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On July 28th the Second Law Study Group discussed Animal Rights and Human Obligations under the leadership of Professor Tom Regan of NCSU's Department of Philosophy and Religion. Philosopher Regan is a leading figure in animal rights controversy. He is widely published on the subject and lectures to national conferences such as the National Institute of Health.

Going into this subject it is important to remember that human origin in the evolutionary process has been generally accepted for only a short time. Darwin's Origin of Species was published in 1859 and Teilhard's Phenomenon of Man in 1955. Which is to say that the human relationship to other forms of life has been recognized and accepted only in recent years.

A view of the human as one component (albeit the leading component) of the web of life constituting the "biosphere" (the living layer over the earth's surface) requires acknowledging that the human has obligations to the earth and to the "land" as Aldo Leopold defined the "land", ". . . the individual is a member of a community of interdependent parts. His instincts prompt him to compete for his place in the community, but his ethics prompt him also to cooperate (perhaps in order that there may be a place to compete for). The land ethic simply enlarges the boundaries of the community to include soils, waters, plants and animals, or collectively, the land." The requirement to cooperate with the "land" as it applies to animals is the obligation Professor Regan has in mind.

What should guide human behaviour so far as it relates to animals has always been a matter of importance to philosophers. There have been, essentially, four approaches.

One, The Kantian Account. "We are not to kick dogs, set fire to cats' tails, torment hamsters or parakeets. Philosophically, the issue is not so much whether but why these acts are wrong." Immanuel Kant holds that people who torment animals are also likely to torment people. It is the habit of inflicting that constitutes the evil, not the injury to the animal. This argument is rejected because it excludes the interest of the animal not to be harmed.

Two, The Cruelty Account. The reason we are not to kick dogs is that we are not to be cruel and kicking dogs is cruel. The problem here is that the definition of cruelty involves the state of mind of the agent. A dentist inflicts pain but the dentist is not cruel. To meet the definition of cruelty the agent must derive pleasure from the pain he inflicts. When a researcher paints the eye of a rabbit (Draize test) with a cosmetic to test for toxicity he takes no pleasure in the pain suffered by the rabbit. Nevertheless, many find the Draize test to be deeply wrong.

Three, The Utilitarian Account. Utilitarians recognize that animals have a legitimate interest in not being harmed but that when all the consequences of the act are weighted in the balance, if the good outweighs the bad then the act may be justified; the animal's interest is overridden by the balance in favor of good. This is a sort of the-end-justifies-the-means argument and it is widely subscribed to. Right and wrong are determined by results. A most important feature of Utilitarianism is that

comparable interests are considered to be equal. That is to say that the animal's interest in not being harmed is as important to it as the interest of the human in not being harmed is to him. Therefore, one would not do an experiment with an animal if he would refrain from doing the same experiment with a human. Peter Singer, a foremost advocate of the Utilitarian approach argues that it is wrong to do to animals what we would not do to humans. Professor Regan, however, finds that Singer fails in making his case against, for example the intensive raising of livestock for food, since a detailed accounting of all the satisfactions (goods) achieved versus the harm done the animals might come out to justify the practise. It fails also on the same grounds that ends/means arguments fail.

Four, The Rights Account. Regan:

I have thus far argued (1) that the moral principles we seek cannot refer to the agent's state of mind, to whether the agent takes a 'seeming kind of pleasure' in causing animal suffering; (2) these principles cannot refer only to consequences that harm or benefit human beings since this prejudicially leaves out of account the harms and benefits to the animals themselves; (3) these principles cannot refer only to the utilitarian objective of maximizing the balance of good over evil, even if animal harms and benefits are taken into account. What is wanted, then is an account which avoids each of these shortcomings. This account is to be found, I believe, by postulating the existence of animal rights. Indeed, I believe that only if we postulate human rights can we provide a theory which adequately guards humans against the abuses which utilitarianism might permit."

Regan then goes on to point out how only in rare cases can the individual human right not to be harmed be overridden. The reason for this is that humans have inherent value which does not depend on their utility or their skills or whether they have value to someone else. A human has value simply because he is. "In Kant's terms, what has value in itself must always be treated as an end, never merely as a means. However, this is precisely what we are doing if we harm an individual so that others might gain pleasure or profit; we are treating the individual merely as a means, as valuable only to the extent he/she contributes to the collective interest."

Regan goes on from here to establish that animals, at least some animals, have inherent value just as humans do. To follow this argument in detail find a copy of his essay "Animal Rights, Human Wrongs" in Environmental Ethics, summer 1980. The following paragraph is out of the conclusion to that article:

It would be grotesque to suggest that the whale, the rabbit, the gibbon, the veal calf, the millions of animals brought so much pain and death at the hands of humans, are not harmed, for harm is not restricted to human beings. They are harmed, harmed in a literal, not a metaphorical sense. They are made to endure what is detrimental to their welfare, even death. Those who would harm them, therefore, must justify doing so. Thus, members of the whaling industry, the cosmetics industry, the farming industry, the network of hunters-exporters-importers must justify the harm they bring animals, in a way that is consistent with recognizing the animals' right not to be harmed. To produce such a justification it is not enough to argue that people profit, satisfy their curiosity, or derive pleasure from allowing animals to be treated in these ways. These facts are not the morally relevant ones. Rather, what must be shown is that overriding the right of animals not to be harmed is justified because of further facts. For example, because we have very good reason to believe that overriding the individual's right prevents, and is the only realistic way to prevent, vastly greater harm to other innocent individuals.

This is stunning stuff. If Regan is right vast changes in the way we live are in order.

- August 25th - Professor Leslie Real on Evolution
- September 22nd - Professor Jim Hunt on Monhandas Gandhi (please note this is a changed date from September 29th)