Tom Regan, “The Case for Animal Rights”

Instructions

During my absence, you will:

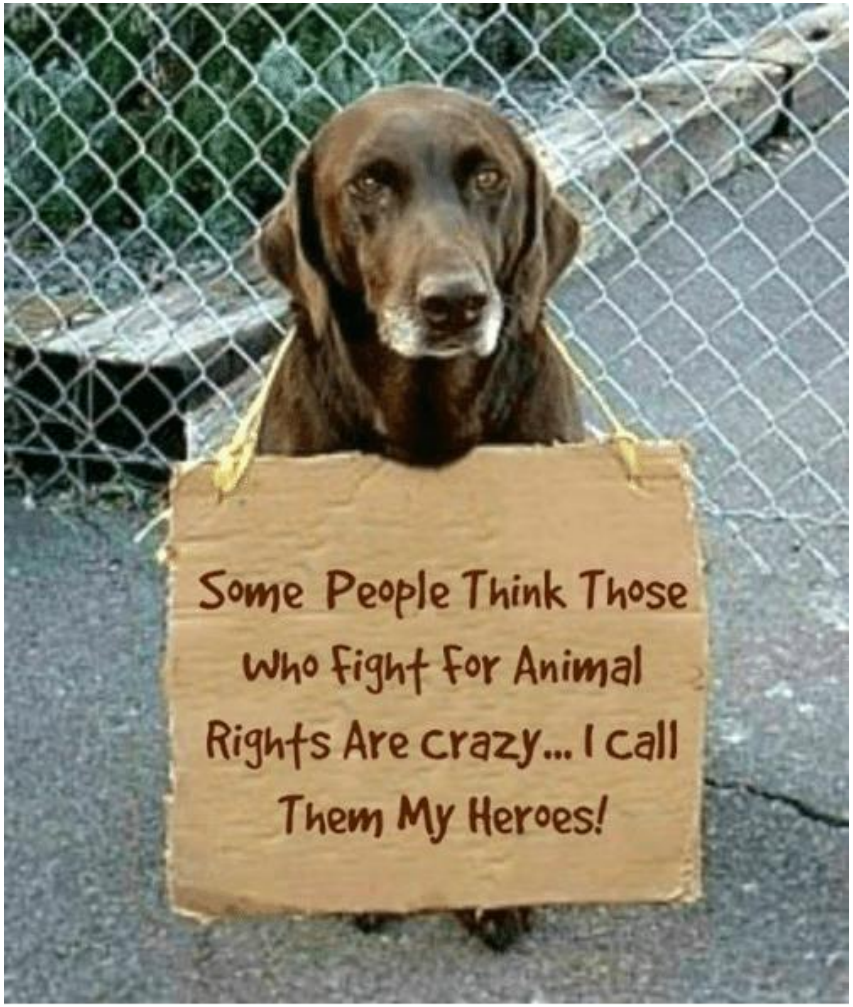
- Read the introductory notes on Tom Regan and his Neo-Kantian/rights based approach to animal rights.

- Read Tom Regan’s, “The Case for Animal Rights”

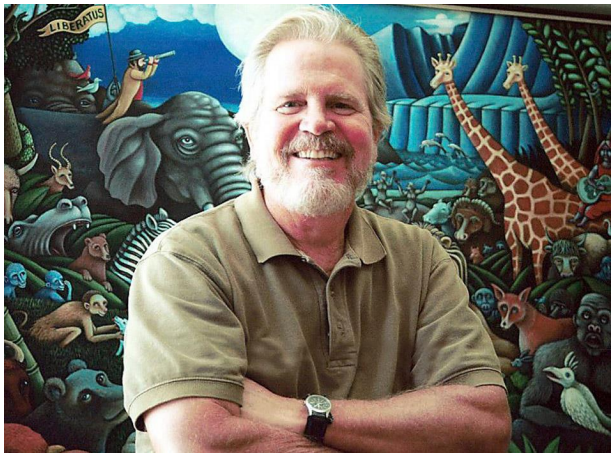
- Read the teacher notes on the, “The Case for Animal Rights”

- Answer 5 questions on GoogleForms using your section’s GoogleForms link on Archie.

- Upload your assignment for a grade through GoogleForms and Archie.



Animal Rights II: Tom Regan



- Tom Regan (1938-2017) was for many years a professor of philosophy at North Carolina State
- He strongly supported animal rights
- He was a vegan
- He rejects utilitarianism
- A Kantian, he says non-human animals should be treated with respect and dignity, as ends in themselves, just like human animals
- All animals have an inherent value (a value for its own sake), not an instrumental value (a value for others)
- They have this inherent value equal to humans based on their being "subjects-of-a-life"
- As a result, animals have the right to live free, away from pain, suffering, exploitation, etc. It is wrong to treat them as commodities, as resources for human use.

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Goals of the Animal Rights Movement, according to Tom Regan

- Total abolition of the use of animals in scientific research
- Total dissolution of commercial animal agriculture
- Total elimination of commercial and sport hunting and trapping

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The Case for Animal Rights (1984)

- Part of the "rights view" – a view that rejects tolerance for any and all forms of racial, sexual or social discrimination and denies that we can justify the use of immoral or evil means that violate individual rights because of good consequences or results
- Regan claims that the rights view should not be limited to humans
- Animals have inherent value and worth because, like humans, they are also "experiencing subjects of a life"
- Cf. Paul W. Taylor's "The Ethics of Respect for Nature" – Kant-like respect for nature; All living things have inherent worth

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"It is not an act of kindness to treat animals respectfully. It is an act of justice."

- Tom Regan

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The Case for Animal Rights

TOM REGAN

Tom Regan is professor emeritus of philosophy at North Carolina State University. He has written or edited more than 20 books and published numerous articles. His books on the subject of animal rights include *All That Dwell Therein* (1982), *The Case for Animal Rights* (1984), and *Empty Cages* (2004).

Source: Tom Regan, "The Case for Animal Rights," from *In Defence of Animals*, ed. Peter Singer, pp. 13-26.

Regan defends the view that animals have rights based on their inherent value as experiencing subjects of a life. He attacks other views, including indirect-duty views, the cruelty-kindness view (as he calls it), and even Singer's utilitarianism. Although he agrees with Singer that our treatment of animals is wrong and that speciesism is unjust, he denies that it is wrong because of animal suffering. Instead he thinks that our treatment of animals is wrong because we violate the rights of animals.

I regard myself as an advocate of animal rights—as a part of the animal rights movement. That movement, as I conceive it, is committed to a number of goals, including:

the total abolition of the use of animals in science;

the total dissolution of commercial animal agriculture;

the total elimination of commercial and sport hunting and trapping.

There are, I know, people who profess to believe in animal rights but do not avow these goals. Factory farming, they say, is wrong—it violates animals' rights—but traditional animal agriculture is all right. Toxicity tests of cosmetics on animals violates their rights, but important medical research—cancer research, for example—does not. The clubbing of baby seals is abhorrent, but not the harvesting of adult seals. I used to think I understood this reasoning. Not any more. You don't change unjust institutions by tidying them up.

What's wrong—fundamentally wrong—with the way animals are treated isn't the details that vary from case to case. It's the whole system. The forlornness of the veal calf is pathetic, heart wrenching; the pulsing pain of the chimp with electrodes planted deep in her brain is repulsive; the slow, tortuous death of the raccoon caught in the leg-hold trap is agonizing. But what is wrong isn't the pain, isn't the suffering, isn't the deprivation. These compound what's wrong. Sometimes—often—they make it much, much worse. But they are not the fundamental wrong.

The fundamental wrong is the system that allows us to view animals as *our resources,* here for *us*—to be eaten, or surgically manipulated, or exploited for sport or money. Once we accept this view of animals—as our resources—the rest is as predictable as it is regrettable. Why worry about their loneliness, their pain, their death? Since animals exist for us, to benefit us in one way or another, what harms them really doesn't matter—or matters only if it starts to bother us, makes us feel a trifle uneasy when we eat our veal escalope, for example. So, yes, let us get veal calves out of solitary confinement, give them more space, a little straw, a few companions. But let us keep our veal escalope.

But a little straw, more space and a few companions won't eliminate—won't even touch—the basic wrong that attaches to our viewing and treating these animals as our resources. A veal calf killed to be eaten after living in close confinement is viewed and treated in this way: but so, too, is another who is raised (as they say) "more humanely." To right the wrong of our treatment of farm animals requires more than making rearing methods "more humane"; it requires the total dissolution of commercial animal agriculture.

How do we do this, whether we do it or, as in the case of animals in science, whether and how we abolish their use—these are to a large extent political questions. People must change their beliefs before they change their habits. Enough people, especially those elected to public office, must believe in change—must want it—before we will have laws that protect the rights of animals. This process of change is very complicated, very demanding, very exhausting, calling for the efforts of many hands in education, publicity, political organization and activity, down to the licking of envelopes and stamps.

As a trained and practicing philosopher, the sort of contribution I can make is limited but, I like to think, important. The currency of philosophy is ideas—their meaning and rational

foundation—not the nuts and bolts of the legislative process, say, or the mechanics of community organization. That's what I have been exploring over the past ten years or so in my essays and talks and, most recently, in my book, *The Case for Animal Rights*. I believe the major conclusions I reach in the book are true because they are supported by the weight of the best arguments. I believe the idea of animal rights has reason, not just emotion, on its side.

In the space I have at my disposal here I can only sketch, in the barest outline, some of the main features of the book. Its main themes—and we should not be surprised by this—involve asking and answering deep, fundamental moral questions about what morality is, how it should be understood and what is the best moral theory, all considered. I hope I can convey something of the shape I think this theory takes. The attempt to do this will be (to use a word a friendly critic once used to describe my work) cerebral, perhaps too cerebral. But this is misleading. My feelings about how animals are sometimes treated run just as deep and just as strong as those of my more volatile compatriots. Philosophers do—to use the jargon of the day—have a right side to their brains. If it's the left side we contribute (or mainly should), that's because what talents we have reside there.

How to proceed? We begin by asking how the moral status of animals has been understood by thinkers who deny that animals have rights. Then we test the mettle of their ideas by seeing how well they stand up under the heat of fair criticism. If we start our thinking in this way, we soon find that some people believe that we have no duties directly to animals, that we owe nothing to them, that we can do nothing that wrongs them. Rather, we can do wrong acts that involve animals, and so we have duties regarding them, though none to them. Such views may be called indirect duty views. By way of illustration: suppose your neighbour kicks your dog. Then your neighbour has done something wrong. But not to your dog. The wrong that has been done is a wrong to you. After all, it is wrong to upset people, and your neighbour's kicking your dog upsets you. So you are the one who is wronged, not your dog. Or again: by kicking your dog your neighbour damages your property. And since it is wrong to damage another person's property, your neighbour has done something wrong—to you, of course, not to your dog. Your neighbour no more wrongs your dog than your car would be wronged if the windshield were smashed. Your neighbour's duties involving your dog are indirect duties to you. More generally, all of our duties regarding animals are indirect duties to one another—to humanity.

How could someone try to justify such a view? Someone might say that your dog doesn't feel anything and so isn't hurt by your neighbour's kick, doesn't care about the pain since none is felt, is as unaware of anything as is your windshield. Someone might say this, but no rational person will, since, among other considerations, such a view will commit anyone who holds it to the position that no human being feels pain either—that human beings don't care about what happens to them. A second possibility is that though both humans and your dog are hurt when kicked, it is only human pain that matters. But, again, no rational person can believe this. Pain is pain wherever it occurs. If your neighbour's causing you pain is wrong because of the pain that is caused, we cannot rationally ignore or dismiss the moral relevance of the pain that your dog feels.

Philosophers who hold indirect duty views—and many still do—have come to understand that they must avoid the two defects just noted: that is, both the view that animals don't feel anything as well as the idea that only human pain can be morally relevant. Among such thinkers the sort of view now favoured is one or other form of what is called *contractarianism*.

Here, very crudely, is the root idea: morality consists of a set of rules that individuals voluntarily agree to abide by, as we do when we sign a contract (hence the name contractarianism). Those who understand and accept the terms of the contract are covered directly; they have rights created and recognized by, and protected in, the contract. And these contractors can also have protection spelled out for others who, though they lack the ability to understand morality and so cannot sign the contract themselves, are

loved or cherished by those who can. Thus young children, for example, are unable to sign contracts and lack rights. But they are protected by the contract none the less because of the sentimental interests of others, most notably their parents. So we have, then, duties involving these children, duties regarding them, but no duties to them. Our duties in their case are indirect duties to other human beings, usually their parents.

As for animals, since they cannot understand contracts, they obviously cannot sign; and since they cannot sign, they have no rights. Like children, however, some animals are the objects of the sentimental interest of others. You, for example, love your dog or cat. So those animals that enough people care about (companion animals, whales, baby seals, the American bald eagle), though they lack rights themselves, will be protected because of the sentimental interests of people. I have, then, according to contractarianism, no duty directly to your dog or any other animal, not even the duty not to cause them pain or suffering; my duty not to hurt them is a duty I have to those people who care about what happens to them. As for other animals, where no or little sentimental interest is present—in the case of farm animals, for example, or laboratory rats—what duties we have grow weaker and weaker, perphaps to vanishing point. The pain and death they endure, though real, are not wrong if no one cares about them.

When it comes to the moral status of animals, contractarianism could be a hard view to refute if it were an adequate theoretical approach to the moral status of human beings. It is not adequate in this latter respect, however, which makes the question of its adequacy in the former case, regarding animals, utterly moot. For consider: morality, according to the (crude) contractarian position before us, consists of rules that people agree to abide by. What people? Well, enough to make a difference—enough, that is, *collectively* to have the power to enforce the rules that are drawn up in the contract. That is very well and good for the signatories but not so good for anyone who is not asked to sign. And there is nothing in contractarianism of the sort we are discussing that guarantees or requires that everyone will have a chance to participate equally in framing the rules of morality. The result is that this approach to ethics could sanction the most blatant forms of social, economic, moral and political injustice, ranging from a repressive caste system to systematic racial or sexual discrimination. Might, according to this theory, does make right. Let those who are the victims of injustice suffer as they will. It matters not so long as no one else—no contractor, or too few of them—cares about it. Such a theory takes one's moral breath away . . . as if, for example, there would be nothing wrong with apartheid in South Africa if few white South Africans were upset by it. A theory with so little to recommend it at the level of the ethics of our treatment of our fellow humans cannot have anything more to recommend it when it comes to the ethics of how we treat our fellow animals.

The version of contractarianism just examined is, as I have noted, a crude variety, and in fairness to those of a contractarian persuasion it must be noted that much more refined, subtle and ingenious varieties are possible. For example, John Rawls, in his *A Theory of Justice,* sets forth a version of contractarianism that forces contractors to ignore the accidental features of being a human being—for example, whether one is white or black, male or female, a genius or of modest intellect. Only by ignoring such features, Rawls believes, can we ensure that the principles of justice that contractors would agree upon are not based on bias or prejudice. Despite the improvement a view such as Rawls's represents over the cruder forms of contractarianism, it remains deficient: it systematically denies that we have direct duties to those human beings who do not have a sense of justice—young children, for instance, and many mentally retarded humans. And yet it seems reasonably certain that, were we to torture a young child or a retarded elder, we would be doing something that wronged him or her, not something that would be wrong if (and only if) other humans with a sense of justice were upset. And since this is true in the case of these humans, we cannot rationally deny the same in the case of animals.

Indirect duty views, then, including the best among them, fail to command our rational

assent. Whatever ethical theory we should accept rationally, therefore, it must at least recognize that we have some duties directly to animals, just as we have some duties directly to each other. The next two theories I'll sketch attempt to meet this requirement.

The first I call the cruelty-kindness view. Simply stated, this says that we have a direct duty to be kind to animals and a direct duty not to be cruel to them. Despite the familiar, reassuring ring of these ideas, I do not believe that this view offers an adequate theory. To make this clearer, consider kindness. A kind person acts from a certain kind of motive—compassion or concern, for example. And that is a virtue. But there is no guarantee that a kind act is a right act. If I am a generous racist, for example, I will be inclined to act kindly towards members of my own race, favouring their interests above those of others. My kindness would be real and, so far as it goes, good. But I trust it is too obvious to require argument that my kind acts may not be above moral reproach—may, in fact, be positively wrong because rooted in injustice. So kindness, notwithstanding its status as a virtue to be encouraged, simply will not carry the weight of a theory of right action.

Cruelty fares no better. People or their acts are cruel if they display either a lack of sympathy for or, worse, the presence of enjoyment in another's suffering. Cruelty in all its guises is a bad thing, a tragic human failing. But just as a person's being motivated by kindness does not guarantee that he or she does what is right, so the absence of cruelty does not ensure that he or she avoids doing what is wrong. Many people who perform abortions, for example, are not cruel, sadistic people. But that fact alone does not settle the terribly difficult question of the morality of abortion. The case is no different when we examine the ethics of our treatment of animals. So, yes, let us be for kindness and against cruelty. But let us not suppose that being for the one and against the other answers questions about moral right and wrong.

Some people think that the theory we are looking for is utilitarianism. A utilitarian accepts two moral principles. The first is that of equality: everyone's interests count, and similar interests must be counted as having similar weight or importance. White or black, American or Iranian, human or animal—everyone's pain or frustration matter, and matter just as much as the equivalent pain or frustration of anyone else. The second principle a utilitarian accepts is that of utility: do the act that will bring about the best balance between satisfaction and frustration for everyone affected by the outcome.

As a utilitarian, then, here is how I am to approach the task of deciding what I morally ought to do: I must ask who will be affected if I choose to do one thing rather than another, how much each individual will be affected, and where the best results are most likely to lie—which option, in other words, is most likely to bring about the best results, the best balance between satisfaction and frustration. That option, whatever it may be, is the one I ought to choose. That is where my moral duty lies.

The great appeal of utilitarianism rests with its uncompromising *egalitarianism:* everyone's interests count and count as much as the like interests of everyone else. The kind of odious discrimination that some forms of contractarianism can justify—discrimination based on race or sex, for example—seems disallowed in principle by utilitarianism, as is speciesism, systematic discrimination based on species membership.

The equality we find in utilitarianism, however, is not the sort an advocate of animal or human rights should have in mind. Utilitarianism has no room for the equal moral rights of different individuals because it has no room for their equal inherent value or worth. What has value for the utilitarian is the satisfaction of an individual's interests, not the individual whose interests they are. A universe in which you satisfy your desire for water, food and warmth is, other things being equal, better than a universe in which these desires are frustrated. And the same is true in the case of an animal with similar desires. But neither you nor the animal have any value in your own right. Only your feelings do.

Here is an analogy to help make the philosophical point clearer: a cup contains different liquids, sometimes sweet, sometimes bitter,

sometimes a mix of the two. What has value are the liquids: the sweeter the better, the bitterer the worse. The cup, the container, has no value. It is what goes into it, not what they go into, that has value. For the utilitarian you and I are like the cup; we have no value as individuals and thus no equal value. What has value is what goes into us, what we serve as receptacles for; our feelings of satisfaction have positive value, our feelings of frustration negative value.

Serious problems arise for utilitarianism when we remind ourselves that it enjoins us to bring about the best consequences. What does this mean? It doesn't mean the best consequences for me alone, or for my family or friends, or any other person taken individually. No, what we must do is, roughly, as follows: we must add up (somehow!) the separate satisfactions and frustrations of everyone likely to be affected by our choice, the satisfactions in one column, the frustrations in the other. We must total each column for each of the options before us. That is what it means to say the theory is aggregative. And then we must choose that option which is most likely to bring about the best balance of totalled satisfactions over totalled frustrations. Whatever act would lead to this outcome is the one we ought morally to perform—it is where our moral duty lies. And that act quite clearly might not be the same one that would bring about the best results for me personally, or for my family or friends, or for a lab animal. The best aggregated consequences for everyone concerned are not necessarily the best for each individual.

That utilitarianism is an aggregative theory—different individuals' satisfactions or frustrations are added, or summed, or totalled—is the key objection to this theory. My Aunt Bea is old, inactive, a cranky, sour person, though not physically ill. She prefers to go on living. She is also rather rich. I could make a fortune if I could get my hands on her money, money she intends to give me in any event, after she dies, but which she refuses to give me now. In order to avoid a huge tax bite, I plan to donate a handsome sum of my profits to a local children's hospital. Many, many children will benefit from my generosity, and much joy will be brought to their parents, relatives and friends. If I don't get the money rather soon, all these ambitions will come to naught. The once-in-a-lifetime opportunity to make a real killing will be gone. Why, then, not kill my Aunt Bea? Oh, of course I *might* get caught. But I'm no fool and, besides, her doctor can be counted on to co-operate (he has an eye for the same investment and I happen to know a good deal about his shady past). The deed can be done . . . professionally, shall we say. There is *very* little chance of getting caught. And as for my conscience being guilt-ridden, I am a resourceful sort of fellow and will take more than sufficient comfort—as I lie on the beach at Acapulco—in contemplating the joy and health I have brought to so many others.

Suppose Aunt Bea is killed and the rest of the story comes out as told. Would I have done anything wrong? Anything immoral? One would have thought that I had. Not according to utilitarianism. Since what I have done has brought about the best balance between totalled satisfaction and frustration for all those affected by the outcome, my action is not wrong. Indeed, in killing Aunt Bea the physician and I did what duty required.

This same kind of argument can be repeated in all sorts of cases, illustrating, time after time, how the utilitarian's position leads to results that impartial people find morally callous. It *is* wrong to kill my Aunt Bea in the name of bringing about the best results for others. A good end does not justify an evil means. Any adequate moral theory will have to explain why this is so. Utilitarianism fails in this respect and so cannot be the theory we seek.

What to do? Where to begin anew? The place to begin, I think, is with the utilitarian's view of the value of the individual—or, rather, lack of value. In its place, suppose we consider that you and I, for example, do have value as individuals—what we'll call *inherent value*. To say we have such value is to say that we are something more than, something different from, mere receptacles. Moreover, to ensure that we do not pave the way for such injustices as slavery or sexual discrimination, we must believe that all who have inherent value have it equally, regardless of their sex, race, religion, birthplace and so on. Similarly to

be discarded as irrelevant are one's talents or skills, intelligence and wealth, personality or pathology, whether one is loved and admired or despised and loathed. The genius and the retarded child, the prince and the pauper, the brain surgeon and the fruit vendor, Mother Teresa and the most unscrupulous used-car salesman—all have inherent value, all possess it equally, and all have an equal right to be treated with respect, to be treated in ways that do not reduce them to the status of things, as if they existed as resources for others. My value as an individual is independent of my usefulness to you. Yours is not dependent on your usefulness to me. For either of us to treat the other in ways that fail to show respect for the other's independent value is to act immorally, to violate the individual's rights.

Some of the rational virtues of this view—what I call the rights view—should be evident. Unlike (crude) contractarianism, for example, the rights view *in principle* denies the moral tolerability of any and all forms of racial, sexual and social discrimination; and unlike utilitarianism, this view *in principle* denies that we can justify good results by using evil means that violate an individual's rights—denies, for example, that it could be moral to kill my Aunt Bea to harvest beneficial consequences for others. That would be to sanction the disrespectful treatment of the individual in the name of the social good, something the rights view will not—categorically will not—ever allow.

The rights view, I believe, is rationally the most satisfactory moral theory. It surpasses all other theories in the degree to which it illuminates and explains the foundation of our duties to one another—the domain of human morality. On this score it has the best reasons, the best arguments, on its side. Of course, if it were possible to show that only human beings are included within its scope, then a person like myself, who believes in animal rights, would be obliged to look elsewhere.

But attempts to limit its scope to humans only can be shown to be rationally defective. Animals, it is true, lack many of the abilities humans possess. They can't read, do higher mathematics, build a bookcase or make *baba ghanoush*. Neither can many human beings, however, and yet we don't (and shouldn't) say that they (these humans) therefore have less inherent value, less of a right to be treated with respect, than do others. It is the *similarities* between those human beings who most clearly, most noncontroversially have such value (the people reading this, for example), not our differences, that matter most. And the really crucial, the basic similarity is simply this: we are each of us the experiencing subject of a life, a conscious creature having an individual welfare that has importance to us whatever our usefulness to others. We want and prefer things, believe and feel things, recall and expect things. And all these dimensions of our life, including our pleasure and pain, our enjoyment and suffering, our satisfaction and frustration, our continued existence or our untimely death—all make a difference to the quality of our life as lived, as experienced, by us as individuals. As the same is true of those animals that concern us (the ones that are eaten and trapped, for example), they too must be viewed as the experiencing subjects of a life, with inherent value of their own.

Some there are who resist the idea that animals have inherent value. "Only humans have such value," they profess. How might this narrow view be defended? Shall we say that only humans have the requisite intelligence, or autonomy, or reason? But there are many, many humans who fail to meet these standards and yet are reasonably viewed as having value above and beyond their usefulness to others. Shall we claim that only humans belong to the right species, the species *Homo sapiens*? But this is blatant speciesism. Will it be said, then, that all—and only—humans have immortal souls? Then our opponents have their work cut out for them. I am myself not ill-disposed to the proposition that there are immortal souls. Personally, I profoundly hope I have one. But I would not want to rest my position on a controversial ethical issue on the even more controversial question about who or what has an immortal soul. That is to dig one's hole deeper, not to climb out. Rationally, it is better to resolve moral issues without making more controversial assumptions

than are needed. The question of who has inherent value is such a question, one that is resolved more rationally without the introduction of the idea of immortal souls than by its use.

Well, perhaps some will say that animals have some inherent value, only less than we have. Once again, however, attempts to defend this view can be shown to lack rational justification. What could be the basis of our having more inherent value than animals? Their lack of reason, or autonomy, or intellect? Only if we are willing to make the same judgment in the case of humans who are similarly deficient. But it is not true that such humans—the retarded child, for example, or the mentally deranged—have less inherent value than you or I. Neither, then, can we rationally sustain the view that animals like them in being the experiencing subjects of a life have less inherent value. *All* who have inherent value have it *equally,* whether they be human animals or not.

Inherent value, then, belongs equally to those who are the experiencing subjects of a life. Whether it belongs to others—to rocks and rivers, trees and glaciers, for example—we do not know and may never know. But neither do we need to know, if we are to make the case for animal rights. We do not need to know, for example, how many people are eligible to vote in the next presidential election before we can know whether I am. Similarly, we do not need to know how many individuals have inherent value before we can know that some do. When it comes to the case for animal rights, then, what we need to know is whether the animals that, in our culture, are routinely eaten, hunted and used in our laboratories, for example, are like us in being subjects of a life. And we do know this. We do know that many—literally, billions and billions—of these animals are the subjects of a life in the sense explained and so have inherent value if we do. And since, in order to arrive at the best theory of our duties to one another, we must recognize our equal inherent value as individuals, reason—not sentiment, not emotion—reason compels us to recognize the equal inherent value of these animals and, with this, their equal right to be treated with respect.

That, *very* roughly, is the shape and feel of the case for animal rights. Most of the details of the supporting argument are missing. They are to be found in the book to which I alluded earlier. Here, the details go begging, and I must, in closing, limit myself to four final points.

The first is how the theory that underlies the case for animal rights shows that the animal rights movement is a part of, not antagonistic to, the human rights movement. The theory that rationally grounds the rights of animals also grounds the rights of humans. Thus those involved in the animal rights movement are partners in the struggle to secure respect for human rights—the rights of women, for example, or minorities, or workers. The animal rights movement is cut from the same moral cloth as these.

Second, having set out the broad outlines of the rights view, I can now say why its implications for farming and science, among other fields, are both clear and uncompromising. In the case of the use of animals in science, the rights view is categorically abolitionist. Lab animals are not our tasters; we are not their kings. Because these animals are treated routinely, systematically as if their value were reducible to their usefulness to others, they are routinely, systematically treated with a lack of respect, and thus are their rights routinely, systematically violated. This is just as true when they are used in trivial, duplicative, unnecessary or unwise research as it is when they are used in studies that hold out real promise of human benefits. We can't justify harming or killing a human being (my Aunt Bea, for example) just for these sorts of reasons. Neither can we do so even in the case of so lowly a creature as a laboratory rat. It is not just refinement or reduction that is called for, not just larger, cleaner cages, not just more generous use of anaesthetic or the elimination of multiple surgery, not just tidying up the system. It is complete replacement. The best we can do when it comes to using animals in science is—not to use them. That is where our duty lies, according to the rights view.

As for commercial animal agriculture, the rights view takes a similar abolitionist position. The fundamental moral wrong here is not that animals are kept in stressful close confinement

or in isolation, or that their pain and suffering, their needs and preferences are ignored or discounted. All these *are* wrong, of course, but they are not the fundamental wrong. They are symptoms and effects of the deeper, systematic wrong that allows these animals to be viewed and treated as lacking independent value, as resources for us—as, indeed, a renewable resource. Giving farm animals more space, more natural environments, more companions does not right the fundamental wrong, any more than giving lab animals more anaesthesia or bigger, cleaner cages would right the fundamental wrong in their case. Nothing less than the total dissolution of commerical animal agriculture will do this, just as, for similar reasons I won't develop at length here, morality requires nothing less than the total elimination of hunting and trapping for commercial and sporting ends. The rights view's implications, then, as I have said, are clear and uncompromising.

My last two points are about philosophy, my profession. It is, most obviously, no substitute for political action. The words I have written here and in other places by themselves don't change a thing. It is what we do with the thoughts that the words express—our acts, our deeds—that changes things. All that philosophy can do, and all I have attempted, is to offer a vision of what our deeds should aim at. And the why. But not the how.

Finally, I am reminded of my thoughtful critic, the one I mentioned earlier, who chastised me for being too cerebral. Well, cerebral I have been: indirect duty views, utilitarianism, contractarianism—hardly the stuff deep passions are made of. I am also reminded, however, of the image another friend once set before me—the image of the ballerina as expressive of disciplined passion. Long hours of sweat and toil, of loneliness and practice, of doubt and fatigue: those are the discipline of her craft. But the passion is there too, the fierce drive to excel, to speak through her body, to do it right, to pierce our minds. That is the image of philosophy I would leave with you, not 'too cerebral' but *disciplined passion*. Of the discipline enough has been seen. As for the passion: there are times, and these not infrequent, when tears come to my eyes when I see, or read, or hear of the wretched plight of animals in the hands of humans. Their pain, their suffering, their loneliness, their innocence, their death. Anger. Rage. Pity. Sorrow. Disgust. The whole creation groans under the weight of the evil we humans visit upon these mute, powerless creatures. It *is* our hearts, not just our heads, that call for an end to it all, that demand of us that we overcome, for them, the habits and forces behind their systematic oppression. All great movements, it is written, go through three stages: ridicule, discussion, adoption. It is the realization of this third stage, adoption, that requires both our passion and our discipline, our hearts and our heads. The fate of animals is in our hands. God grant we are equal to the task.

Tom Regan's "Case for Animal Rights" Notes

- *"I regard myself as an advocate of animal rights — as a part of the animal rights movement. That movement, as I conceive it, is committed to a number of goals, including:*

• *the total abolition of the use of animals in science*
• *the total dissolution of commercial animal agriculture*
• *the total elimination of commercial and sport hunting and trapping."*

Some view this an extreme view. So, why is this the case for Regan? Because, in his views, you can't tidy up unjust systems. The system is the problem- the system of viewing animals as mere resources.

It then follows that, "How do you change the system?", is the big question. The answer is radical- get people to change their beliefs on animals as resources. Regan argues, before you can change the system, you must change the beliefs of those in power. In order for those in power to change their beliefs, they must listen to the reasoning behind the animal rights argument and not simply feed off of their subjective emotions.

HOW DO YOU START? Well, Regan as a trained philosopher, posits (lays down or assumes as a fact or principle) that you must first address the core of the beliefs of those who do not believe animals should have rights.

"We begin by asking how the moral status of animals has been understood by thinkers who deny that animals have rights. Then we test the mettle of their ideas by seeing how well they stand up under the heat of fair criticism."

- **Ask good (Socratic) questions :)**

"If we start our thinking in this way, we soon find that some people believe that we have no duties directly to animals, that we owe nothing to them, that we can do nothing that wrongs them. Rather, we can do wrong acts that involve animals, and so we have duties regarding them, though none to them. Such views may be called indirect duty views."

Here, Regan is speaking towards the Kantian Ethics crowd. He goes on to give the example of why you shouldn't kick your neighbors dog- it upsets the neighbor. He criticizes this view by saying that people who hold this view only see human pain as being meaningful. However, this is absurd (ridiculous) as pain is pain. He calls this view (animals don't feel pain and the only pain that matters is human pain) contractarianism.

"Here, very crudely, is the root idea: morality consists of a set of rules that individuals voluntarily agree to abide by, as we do when we sign a contract (hence the name contractarianism). Those who understand and accept the terms of the contract are covered directly…"

As animals cannot sign contracts or speak for themselves, they would only have rights so long as enough human beings (contractors) have sentimental feelings towards them and create a contract that allows for their rights to be protected.

The pain and death of animals only matters, therefore, as long as enough humans care.

Regan goes on to say that contractarianism for humans has led to human rights abuses (think apartheid, slavery, etc as those who suffered from apartheid and slavery were not viewed as moral equals to the whites who had the moral status of being able to establish the moral contract). Animals fall into the same category of not holding a moral status that would allow for being included in moral contracts that grant them rights.

- **Slaves (not a moral equal to whites) = not able to form/be part of a contract = abuse is ok by whites**
- **Animals (not a moral equal to humans) = not able to form/be part of a contract = abuse is ok by humans**

After explaining the shortcomings of contractarianism, Regan suggests that the next argument one would have to analyze is utilitarianism as it focuses on minimizing pain and maximizing pleasure. Utilitarians would state that maximizing kindness and minimizing cruelty would then follow.

"A utilitarian accepts two moral principles. The first is that of equality: everyone's interests count, and similar interests must be counted as having similar weight or importance. White or black, American or Iranian, human or animal - everyone's pain or frustration matter, and matter just as much as the equivalent pain or frustration of anyone else. The second principle a utilitarian accepts is that of utility: do the act that will bring about the best balance between satisfaction and frustration for everyone affected by the outcome.

As a utilitarian, then, here is how I am to approach the task of deciding what I morally ought to do: I must ask who will be affected if I choose to do one thing rather than another, how much each individual will be affected, and where the best results are most likely to lie - which option, in other words, is most likely to bring about the best results, the best balance between satisfaction and frustration. That option, whatever it may be, is the one I ought to choose. That is where my moral duty lies."

Regan critiques the utilitarian viewpoint by noting two points:

1. **It is based on feelings. Your desire to be safe and warm is preferred to being scared and cold.**
2. **The consequences of an action that are best for the largest # of people may not be best for a number of individuals.**

"That utilitarianism is an aggregative theory — different individuals' satisfactions or frustrations are added, or summed, or totalled - is the key objection to this theory."

"... A good end does not justify an evil means. Any adequate moral theory will have to explain why this is so. Utilitarianism fails in this respect and so cannot be the theory we seek."

So, where do you go from here now that you have discarded every moral theory prior?
How do you begin? Regan argues that you need to take elements that work from varying moral theories in order to figure out how to proceed.

From utilitarianism and Kantian ethics, you take the idea of an individual's inherent worth or value- seeing an individual as having rights.

"For either of us to treat the other in ways that fail to show respect for the other's independent value is to act immorally, to violate the individual's rights. Some of the rational virtues of this view - what I call the rights view - should be evident. Unlike (crude) contractarianism, for example, the rights view in principle denies the moral tolerability of any and all forms of racial, sexual or social discrimination; and unlike utilitarianism, this view in principle denies that we can justify good results by using evil means that violate an individual's rights… On this score it has the best reasons, the best arguments, on its side."

Some people would argue that only humans have inherent value OR animals have inherent value but to a LESS degree.

How does Regan defend his views? By providing the following reasoning:

"What could be the basis of our having more inherent value than animals? Their lack of reason, or autonomy, or intellect? Only if we are willing to make the same judgment in the case of humans who are similarly deficient. But it is not true that such humans — the retarded child, for example, or the mentally deranged - have less inherent value than you or I. Neither, then, can

we rationally sustain the view that animals like them in being the experiencing subjects of a life have less inherent value. All who have inherent value have it equally, whether they be human animals or not.

Regan makes the argument that not all humans have the same degree of intelligence. In fact, those who are born with mental disabilities are seen as morally equal to those who are not born with a mental disability. This line of reasoning can be applied to animals as well. When viewing intelligence, there should be no difference morally between the species under consideration.

Animals and humans are both experiencing subjects of a life as we both:

- **Want and prefer things**
- **Recall and expect things**
- **Experience pain and pleasure**
- **Have beliefs**
- **Have perception**
- **Have memory**
- **Have a sense of the passage of time**

… We do know that many - literally, billions and billions - of these animals are the subjects of a life in the sense explained and so have inherent value if we do. And since, in order to arrive at the best theory of our duties to one another, we must recognize our equal inherent value as individuals, reason - not sentiment, not emotion - reason compels us to recognize the equal inherent value of these animals and, with this, their equal right to be treated with respect."

Regan then leaves us with the following image:

“ The rights view's implications, then, as I have said, are clear and uncompromising. My last two points are about philosophy, my profession. It is, most obviously, no substitute for political action. The words I have written here and in other places by themselves don't change a thing. It is what we do with the thoughts that the words express — our acts, our deeds - that changes things. All that philosophy can do, and all I have attempted, is to offer a vision of what our deeds should aim at. And the why. But not the how. Finally, I am reminded of my thoughtful critic, the one I mentioned earlier, who chastised me for being too cerebral. Well, cerebral I have been: indirect duty views, utilitarianism, contractarianism - hardly the stuff deep passions are made of. I am also reminded, however, of the image another friend once set before me — the image of the ballerina as expressive of disciplined passion. Long hours of sweat and toil, of loneliness and practice, of doubt and fatigue: those are the discipline of her craft. But the passion is there too, the fierce drive to excel, to speak through her body, to do it right, to pierce our minds. That is the image of philosophy I would leave with you, not 'too cerebral' but disciplined passion. Of the discipline enough has been seen. As for the passion: there are times, and these not infrequent, when tears come to my eyes when I see, or read, or hear of the wretched plight of animals in the hands of humans. Their pain, their suffering, their loneliness, their innocence,

their death. Anger. Rage. Pity. Sorrow. Disgust. The whole creation groans under the weight of the evil we humans visit upon these mute, powerless creatures. It is our hearts, not just our heads, that call for an end to it all, that demand of us that we overcome, for them, the habits and forces behind their systematic oppression. All great movements, it is written, go through three stages: ridicule, discussion, adoption. It is the realization of this third stage, adoption, that requires both our passion and our discipline, our hearts and our heads. The fate of animals is in our hands."

Here, Regan passionately describes a call to action for individuals to rise up to the challenge to transform their philosophical ideals into action. He reminds us that the fate of animals are in our hands as stewards responsible for serving our duty towards protecting animals rights.

Tom Regan Animal Rights Assessment

(1) Part A: It can be inferred that Regan is making a modern Kantian argument by his emphasis on _____.

(A) Rights for animals who qualify as subjects of a life
(B) Sentience
(C) Rights and Sentience
(D) None of the above

(2) Part B: What evidence from the text best supports your answer to Part A?

(A) "... [S]ome people believe that we have no duties directly to animals, that we owe nothing to them, that we can do nothing that wrongs them. Rather, we can do wrong acts that involve animals, and so we have duties regarding them, though none to them. Such views may be called indirect duties view."
(B) "For either of us to treat the other in ways that fail to show respect for the other's independent value is to act immorally, to violate the individual's rights. Some of the rational virtues of this view- what I call the rights view- should be evident. Unlike (crude) contractarianism, for example, the rights view in principle denies the moral tolerability of any and all forms of racial, sexual or social discrimination; and unlike utilitarianism…"
(C) "... [T]here are times, and these not infrequent, when tears come to my eyes when I see, or read, or hear of the wretched plight of animals in the hands of humans. Their pain, their suffering, their loneliness, their innocence, their death. Anger. Rage. Pity. Sorrow. Disgust. The whole creation groans under the weight of the evil we humans visit upon these mute, powerless creatures."
(D) "...[A] good end does not justify an evil means. Any adequate moral theory will have to explain why this is so."

(3) Part A: Which of the following letter choices between A and B best represents the relationship between contractarianism and rights abuses?

(A) Only those who are viewed as holding a moral status that allows for them to establish and be part of a moral contract have rights. Those who do not have rights as they are not part of the moral contract can be abused in whatever way a contractor deems appropriate. For example, slaves and animals can be abused as they are not part of the moral contract.

(B) A person is part of the moral contract if they have enough intelligence and consciousness to be a part of the moral contract. All subjects of a life are part of the contract. Non-human animals that are not subjects of a life do not have rights can be abused. Slaves and non-human animals that are subjects of a life can not have their rights abused as they are part of the moral contract.

(4) Part B: What evidence from the text best supports your answer to Part A?

(A) *"Here, very crudely, is the root idea: morality consists of a set of rules that individuals voluntarily agree to abide by, as we do when we sign a contract (hence the name contractarianism). Those who understand and accept the terms of the contract are covered directly…"*

(B) Animals and humans are both experiencing subjects of a life as we both:

- ➢ Want and prefer things
- ➢ Recall and expect things
- ➢ Experience pain and pleasure
- ➢ Have beliefs
- ➢ Have perception
- ➢ Have memory
- ➢ Have a sense of the passage of time

… We do know that many - literally, billions and billions - of these animals are the subjects of a life in the sense explained and so have inherent value if we do. And since, in order to arrive at the best theory of our duties to one another, we must recognize our equal inherent value as individuals, reason - not sentiment, not emotion - reason compels us to recognize the equal inherent value of these animals and, with this, their equal right to be treated with respect."

(C) "We begin by asking how the moral status of animals has been understood by thinkers who deny that animals have rights. Then we test the mettle of their ideas by seeing how well they stand up under the heat of fair criticism."

(D) "I regard myself as an advocate of animal rights — as a part of the animal rights movement. That movement, as I conceive it, is committed to a number of goals, including:

- *the total abolition of the use of animals in science*
- *the total dissolution of commercial animal agriculture*
- *the total elimination of commercial and sport hunting and trapping."*

(5) In order to make the strongest argument for animal rights, Regan believes one must _____?

(A) Ask Socratic questions to those who do not believe animals have rights in order for them to understand that their views allow for abuses that should not be allowed for. The questions must get them to realize that there are issues with the anthropocentric, contractarian, and utilitarian viewpoint.
(B) Adopt a rights-centered viewpoint by being swayed by emotion and passion.
(C) Listen to those with authority who have clear, written views about all issues regarding animal welfare such as Aristotle, Kant, Bentham, and Singer in order for you to form your own opinion on how animals have rights or not and the treatment they deserve consequentially from your viewpoint.
(D) None of the above

(6) Check all that apply: Which of the following count towards qualifying as a subject of a life?

- ❏ Want and prefer things
- ❏ Recall and expect things
- ❏ Experience pain and pleasure
- ❏ Have beliefs
- ❏ Have perception
- ❏ Have memory
- ❏ Have a sense of the passage of time

(7) Given the following information regarding Cutesy, answer the following question: Does she qualify as a subject of a life?

Cutesy wants to eat her Blue Buffalo kibble with her humans at meal time and prefers wet tuna to dry salmon treats. She hyperventilates when she arrives at the vet and screeches when her blood is drawn. She purrs when she is at home and able to watch/listen to the birds outside. She thinks that the laser pointer is making motion on its own and that she can grab it. She can tell when places are hot vs cold as she always finds the nearest heat source in any room whether it be a computer, a heating pad, or a patch of sun from the window. She remembers her cat friends she used to live with when she visits them at my sister's. She waits by the front door when her favorite human has been gone for a long time.

(A) Yes
(B) No

(8) What image of philosophy does Regan end the text with?

(A) A sword and shield
(B) A ballerina
(C) A scale of justice
(D) A rainbow

(9) True or False: Regan argues that anything or anyone that has inherent value has it equally.

(A) True
(B) False

(10) What critique of utilitarianism does Regan offer?

(A) Utilitariansism is the most defensible moral theory
(B) Utilitarianism allows for moral treatment of humans but not of animals
(C) Utilitarianism conflicts with contractarianism
(D) Utilitiarianism *in principle* accepts that we can justify good results by using evil means that violate an individual's right