsen and Finsen 1994: 101–2).

In the 1990s the British-led European movement again became active. Partly due to the effectiveness of the organization Compassion in World Farming, farm animals succeeded laboratory animals as the main focus among European animal welfarists in the 1990s. "Massive protests in British ports in 1994 against the exports of sheep and calves . . . escalated into self-sustaining grassroots local movements that continued for over a year" (Ryder 1998: 35). Prime Minister John Major invited animal welfarists to Downing Street, and the European Union Commission voted to phase out by 2006 the keeping of calves in crates in Europe. By 1995, 4.5 percent of the British population was vegetarian (Ryder 1998: 37).

In the United States, Peter Singer and Tom Regan emerged as strong voices for animal liberation and animal rights, respectively, in the 1970s and 1980s. A number of organizations were formed, among them People for the Ethical Treatment of Animals (PETA), Trans-Species Unlimited, Farm Animal Reform Movement, Mobilization for Animals, and In Defense of Animals. The principal target of reform in the 1980s in the U.S. was the use of animals in laboratories. Two scandals in 1981 and 1984 helped lead to the upgrading of the oversight of research facilities and some reduction of pain and distress in procedures. Henry Spira led effective protests against the seizure of unwanted dogs from pounds for use in research laboratories.

The U.S. ALF is a group of loosely knit cells which has conducted controversial direct action using illegal tactics. In the United States the ALF has consistently held to a distinction between property damage and violence toward living beings. However, there have been ALF actions in which the methods used placed people in danger, and researchers who have been targeted claim psychological and professional harm (Finsen and Finsen 1994: 98–106). Finsen and Finsen point out that whether or not one agrees with the tactics of the ALF, the information brought to light has in fact increased public awareness of what happens in some laboratories (1994: 106). Nevertheless,

the cost is high, not only in property damage but in deaths among some released animals and, in a few cases, physical injury to humans.

Ryder observes (1998: 41) that disputes between those supporting animal rights versus those supporting animal welfare have sapped some of the movement's energies in the United States. Meanwhile, the factory-farming industry has rapidly expanded in both the United States and the world. Billions of farm animals are raised indoors in "conditions largely unknown to the general public" (Finsen and Finsen 1994: 5). Fortunately, not all of these changes in animal agriculture are negative for animal welfare, though many are (Fraser et al. 2001: 93–4). Overall, the U.S. animal welfare movement is a collection of national and local organizations that often do not work together due to concerns for organizational sovereignty and program purity. In the last few years, however, groups such as the Animals Voice and the Institute for Animals and Society have enabled the animal ethics movement to be more effective.[4]

Contemporary Concerns and Future Directions

As noted in the Foreword by Bernard E. Rollin, since the mid-twentieth century, animal agricultural practices have undergone major changes. Ryder (1998: 42) notes that those concerned with animals have come to see the fates of these animals as increasingly determined by the "moral blindness" found in the policies of many multinational corporations and international structures such as the World Trade Organization (WTO) (Ryder 1998: 42). John Hodges, together with many others, identifies the focus on profit, reduced unit costs, and the material prosperity of the individual as key contributors to global animal suffering, particularly in agriculture (Hodges and Han 2000: 260–1).

Fortunately there are many who seek to include environmental and human rights concerns in international trade. It is possible that animal welfare can be taken into account even under existing WTO rules: Article XX of the "General Agreement" says that measures necessary to protect public morals and human, animal, or plant health have priority over other agreements (Appleby 2003: 170). In 2014 the WTO ruled that non-trade concerns, such as animal welfare, can restrict trade and still be in line with international trade law (www.ifaw.org). The WTO upheld the European Union's ban on the import of seal pelts, seal oil, and seal meat on moral grounds.

In general, animal ethics is a subject marked with ambivalence. A 2001 study of meat livestock farmers and consumers in the Netherlands indicated that both groups show ambivalence as a result of discrepancies between perceptions and behavior (Velde et al. 2002). Another study, conducted in Scotland in 1998, found that while 76% of respondents stated that they were concerned about the possible mistreatment or suffering of farm animals, only 34% avoided certain food products on animal welfare grounds. It is estimated that only 10% of U.K. food consumers take an active interest in how their food is produced (McEachern 2002). Complicating the assessment of animal agriculture is the frequent portrayal of the animal producer as wholly driven by the profit motive and hence as much worse than the medical researcher. According to Paul Thompson, this portrayal is inaccurate (Thompson 2004). Lund and Olsson (2006) argue that while many types of modern agriculture do have negative consequences for animal welfare and for the environment, sustainable agriculture can be beneficial for both. However, a 2015 article in the *New York Times*, "U.S. Research Lab Lets Livestock Suffer in Quest for Profit" (http://nyti.ms/1AEPr4J), paints a very disturbing picture of the taxpayer-supported U.S. Meat Animal Research Center in Nebraska, which has one central mission: helping producers of beef, pork, and lamb turn a higher profit. Only the growing consumer demand for humanely raised products seems to have the potential to improve the lives of animals used for meat.

Despite these obstacles to improvements in animal welfare, there are potentially hopeful factors. One important element is the view of the relationship between the divine and animal realms in the various world religions; new attitudes and scriptural interpretation are emerging. Many now believe that the Abrahamic traditions are properly understood not as being anthropocentric, but as theocentric: God, not man, is at the center as the ultimate source of meaning (Patton 2000: 408). Despite

the fact that the Jewish and Christian traditions have affirmed that only human beings are created in God's image, numerous passages from the Hebrew and Islamic scriptures convey God's "fierce and tender devotion" to animals (Patton 2000: 409–13, 434). In Patton's felicitous phrase, animals display a "joyous devotion to the One who brought them into being" (Patton 2000: 434). Patton recounts the Russian Orthodox Father Thomas Hopko's affirmation of the "rabbithood of God": "There is an aspect of God's Self that at creation expressed itself as a rabbit, and nothing can better reveal that particular aspect of the divine nature than a real, living rabbit" (Patton 2000: 427). Novel reflections such as these may eventually prove to have a powerful effect on the treatment of animals.

In terms of philosophy, David DeGrazia (1999: 125–9) has identified several areas of "unrealized potential" for the future of animal ethics. One such area is found in the work of feminist theorists, who can contribute their powerful moral opposition to oppression as well as their incisive ability to analyze the ideology of speciesism and the various rationalizations for practices which harm animals. DeGrazia also affirms the value of a virtue ethics approach to animal ethics, developed at length so far only by Steve Sapontzis.[5] Virtue ethics emphasizes the importance of character and attitudes: our actions express what kind of people we are. For example, disrespectful treatment of animals may not always involve harm to an animal but rather may express our own growing willingness to exploit animals (DeGrazia 1999: 125–9). An example can be found in the creation in 2000 of a "transgenic artwork" in the form of a green fluorescent rabbit.[6] The artist, Eduardo Kac, a professor at the School of the Art Institute of Chicago, teamed up with French geneticists to produce the rabbit by injecting rabbit zygotes with a fluorescent protein gene derived from jellyfish. Such use of a living creature as a "new art form" seems to many to be disrespectful and sensationalist. The rabbit died before she could be brought to the U.S. The science writer Emily Anthes has written *Frankenstein's Cat* (1994) and weighs the ethical implications of scientists' experiments to transform animals with biotechnology.

Finsen and Finsen (1994: 257) comment that the animal rights movement has had some impact to date, in the process "arousing intense opposition from [extremely powerful] industries with vested economic interests in the status quo." They join a number of other writers in identifying the reform/abolition split as the crucial distinction among members of the animal rights movement. This split is often summarized in the question: Should we work for larger cages or empty cages? The reformists usually want to work within the system to improve the conditions for animals, whereas the abolitionists work to eliminate all uses of animals that they see as causing pain and suffering (Guither 1998: 10). In the Foreword to this book, Bernard Rollin allies himself with reform, affirming that the animal ethics movement is dynamic, growing, and influential. A useful computer-supported interactive learning tool has recently been developed for university and professional training which may aid interested persons to identify their own approach to animal ethics (www.aedilemma.net).

The reason for our treatment of animals has never been a mystery. As Ryder comments in his recent book *The Political Animal*, "the simple truth is that we exploit the other animals and cause them suffering because we are more powerful than they are" (1998: 51). The editors hope that this anthology will stimulate reflection on the misuse as well as the appropriate use of human power. Such reflection will both enrich the human relationship with the nonhuman world and contribute to better lives for animals.

Notes

1. Thomas points out that the tradition that humans were originally vegetarian is ancient and worldwide. He states that it "may reflect the actual practice of our remote ancestors, for apes are largely vegetarian" (1983: 288–9).
2. For articles discussing Christian, Jewish, and Islamic interpretations of scripture as it relates to animals, see Part Four of this volume. See also Paul Waudau's (2002) *Discussion of Traditional Christian Views in the Specter of Speciesism: Buddhist and Christian Views of Animals*, New York: Oxford University Press.
3. Both Peter Singer and Tom Regan have identified Henry Salt as an important influence on their thought.

4. The Institute for Animals and Society, www.animalsandsociety.org, is an independent research and educational organization, working to advance the status of animals in public policy and promote the study of human–animal relationships. The Animals Voice publishes the *Animals Voice Magazine*, www.animals-voice.com. A current annotated list of courses concerning animals and society is available at www.crle.org/prog_courses_main.asp.
5. S. F. Sapontzis (1987) *Morals, Reason and Animals*, Philadelphia: Temple University Press.
6. http://www.ekac.org/gfpbunny.html; Eduardo Kac. "Transgenic Art." *Leonardo Electronic Almanac*, vol. 6, n. 11, December 1998. Republished in Gerfried Stock and Christine Schopf (eds). (1999) *Ars Electronica '99-Life Science*, Vienna, New York: Springer, pp. 289–96.

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Part One
Theories of Animal Ethics

Introduction to Part One

Animal ethics is involved with arguments over several key issues. The most basic issue concerns the basis of the moral value or moral status of animals. Why should animals count morally? This part includes excerpts from several influential theorists in the field of animal ethics.

Tom Regan's answer as well as that of Paola Cavalieri is based on the concepts of rights to which a being is entitled. Regan develops the concept of "subject-of-a-life" as an expansion of Immanuel Kant's focus on rational beings. Cavalieri uses the concept of "intentional beings" as an expansion of universal human rights theory. For Regan and Cavalieri animals have desires, intentions, feelings, and a psychological identity over time—there is "someone home" in an animal. Animals should be included in our moral community as beings with rights. Unlike Regan, Cavalieri grants the same value to the lives of all intentional beings. Carl Cohen rejects Regan's argument. While Cohen does not deny that animals have rudimentary desires and interests, he does deny that having interests is relevant to having moral rights.

Peter Singer rests his argument on the moral principle of the equal consideration of interests, the utilitarian principle which affirms that all sentient individuals, those capable of experiencing pleasure or pain, must be considered when we are contemplating an action. Singer advocates preference utilitarianism, a form of utilitarianism which takes into account what an individual wishes to do. He does not advocate equal treatment but rather equal consideration of animals' interests. Singer states that we have different obligations toward rational and self-conscious animals as contrasted with our obligations to animals lacking such capabilities.

Josephine Donovan critiques the overreliance on reason by Regan and Singer. She maintains that feminist care theory, developed in order to emphasize the significance of emotional responses such as sympathy, empathy, and compassion, also acknowledges the importance of animal communications. She confronts some recent criticisms of care theory.

R. G. Frey critiques Regan and Singer from a different perspective. He maintains that animals, because they lack language, do not have interests in the sense of having desires; thus it is not necessary for scholars to address what relationship there might be between interests and rights.

In many theories of animal ethics, painless death is considered to be morally acceptable. Frederike Kaldewaij challenges this view. She argues that both humans and conscious animals are harmed by death because it deprives them of the goods that continued life would have brought them.

Sue Donaldson and Will Kymlicka argue that all animals who are conscious should be viewed as having inviolable rights. This means that the basic interests of sentient animals cannot be sacrificed for the greater good of others.

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Study Questions

1. Tom Regan bases his argument on the concept of "subject-of-a-life." Do you agree that this concept identifies the crucial difference between a being with moral status and one without status? Explain your reasoning.
2. Carl Cohen identifies what he believes to be an equivocation in Regan's use of "inherent value." Do you agree with Cohen's point? Why or why not?
3. What might be some advantages for animal ethics of Cavalieri's emphasis on rights as protection from institutional interference?
4. Peter Singer uses the principle of equal consideration of interests to guide our practice concerning animals. Do you find this principle more or less convincing than Tom Regan's use of the equal inherent value of moral agents and moral patients? Explain your choice.
5. Do you agree with Donovan that Regan and Singer place too much emphasis on reason? What role should sympathy and compassion play in our treatment of nonhuman animals?
6. Frey argues that having desires requires having the capacity for language-based beliefs. Do you agree? Why or why not?
7. Kaldewaij argues that animals are harmed by premature death, whether it is painless or not. Do you find her reasoning persuasive?
8. In your view, which of the authors in this part presents the best approach to the moral status of animals? Are there significant modifications you would make to the view of the author you chose?
9. Do you agree with Donaldson and Kymlicka that self, being conscious, is the foundation of the recognition of moral rights?
10. The recognition of animals as selves with inviolable rights would have earth-shaking repercussions for many common practices. In what area do you think change is most likely to occur, if it occurs at all?

1 The Case for Animal Rights

Tom Regan

This selection is from the influential The Case for Animal Rights*, published in 1983. Regan explains his concept of "subject-of-a-life" as the basis for inherent value, the distinction between moral agents and moral patients, and two principles to be used in cases of unavoidable conflicts between subjects-of-a-life.*

[. . .]

Moral Agents and Moral Patients

A helpful place to begin is to distinguish between moral agents and moral patients [. . .]. Moral agents are individuals who have a variety of sophisticated abilities, including in particular the ability to bring impartial moral principles to bear on the determination of what, all considered, morally ought to be done and, having made this determination, to freely choose or fail to choose to act as morality, as they conceive it, requires. Because moral agents have these abilities, it is fair to hold them morally accountable for what they do, assuming that the circumstances of their acting as they do in a particular case do not dictate otherwise.

[. . .]

In contrast to moral agents, *moral patients* lack the prerequisites that would enable them to control their own behavior in ways that would make them morally accountable for what they do. A moral patient lacks the ability to formulate, let alone bring to bear, moral principles in deliberating about which one among a number of possible acts it would be right or proper to perform. Moral patients, in a word, cannot do what is right, nor can they do what is wrong. Granted, what they do may be detrimental to the welfare of others—they may, for example, bring about acute suffering or even death; and granted, it may be necessary, in any given case, for moral agents to use force or violence to prevent such harm being done, either in self-defense or in defense of others. But even when a moral patient causes significant harm to another, the moral patient has not done what is wrong. Only moral agents can do what is wrong. Human infants, young children, and the mentally deranged or enfeebled of all ages are paradigm cases of human moral patients. More controversial is whether human fetuses and future generations of human beings qualify as moral patients. It is enough for our purposes, however, that some humans are reasonably viewed in this way.

Individuals who are moral patients differ from one another in morally relevant ways. Of particular importance is the distinction between (a) those individuals who are conscious and sentient (i.e., can experience pleasure and pain) but who lack other mental abilities and (b) those individuals who are conscious and sentient and possess the other cognitive and volitional abilities discussed in previous chapters (e.g., belief and memory). Some animals, for reasons already advanced, belong in category (b); other animals quite probably belong in category (a).

[. . .]

Our primary interest, in this and in succeeding chapters, concerns the moral status of animals in category (b). When, therefore, the notion of a *moral patient* is appealed to in the discussions that follow, it should be understood as applying to *animals in category (b) and to those other moral patients*

like these animals in the relevant respects—that is, those who have desires and beliefs, who perceive, remember, and can act intentionally, who have a sense of the future, including their own future (i.e., are self-aware or self-conscious), who have an emotional life, who have a psychophysical identity over time, who have a kind of autonomy (namely, preference-autonomy), and who have an experiential welfare. Some *human* moral patients satisfy these criteria—for example, young children and those humans who, though they suffer from a variety of mental handicaps and thus fail to qualify as moral agents, possess the abilities just enumerated. Where one draws the line between those humans who have these abilities and those who do not is a difficult question certainly, and it may be that no exact line can be drawn. But how we should approach the question in the case of human beings is the same as how we should approach it in the case of animals. Given any human being, what we shall want to know is whether his/her behavior can be accurately described and parsimoniously explained by making reference to the range of abilities that characterizes animals (desires, beliefs, preferences, etc.). To the extent that the case can be made for describing and explaining the behavior of a human being in these terms, to that extent, assuming that we have further reasons for denying that the human in question has the abilities necessary for moral agency, we have reason to regard that human as a moral patient on all fours, so to speak, with animals. As previously claimed, some human beings *are* moral patients in the relevant sense, and *it is only those individuals who are moral patients in this sense (who have, that is, the abilities previously enumerated), whether these individuals be human or nonhuman, who are being referred to, in this chapter and in the sequel, as "moral patients."*

Moral patients cannot do what is right or wrong, we have said, and in this respect they differ fundamentally from moral agents. But moral patients can be on the receiving end of the right or wrong acts of moral agents, and so in this respect resemble moral agents. A brutal beating administered to a child, for example, is wrong, even if the child herself can do no wrong, just as attending to the basic biological needs of the senile is arguably right, even if a senile person can no longer do what is right. Unlike the case of the relationship that holds between moral agents, then, the relationship that holds between moral agents, on the one hand, and moral patients, on the other, is not reciprocal. Moral patients can do nothing right or wrong that affects or involves moral agents, but moral agents can do what is right or wrong in ways that affect or involve moral patients.

[. . .]

Individuals as Equal in Value

The interpretation of formal justice favored here, which will be referred to as *equality of individuals*, involves viewing certain individuals as having value in themselves. I shall refer to this kind of value as *inherent value* and begin the discussion of it by first concentrating on the inherent value attributed to moral agents.

The inherent value of individual moral agents is to be understood as being conceptually distinct from the intrinsic value that attaches to the experiences they have (e.g., their pleasures or preference satisfactions), as not being reducible to values of this latter kind, and as being incommensurate with these values. To say that inherent value is not reducible to the intrinsic values of an individual's experiences means that we cannot determine the inherent value of individual moral agents by totaling the intrinsic values of their experiences. Those who have a more pleasant or happier life do not therefore have greater inherent value than those whose lives are less pleasant or happy. Nor do those who have more "cultivated" preferences (say, for arts and letters) therefore have greater inherent value. To say that the inherent value of individual moral agents is incommensurate with the intrinsic value of their (or anyone else's) experiences means that the two kinds of value are not comparable and cannot be exchanged one for the other. Like proverbial apples and oranges, the two kinds of value do not fall within the same scale of comparison. One cannot ask, How much intrinsic value is the inherent value of this individual worth—how much is it equal to? The inherent value of any given moral agent isn't equal to any sum of intrinsic values, neither the intrinsic value of

that individual's experiences nor the total of the intrinsic value of the experiences of all other moral agents. To view moral agents as having inherent value is thus to view them as something different from, and something more than, mere receptacles of what has intrinsic value. They have value in their own right, a value that is distinct from, not reducible to, and incommensurate with the values of those experiences which, as receptacles, they have or undergo.

The difference between the utilitarian-receptacle view of value regarding moral agents and the postulate of inherent value might be made clearer by recalling the cup analogy. On the receptacle view of value, it is *what goes into the cup* (the pleasures or preference-satisfactions, for example) that has value; what does not have value is the cup itself (i.e., the individual himself or herself). The postulate of inherent value offers an alternative. The cup (that is, the individual) has value *and* a kind that is not reducible to, and is incommensurate with, what goes into the cup (e.g., pleasure). The cup (the individual) does "contain" (experience) things that are valuable (e.g., pleasures), but the value of the cup (individual) is not the same as any one or any sum of the valuable things the cup contains. *Individual moral agents themselves have a distinctive kind of value*, according to the postulate of inherent value, but not according to the receptacle view to which utilitarians are committed. It's the cup, not just what goes into it, that is valuable.

[. . .]

All that is required to ensure just treatment, on utilitarian grounds, is that the preferences (pleasures, etc.) of all affected by the outcome be considered and that equal preferences (pleasures, etc.) be counted equally. But if moral agents have a value that is *not* reducible to or commensurate with the value of their own or everyone else's valuable experiences, then how moral agents are to be treated, if they are to be treated justly, cannot be determined *merely* by considering the desires, and the like, of all involved, weighting them equitably, and then favoring that option that will bring about the optimal balance of goods over evils for all involved. To suppose otherwise is to assume that questions of just treatment can be answered by ignoring the value of the individual moral agent, which, if moral agents are viewed as equal in inherent value, simply is not true. Moreover, because all moral agents are viewed as equal in inherent value, if any have such value, what applies to how some may be justly treated applies to all, whatever their race, say, or sex. Given the postulate of inherent value, no harm done to *any* moral agent can possibly be justified merely on the grounds of its producing the best consequences for all affected by the outcome. Thus are we able to avoid the counterintuitive implications of act utilitarianism if we deny the receptacle view of moral agents and postulate their equal inherent value.

[. . .]

It might be suggested that *being-alive* is a *sufficient* condition of an individual's having inherent value. This position would avoid the problems indigenous to the view that being-alive is a necessary condition, but it stands in need of quite considerable analysis and argument if it is to win the day. It is not clear why we have, or how we reasonably could be said to have, direct duties to, say, individual blades of grass, potatoes, or cancer cells. Yet all are alive, and so all should be owed direct duties if all have inherent value. Nor is it clear why we have, or how we reasonably could be said to have, direct duties to collections of such individuals—to lawns, potato fields, or cancerous tumors. If, in reply to these difficulties, we are told that we have direct duties only to some, but not to all, living things, and that it is this subclass of living things whose members have inherent value, then not only will we stand in need of a way to distinguish those living things that have this value from those that do not but more importantly for present purposes, the view that being-alive is a sufficient condition of having such value will have to be abandoned. Because of the difficulties endemic both to the view that being-alive is a necessary condition of having inherent value and to the view that this is a sufficient condition, and granting that moral agents and moral patients share the important characteristic of being alive, it is extremely doubtful that the case could be made for viewing this similarity as the relevant similarity they share, by virtue of which all moral agents and patients have equal inherent value.

Inherent Value and the Subject-of-a-Life Criterion

An alternative to viewing being-alive as the relevant similarity is what will be termed *the subject-of-a-life criterion*. To be the subject-of-a-life, in the sense in which this expression will be used, involves more than merely being alive and more than merely being conscious. To be the subject-of-a-life is to be an individual whose life is characterized by those features explored in the opening chapters of the present work: that is, individuals are subjects-of-a-life if they have beliefs and desires; perception, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference- and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them, logically independently of their utility for others and logically independently of their being the object of anyone else's interests. Those who satisfy the subject-of-a-life criterion themselves have a distinctive kind of value—inherent value—and are not to be viewed or treated as mere receptacles.

[. . .]

The subject-of-a-life criterion identifies a similarity that holds between moral agents and patients. Is this similarity a relevant similarity, one that makes viewing them as inherently valuable intelligible and nonarbitrary? The grounds for replying affirmatively are as follows: (1) A relevant similarity among all those who are postulated to have equal inherent value must mark a characteristic shared by all those moral agents and patients who are here viewed as having such value. The subject-of-a-life criterion satisfies this requirement. *All* moral agents and *all* those moral patients with whom we are concerned *are* subjects of a life that is better or worse for them, in the sense explained, logically independently of the utility they have for others and logically independently of their being the object of the interests of others. (2) Since inherent value is conceived to be a categorical value, admitting of no degrees, any supposed relevant similarity must itself be categorical. The subject-of-a-life criterion satisfies this requirement. This criterion does not assert or imply that those who meet it have the status of subject of a life to a greater or lesser degree, depending on the degree to which they have or lack some favored ability or virtue (e.g., the ability for higher mathematics or those virtues associated with artistic excellence). One either *is* a subject of a life, in the sense explained, or one *is not*. All those who are, are so equally. The subject-of-a-life criterion thus demarcates a categorical status shared by all moral agents and those moral patients with whom we are concerned. (3) A relevant similarity between moral agents and patients must go some way toward illuminating why we have direct duties to both and why we have less reason to believe that we have direct duties to individuals who are neither moral agents nor patients, even including those who, like moral agents and those patients we have in mind, are alive. This requirement also is satisfied by the subject-of-a-life criterion. Not all living things are subjects of a life, in the sense explained; thus not all living things are to be viewed as having the same moral status, given this criterion, and the differences concerning our confidence about having direct duties to some (those who are subjects) and our not having direct duties to others (those who are not subjects) can be at least partially illuminated because the former meet, while the latter fail to meet, the subject-of-a-life criterion. For these reasons, the subject-of-a-life criterion can be defended as citing a relevant similarity between moral agents and patients, one that makes the attribution of equal inherent value to them both intelligible and nonarbitrary.

[. . .]

Justice: The Principle of Respect for Individuals

[. . .]

If individuals have equal inherent value, then any principle that declares what treatment is due them as a matter of justice must take their equal value into account. The following principle (*the respect principle*) does this: *We are to treat those individuals who have inherent value in ways that respect their inherent value*. Now, the respect principle sets forth an egalitarian, nonperfectionist

interpretation of formal justice. The principle does not apply only to how we are to treat some individuals having inherent value (e.g., those with artistic or intellectual virtues). It enjoins us to treat *all* those individuals having inherent value in ways that respect their value, and thus it requires respectful treatment of all who satisfy the subject-of-a-life criterion. Whether they are moral agents or patients, we must treat them in ways that respect their equal inherent value.

[. . .]

It is not an act of kindness to treat animals respectfully. It is an act of justice. It is not "the sentimental interests" of moral agents that grounds our duties of justice to children, the retarded, the senile, or other moral patients, including animals. It is respect for their inherent value. The myth of the privileged moral status of moral agents has no clothes.

[. . .]

Comparable Harm

[. . .]

A distinction [can be] drawn between those harms that are inflictions and those that are deprivations. Harms that are deprivations deny an individual opportunities for doing what will bring satisfaction, when it is in that individual's interest to do this. Harms that are inflictions diminish the quality of an individual's life, not just if or as they deprive that individual of opportunities for satisfaction, though they usually will do this, but because they detract directly from the individual's overall welfare.

[. . .]

[We can now] give content to the notion of comparable harm. Two harms are comparable when they detract equally from an individual's welfare, or from the welfare of two or more individuals. For example, separate episodes of suffering of a certain kind and intensity are comparable harms if they cause an equal diminution in the welfare of the same individual at different times, or in two different individuals at the same or different times. And death is a comparable harm if the loss of opportunities it marks are equal in any two cases.

[. . .]

The Miniride Principle

By making use of the notion of comparable harm, the rights view can formulate two principles that can be appealed to in order to make decisions in prevention cases. The first principle (*the minimize overriding principle*, or *the miniride principle*) states the following:

> Special considerations aside, when we must choose between overriding the rights of many who are innocent or the rights of few who are innocent, and when each affected individual will be harmed in a prima facie comparable way, then we ought to choose to override the rights of the few in preference to overriding the rights of the many.

This principle is derivable from the respect principle. This latter principle entails that all moral agents and patients are directly owed the prima facie duty not to be harmed and that all those who are owed this duty have an equally valid claim, and thus an equal prima facie moral right, against being harmed. Now, *precisely because* this right is equal, no one individual's right can count for any more than any other's, when the harm that might befall either is prima facie comparable. Thus, A's right cannot count for more than B's, or C's, or D's. However, when we are faced with choosing between options, one of which will harm A, the other of which will harm B, C, and D, and the third of which will harm them all, and when the foreseeable harm involved for each individual is prima facie comparable, then numbers count. *Precisely because* each is to count for one, no one for more than one, we cannot count choosing to override the rights of B, C, and D as neither better nor worse than choosing to override A's right alone. Three are more than one, and when the four individuals

have an equal prima facie right not to be harmed, when the harm they face is prima facie comparable, and when there are no special considerations at hand, then showing equal respect for the equal rights of the individuals involved requires that we override the right of A (the few) rather than the rights of the many (B, C, D). To choose to override the rights of the many in this case would be to override an equal right three times (i.e., in the case of three different individuals) when we could choose to override such a right only once, and *that* cannot be consistent with showing equal respect for the equal rights of all the individuals involved.

To favor overriding the rights of the few in no way contravenes the requirement that each is to count for one, no one for more than one; on the contrary, special considerations apart, to choose to override the rights of the many rather than those of the few would be to count A's right for more than one—that is, as being equal to overriding the rights of three relevantly similar individuals. Accordingly, because we must not allow any one individual a greater voice in the determination of what ought to be done than any other relevantly similar individual, what we ought to do in prevention cases of the sort under consideration is choose to override the rights of the fewest innocents rather than override the rights of the many. And since this is precisely what the miniride principle enjoins, that principle is derivable from the respect principle.

[. . .]

The Worse-Off Principle

[. . .]

Recall the earlier prevention case where we are called upon to choose between harming A quite radically (−125), or harming a thousand individuals modestly (−1 each), or doing nothing

[. . .]

The miniride principle, since it applies *only* in prevention cases where harms are prima facie comparable, cannot be relied on in cases, such as this one, where the harm all the innocents face is not prima facie comparable. The rights view thus requires a second principle, distinct from but consistent with the miniride principle, and one that is distinct from and not reducible to the minimize harm principle. The following principle (*the worse-off principle*) meets these requirements.

[. . .]

> Special considerations aside, when we must decide to override the rights of the many or the rights of the few who are innocent, and when the harm faced by the few would make them worse-off than any of the many would be if any other option were chosen, then we ought to override the rights of the many.

Unfinished Business

Two issues deferred in earlier discussions may now be addressed. The first is the lifeboat case. [. . .] There are five survivors: four normal adults and a dog. The boat has room enough only for four. Someone must go or else all will perish. Who should it be? Our initial belief is: the dog. Can the rights view illuminate and justify this prereflective intuition? The preceding discussion of prevention cases shows how it can. All on board have equal inherent value and an equal prima facie right not to be harmed. Now, the harm that death is, is a function of the opportunities for satisfaction it forecloses, and no reasonable person would deny that the death of any of the four humans would be a greater prima facie loss, and thus a greater prima facie harm, than would be true in the case of the dog. Death for the dog, in short, though a harm, is not comparable to the harm that death would be for any of the humans. To throw any one of the humans overboard, to face certain death, would be to make that individual worse-off (i.e., would cause *that* individual a greater harm) than the harm that would be done to the dog if the animal was thrown overboard. Our belief that it is the dog who should be killed is justified by appeal to the worse-off principle.

[. . .]

Thus has the case for animal rights been offered. If it is sound, then, like us, animals have certain basic moral rights, including in particular the fundamental right to be treated with the respect that, as possessors of inherent value, they are due as a matter of strict justice.

[. . .]

2 Reply to Tom Regan

Carl Cohen

In the following passage, Carl Cohen analyzes Regan's use of "subject-of-a-life" and "inherent value" as the foundation for moral rights for animals. According to Cohen, Regan's fallacious logic can be clearly demonstrated.

Why "Subjects-of-a-Life"?

Regan's need is to create some *link* between the imputed subjective experience of animals and the alleged rights of those animals. To this end a class of beings is marked off that Regan calls "subjects-of-a-life." These are the beings who are believed to have some subjective awareness of their own lives, and for whom, as a result, it may be said that things "fare well or badly." Of course we may not conclude, from the fact that things fare well or badly for an animal, that it can formulate the proposition expressing this, or can even grasp that notion in some sub-linguistic way. The judgment that "things are faring well *for me* these days" is not likely to be among the repertoire of chicken reflections. But some crude subjective experience there must be, since the chicken is drawn toward the food tray and runs away from the fox. This indicates, says Regan, that the chicken (like every "subject-of-a-life") has *interests*.

The strategy here is to devise some category into which both animal lives and human lives may be assimilated. Within this newfound category, since it is designed to include humans too, some of the lives led (the human ones) are plainly moral. From this he will go on to infer that *all* the lives in that class, lives so categorized by virtue of his definition, are moral. But this maneuver could succeed only if the criteria for admission to the newly invented category were themselves intrinsically moral—which of course they are not.

"Subjects-of-a-life" is a category of beings that Regan defines by his own stipulation; membership in that class requires only the crudest subjective experience. Having devised the category by fastening upon certain kinds of primitive experience that rats and humans do share, he goes on to assume that moral rights, possessed by humans, arise from just those interests. Some human interests (e.g., in food and sex) are no different in essence from those of rats, and since we all agree that humans do have rights, he infers that rats must have them, too.

In the sense that a sentient animal—even an octopus or a trout—seeks to avoid pain, it does indeed have interests; many animals obviously have interests in that sense. Were Regan to leap directly from the possession of interests to the claim that such interests establish moral rights, his argument—like [the] far-fetched claims of Bernard Rollin and Steven Sapontzis—would be a transparent failure.[1] To avoid this transparency Regan takes a more convoluted path.

A Closer Look at Inherent Value

The rights that are to be established flow, Regan contends, from the *inherent value* of rats and chickens, and their inherent value is held to be a consequence of their being "subjects-of-a-life." So he makes the passage from interests to rights *by way of* "subjects-of-a-life" and then "inherent value."

Both these concepts, as in his 1983 book, are critical links for him: what has subjective experience must have inherent value, and what has inherent value must have rights.[2] This can explain, he argues, why moral respect is owed to rats and chickens.

Reasoning in this way supposes that the rights of rats and chickens are *derived* from the primitive capacities that give them interests. Like Rollin and Sapontzis, Regan is at bottom convinced that rights are the product of animal interests, that a being has rights because it has interests—and he cannot fathom how we could assert of humans, who surely do have interests, that their rights could flow from anything else.

But the conviction that human rights flow from human interests (a conviction shared expressly or tacitly by virtually all animal rights advocates) is one for which there is simply no foundation. The lives we humans lead are indeed moral lives, pervaded by duties and rights. But this moral character of our lives is not a by-product of our subjective awareness. Our rights are not ours because we experience our lives as our own. Nonhuman creatures may have subjective interests like ours in survival and reproduction, and they may be supposed to have subjective experience of some sort. But from those interests moral rights cannot be inferred.

The plausibility of Regan's reasoning depends on the inference that animals have "inherent value" and then on what may be inferred from the possession of such value. The failure of the argument is a consequence of the fact that the "inherent value" that he infers from the reality of subjective experience is not the same "inherent value" from which rights are later derived. An academic shell game is afoot, in which readers are the marks. Having given our assent to what is plausible in one sense of the expression "inherent value," we are told that dramatic conclusions follow respecting rights. But these conclusions do *not* follow from the inherent value that we may have assented to in animals, although they may follow from inherent value in a very different sense of that term.

[. . .]

What is true of inherent value in the one sense is not true of inherent value in the other sense, and by slipping from one to the other meaning of the phrase Regan commits an egregious fallacy.

We earlier distinguished:

1. Inherent value in the very widely applicable sense that every unique life, not replaceable by other lives or things, has some worth in itself. In this sense every rat, and every octopus too, has inherent value. This value may be minimal; it certainly has no awesome moral content—but it is fair to say that being irreplaceable and unique, even primitive living things ought not be destroyed for any reason whatever.
2. Inherent value in the far narrower sense arises from the possession of the capacity to make moral judgments, the value of beings with duties and the consciousness of duties. This is the rich philosophical sense of value made famous by Immanuel Kant and employed by many moral thinkers since; it is the sense of inherent worth flowing from the special *dignity* of those who have a moral will. The value of agents who have a moral will does indeed *inhere* in them and entitles them to be treated as ends, and never as means only. Beings with value in this sense—human beings, of course—have rights.

Now it is plain that most beings with inherent value in the first sense—live creatures in the wild, for example—although they may merit some protection, do not begin to possess inherent value in the second, moral sense. Trees and rats have value in the common sense, and we may plausibly call that value "inherent"—but that is no ground for ascribing moral agency to them. The gap in the argument is here exposed: subjective experiences of rats and chickens lead us to conclude that they really do have interests, but subjective experiences cannot serve to justify the claim that they have rights.

[. . .]

Human beings, on the other hand, have inherent value in both senses. We have worth in that second, Kantian sense, to be sure, but value also in the simpler, common sense as well. [. . .] [The] slippage between these two senses of the same phrase [. . .] is obscured by reaching rights from

subjectivity *through* the concept "subject-of-a-life." Within that category lie beings with inherent value in both senses (humans) and beings with inherent value in the first sense only (rats). The stage is set for slippage.

We humans are subjects of our own lives, of course, so we have inherent value in that simple first sense; and surely we do have moral rights. Regan then asks: if the rat is the subject of its own life, must it not also have the same "inherent value" that we have? In the first sense of inherent value it does. And if it does have inherent value as we do, does it not also have moral rights as we do? No, not at all! By moving *into* the concept of "inherent value" in the first sense (in which that value is shared), then drawing inferences *from* inherent value in the second sense (in which it is not shared), Regan pulls the rabbit from the hat, miraculously extending the realm of moral rights to include the rats and the chickens.

Underlying his equivocation is the tacit supposition that we humans have rights only as a *consequence* of our being "subject-of-a-life." But this is false, and we have not the slightest reason to think it true. Having assumed it true, Regan and his friends take themselves to have *amalgamated* the world of human moral experience with the world of rodent experience. That cannot be done with words, or with anything else.

The Argument Step by Step

Here follow the steps of Regan's argument, essentially as he sets them forth, with brief comment on each. Close scrutiny will show that his critical steps rely on double meanings, his objectives reached by using whichever sense of the equivocal term is convenient for the purpose at hand.

1. Humans and rats are both "subjects-of-a-life."
   Comment: If all that is being said here is that other animals as well as humans have subjective interests and awareness, this premise is not in dispute. In having subjective interests "nonhuman animals are like us," Regan says. Yes, in the sense that they also have appetites, feel pain, and so on.
2. Beings that are "subjects-of-a-life" are beings having inherent value.
   Comment: This is the introduction of the central equivocal phrase. Animals with subjective experience do indeed have "inherent value" in the common sense that all living things, including humans, are unique and irreplaceable. But the vast majority of beings having subjective experiences do *not* have "inherent value" in the Kantian sense that would be needed to ground moral rights.
3. Since rats, like humans, have inherent value because they are "subjects-of-a-life," the inherent value that rats possess is essentially no different from the inherent value that humans possess.
   Comment: The distinction between the two very different senses of inherent value being here ignored or obscured, it seems plausible for Regan to assert here what is true (but innocuous) if the words are taken in one way, yet false (and very harmful) if taken in another. In the common sense both rats and humans do have inherent value. But this "inherent value" possessed by them both (sense 1) is profoundly different from the "inherent value" that is bound up with human moral agency (sense 2).

   Regan writes, "The relevant similarity shared by humans who have inherent value is that we are subject-of-a-life" (p. 211). No, that similarity is not relevant to moral matters at all. On the contrary, we may say that the relevant *dissimilarity* between humans and rats is that although both may have value as lives, only humans have inherent value in the sense from which rights may be inferred. Regan conflates the two very different senses of value, referring to both with the same words, and his argument depends upon this conflation.
4. The inherent value that we humans possess is what accounts for our moral rights. (In his words: "All those who possess inherent value possess the equal right to be treated with respect.")