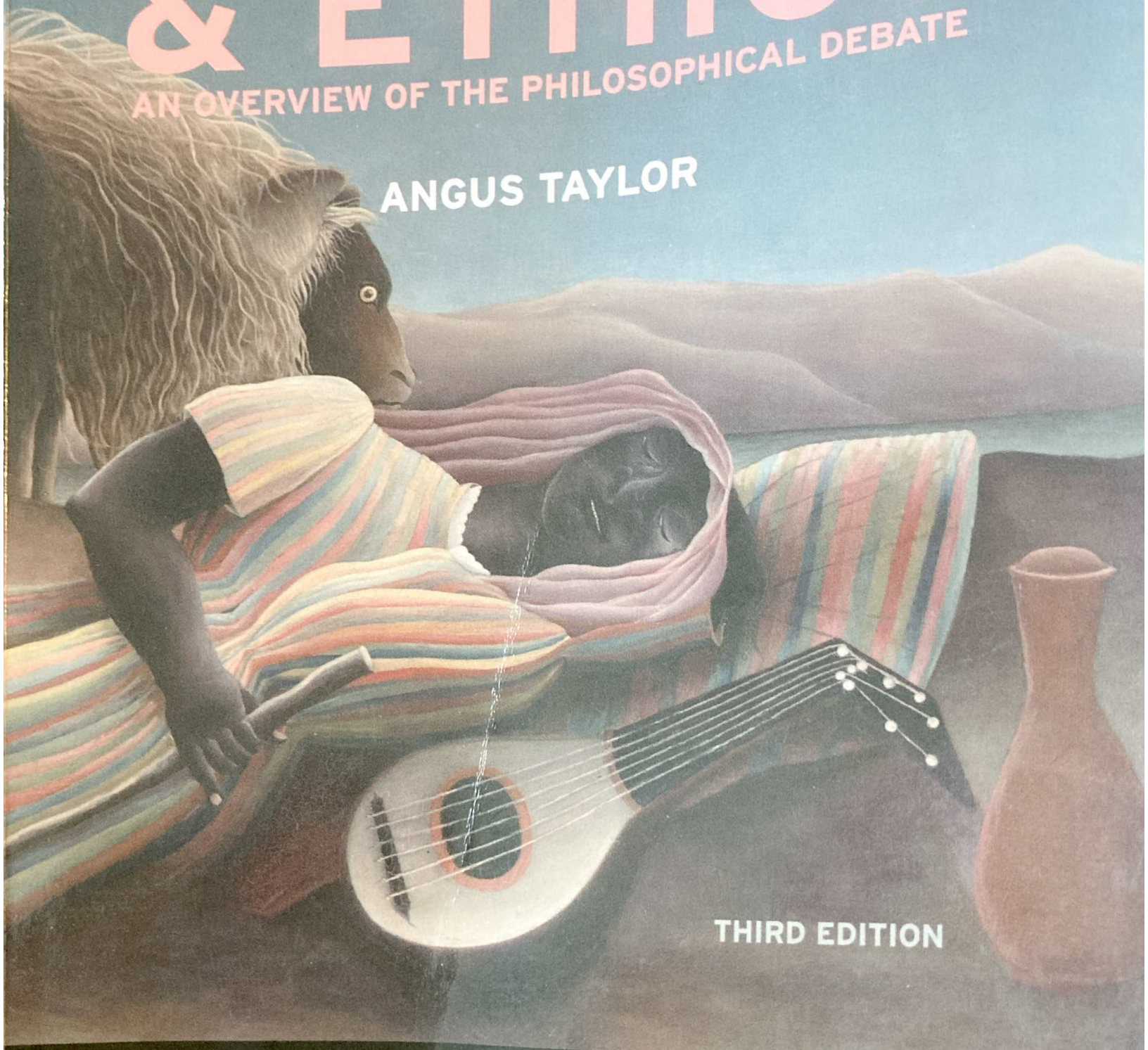


ANIMALS & ETHICS

AN OVERVIEW OF THE PHILOSOPHICAL DEBATE

ANGUS TAYLOR



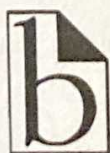
THIRD EDITION

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BROADVIEW GUIDES to PHILOSOPHY

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Gary Francione (2000) derives the basic right of animals not to be treated as property or mere resources directly from the principle of equal consideration, which he says is a logical requirement of *any* sound moral theory. The principle says that we must treat like cases alike. If John is allowed to run for public office, then Jennifer must also be allowed to run for public office if the circumstances are relevantly similar. That Jennifer is female is not a good (i.e., morally relevant) reason for denying her the opportunity to run; that she is insane or a child may be a good reason. There are many ways in which animals differ from humans. But if we judge that animals have morally significant interests—in particular, if we judge that animals, like humans, have a morally significant interest in not suffering—then, logically, we must ascribe to animals the same right that humans have not to be treated as mere things. While we cannot protect either humans or animals from all suffering, giving meaningful content to our belief that the infliction of unnecessary suffering is wrong cannot be squared with animals' current status as property, any more than it can be squared with the practice of human slavery.

Francione's position, then, ascribes the basic right not to be treated as property to all sentient individuals, not just to those who meet Regan's definition of "subject-of-a-life". While his theory differs in some respects from Regan's, Francione makes the point that the concept of equal inherent value is an alternative way of expressing the basic right of all those who have an experiential life not to be treated merely as means to the ends of others, and that neither the concept of this basic right nor the concept of equal inherent value relies on any questionable metaphysical doctrine.

Nussbaum's Capabilities Approach

Both Regan's modified-Kantian approach and Singer's utilitarianism, despite their significant breaks with traditional views of the moral status of animals, have been criticized for being too anthropocentric—too wedded to the idea that many animals have moral standing because they are like humans in important ways. These liberation philosophies are sometimes labelled "extensionist", in that they extend traditional moral theories to include various animals as morally considerable on the basis of characteristics shared with humans. Feminist ethic-of-care philosophers and others (e.g., Fellenz 2007; Steiner 2005, 2008; Wolfe 2003a) argue that respect for difference, not just similarity, is important

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if animals are to be appreciated for who they are and not viewed simply as deficient versions of humans.

Desiring to give due recognition to the great variety of forms and capacities to be found among sentient creatures, Martha Nussbaum (2004, 2006, 2007) has constructed what might be described as a neo-Aristotelian argument for animal rights. She calls it “the capabilities approach”. Unlike Kant, she does not consider the rationality of humans to be opposed to their animality, but sees rationality as just one aspect of the human animal. Drawing on both Aristotle and Marx, she views humans as social creatures whose essential needs and abilities arise from their nature as a specific kind of animal. If they are to live flourishing lives, humans must be capable of manifesting their innate powers in effective ways. The central capabilities, those that we ought to promote, are those evaluated as being necessary for human flourishing. Among others, they include life, bodily health, emotions, practical reason, affiliation with others, and control over one’s environment.

Nussbaum goes on to apply the capabilities approach to members of non-human species. With Aristotle, she views with wonder the endless forms of life on this planet, believes they all deserve to be studied and appreciated, and considers it a waste when an organism is not able to develop and exercise its natural powers. But Nussbaum does not limit the moral community to rational beings or understand the exercise of reason to be the highest good. There is no natural ranking of forms of life, she says; rather, every form of life has its appropriate way of functioning. Animals are of many types and pursue a variety of activities and goals. When it comes to sentient beings, each is to be respected as a subject and agent; each is entitled, as a matter of justice, to positive opportunities to flourish.

That is to say, not just every human, but every sentient animal, has the right to what Nussbaum calls a dignified existence. This is not simply a matter of avoiding pain or fulfilling conscious preferences. For example, a dog that has always been confined in a small space may not be in pain, and if her condition has rendered her unable to imagine roaming freely, she may not feel frustration at her deprivation. Yet such confinement is wrong because her power to flourish is being stunted. What counts as harm to a creature depends on the species nature of that creature, but among the typical requirements of a dignified existence

Each form of life is worthy of respect, and it is a problem of justice when a creature does not have the opportunity to unfold its (valuable) power, to flourish in its own way, and to lead a life with dignity. The fact that so many animals never get to move around, enjoy the air, exchange affection with other members of their kind — all that is a waste and a tragedy, and it is not a life in keeping with the dignity of such creatures.

— Martha Nussbaum,
“The Moral Status of
Animals”, p. 33

for an animal, Nussbaum says, are physical activity, sensory stimulation, freedom from non-beneficial pain, opportunities for emotional expression and attachment, opportunities for rewarding interaction with members of the animal's own species and of other species, and the territorial integrity of the animal's habitat. Each sentient creature is entitled to continue its life, so long as that life is worth living.

Nussbaum's capabilities approach is a significant contribution to the animal debate. Her approach is still in the process of development, and various details and implications remain to be discussed and clarified.

Continental Philosophy

The modern debate over the moral status of animals has been conducted primarily in the English-speaking world, with some contributions, often in English, from philosophers in other countries. Indeed, recently there has appeared a book (Jeangène Vilmer 2008) billing itself as the first introduction of the animal-ethics debate to a French-speaking audience. Notably absent from this debate has been any substantial representation of philosophers in the so-called continental tradition of Europe.

It is perhaps not surprising that the existentialism of Jean-Paul Sartre and Simone de Beauvoir, with its emphasis on the radical distinction between (human) consciousness and the natural world, has little to say about animals. In their view, the realm of consciousness is the realm of autonomy and perpetual self-creation, while the rest of the world is what is in essence given, inert, uncreative and what is thus alien to humanity. For Beauvoir, the emancipation of women is the struggle to free themselves from the historical constraints of nature (particularly the limitations imposed by reproduction) and the cultural manifestations of these constraints, and to join men as equals in the realm of freedom. Sentient non-humans are an ill fit with this dualistic schema of human (being-for-itself) and other (being-in-itself) — as suggested by Sartre's brief remark quoted at the beginning of Chapter 1.

The absence in the work of almost all continental philosophers of any sustained exploration of the status of animals is remarkable, given the concern of many of them with moving beyond the humanist tradition that places the rational, autonomous subject at the centre of knowledge, action, and value. Friedrich Nietzsche (1844-1900), a precursor of post-modernism, who undertakes a radical critique of dominant philosophical

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