



Animal Rights

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Animal Advocacy on a Spectrum

- Anti-cruelty measures will not necessarily promote growth, development, and thriving
- Where an advocate falls will depend on philosophical underpinnings, as well as the contextual details of the issue at hand
 - E.g., might be against liberating all laboratory animals now, but could be working toward that goal in the future (when it is less costly and more feasible)

Anti-cruelty

Prohibitionist /
liberationist

Rights Theory: The Basics

■ What is a right?

- “gives its holder a justified claim *to* something (an entitlement) and a justified claim *against* another party” (Beauchamp 201, emphasis mine)
- Can be negative (free from interference) and/or positive (given provision) –many rights involve both

■ What is the value of a right?

- “individuals hold justified claims that they can exercise at their discretion” (202)

Rights Theory: The Basics

■ How do rights work?

- Not necessarily a *trump* against all other considerations and interests (*contra* Ronald Dworkin)
- Provide “animals’ only secure moral basis of protection against serious wrongdoing” (202)
- *Prima facie* – meaning they obligate others unless they conflict with equal or stronger right(s)
- Some rights might be given a fixed priority over others, so it will hardly ever (if ever) be outweighed.

Rights Theory: The Basics

■ Who has rights?

- Creatures that are directly morally considerable
- (At least) those with cognitive, sensory, and emotional lives that are comparable to those of humans

■ Basic rights

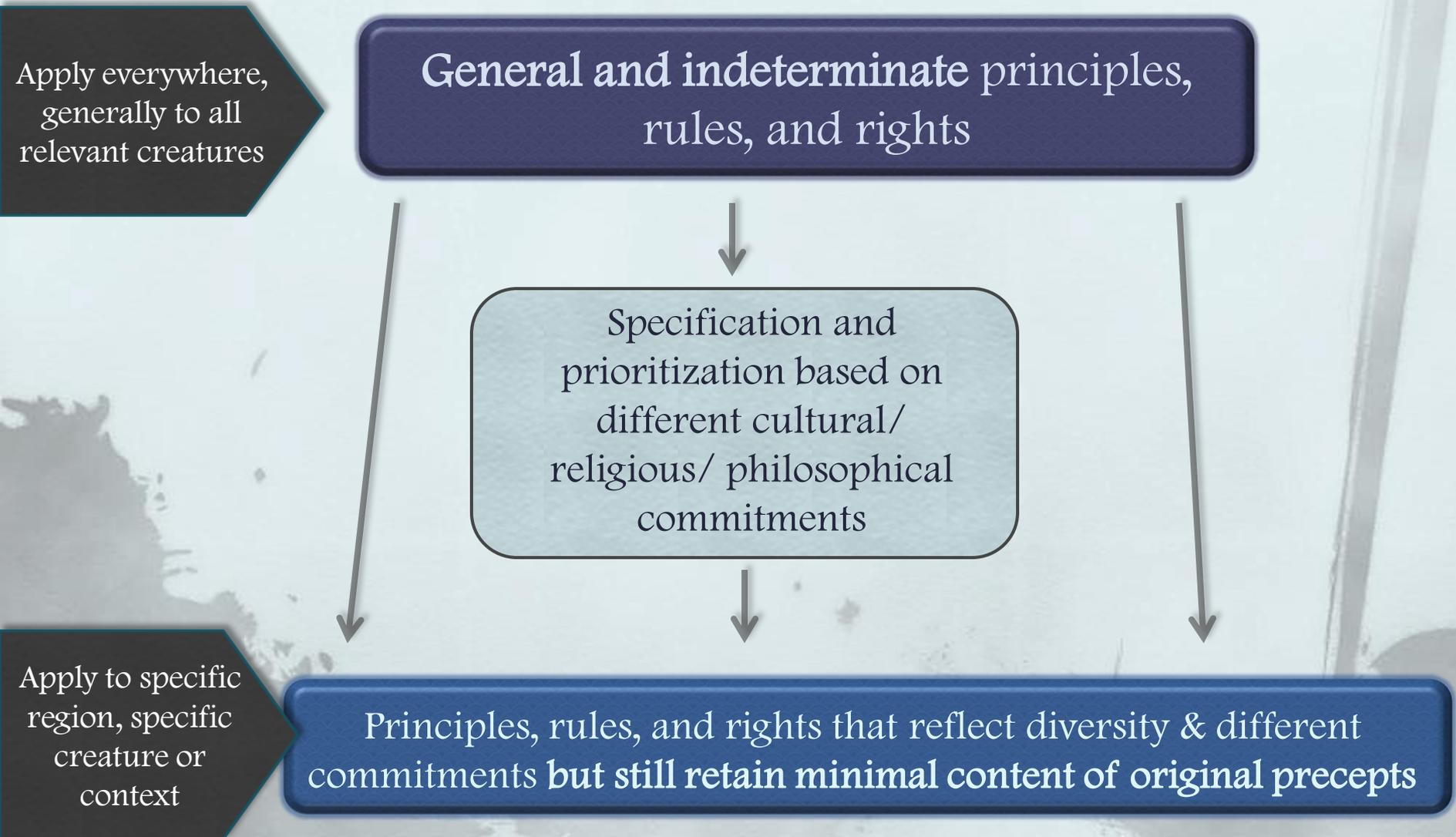
- Protect interests that are fundamental for survival and a decent minimum of existence

■ Beauchamp's correlativity thesis

$R \rightarrow O$ and $O \rightarrow R$

controversial!

The Structure of a Right



Rights of Non-Humans

- Considerations: dependence, domestication, vulnerability
→ non-humans can have more basic rights than humans
- **Rights to non-maleficent treatment**
 - Intentionally refraining from actions/inactions that set back welfare interests (harm)
- **Rights to have basic needs met**
 - Provide necessities for physical and mental health
- **Rights of nonconstraint**
 - Protect against unreasonable confining that prevents free movement, species-behavior, or exercise
- **Rights from human agreements**
 - Be protected and benefitted based on personal and institutional agreements and regulations

Tom Regan's View



■ Animal welfarists vs. animal rightists

WELFARISTS

- Utilitarian receptacle view: “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” (*The Case for Animal Rights* 236)

RIGHTISTS

- Postulate of inherent value: “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” (ibid.)

Tom Regan's View

■ Problems with anti-cruelty advocacy:

- Contention re: what counts as cruelty, unnecessary pain
- Aim is to *reform* current uses of non-humans
 - So hunting, meat-eating, experimentation are permissible as long as they are done more humanely.

■ Problems with animal welfare advocacy:

- Willing to sacrifice the welfare of a few for the sake of the many
- Gives greater weight to animal interests, but those interests can still be outweighed by human interests

Tom Regan's View

- Should *overhaul* current practices and *prohibit* the use of (many) non-humans in (most) industries and settings **in virtue of non-humans' rights**
 - Regardless of whether they are used humanely
 - Cannot be disposed of for the greater collective good
- “it is mistaken to the point of being morally grotesque to argue that, *before* we can decide whether human slaves should be liberated, we first need to count everyone's interests, both slaves' and slave owners' alike” (69) –same reasoning applied to non-humans
- Rights-holders: Those who are aware of their place in the world, aware of what happens to them, and what happens to them matters to them (from interview)



Discussion Questions

- Along the spectrum of animal advocacy, do you find some positions more compelling than others? Why?
- Do you think the good of the few can be sacrificed for the good of the many in some circumstances?
 - Are some rights absolute?
- Do you think that *reform* or *revolution* is needed in our treatment of non-humans?
 - What about cosmetic testing vs. factory farming?

Additional References

- *The Case for Animal Rights* by Tom Regan
- “Rights of Animals and Future Generations”
by Joel Feinberg
- Interview of Tom Regan on *Late Late Show*.
<http://youtu.be/AwNoBYeBW0o>



Questions? Comments?