

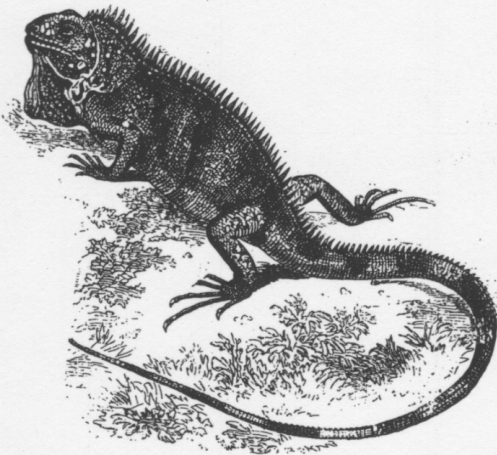


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The Moderate View on Animal Ethics

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According to most animal rights advocates, the use of animals in commercial meat production, medical research, and other industries is morally indefensible. According to some, who are often branded as extremists, we would not be justified in killing or otherwise harming animals even if doing so were necessary for human health or survival. This, of course, contrasts sharply with the predominant attitude that animals are mere resources for human use and consumption. In this paper, I wish to explore a more moderate position on the treatment of animals. According to this view, while it is wrong to exploit animals for trivial reasons, it is morally acceptable to use animals for legitimate human needs. More precisely, in those cases in which we must kill or otherwise harm animals to promote human health or survival, we are morally justified in doing so. I believe this view is held by many people who, while prepared to grant basic moral rights to animals, wish to avoid what they perceive as extremism on the part of some animal rights advocates. Yet, as I shall argue, if animals do have basic moral rights, then the moderate view is ultimately indefensible, and the "extremism" of animal rights advocates is unavoidable.



I

The focus of my discussion will be the following argument for the moderate view.

The Argument from Vital Necessity. Everyone has a right to life and, hence, a right to the basic necessities of life, which include food, clothing, and medical care. Therefore, we have a right to use animals for food, clothing, and vital medical research, provided that there are no nonanimal alternatives.

According to this argument, the right to life is not simply a passive right which places certain moral restrictions on how others may behave. In addition to this, the right to life involves the right to the basic necessities of life—that is, the right to do whatever is minimally necessary to sustain one's life. In more general terms, if I have a right to something, then I have a right to do or to obtain—within certain moral boundaries—whatever is necessary to secure it. Therefore, if I have a right to life, then I am morally entitled to do whatever is necessary to preserve my life. And if this involves killing animals for food, clothing, or medical research, then these practices are morally unobjectionable.

It is important to realize what this argument does and does not support. It does not support the use of



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animals for food, clothing, or medical research when viable alternatives exist. Therefore, the argument cannot be used to justify commercial meat production or the fur industry, for there do exist alternative sources of food and clothing. However, the argument might be used to justify the practices of traditional Eskimos and other primal peoples who have largely relied upon animals for their survival. In the same way, the argument does not justify animal experimentation for trivial reasons or when alternative research tools—such as computer models and cell cultures—exist.¹ But if the argument is sound, then it would support the use of animals in vital medical research when alternative experimental methods are unavailable.

It is not always recognized that if we are sometimes justified in using animals for food, then we are also justified in using animals in certain kinds of medical research. Tom Regan, for instance, argues that in those cases in which a person cannot survive without preying on animals for food, "the obligation to be a vegetarian can justifiably be overridden" (351). However, he categorically condemns animal experimentation:

Even granting that we face greater *prima facie* harm than laboratory animals presently endure if future harmful research on these animals is stopped, and even granting that the number of humans and other animals who stand to benefit from allowing this practice to continue exceeds the number of animals used in it, this practice remains wrong because unjust (389).

But if we are justified in killing animals for food when we would otherwise starve, why would we not be justified in killing animals in medical research when we would otherwise die from disease? In each case, an animal is used merely as a means to an end—human survival.

II

In developing my objection to the Argument from Vital Necessity, I shall assume that nonhuman animals (at the very least, normal adult mammals) have basic moral rights, including the right to life. This is by no means noncontroversial, but I believe a sufficiently strong case has been made for this by various philosophers—most notably, Regan and Rachels—to permit me to assume this as a premise.

In essence, my objection to the Argument from Vital Necessity is simply this. The right to the basic necessities of life (understood as the active right to do or to obtain whatever is minimally necessary to sustain one's life) is limited by the negative rights of others (those rights which forbid us from treating others in certain ways). It is true that I have a right to the basic necessities of life, but it is false that this right entitles me to override the rights of others. Therefore, from the fact that human beings have such a right, it does not follow that they are entitled to use animals for food, clothing, or vital medical research, assuming that animals, no less than humans, have a right to life.

To illustrate my point, consider the following case. Suppose you are an explorer in the Far North. It is deep winter, and you and your companion become trapped in a cave from which there is no possibility of escape until spring. Imagine that, for whatever reason, your companion will be able to survive the winter without food, but you will not. Under these circumstances, would you be morally justified in killing your companion and freezing his body to use as food for the long winter? The answer to this, I believe, is definitely no. Even if the only alternative were starvation, you would not be justified in killing your companion for food. To do so would be, quite simply, murder.

(If this is not obvious, imagine that you needed to kill not just one person to survive but a dozen or more. Would you be morally justified in doing so? Surely you would not be entitled to kill *any* number of people in order to survive. Where, then, should we draw the line? My position is that, other things being equal, you would not be justified in killing *anyone*, and the reason for this is that killing someone under the circumstances described would be a violation of that person's right to life.)

This case, I believe, is parallel in all important respects to an ordinary case in which humans must kill animals for food. Here it is assumed that you and your companion both have a right to life, that you will die unless you kill your companion for food, but that if you do not do so, your companion will live a normal life. From a moral standpoint, it is irrelevant whether your companion is a human being or a nonhuman animal. If this is right, then even if preying on animals were necessary for human survival, we would simply not have the right to do so.

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IV

III

How might the moderate respond to this argument? One response is based on the alleged disparity between human and animal rights. Here it is argued that even though human and nonhuman animals share certain basic moral rights, such as the right to life and the right to freedom from pain, they are not equal in the possession of these rights. As Christina Hoff writes, "One may acknowledge that animals have rights without committing oneself to a radical egalitarianism that awards animals complete parity with human beings" (409-410). Thus, one may acknowledge that human and nonhuman animals alike have a right to life but at the same time deny that the right to life of an animal is as compelling as that of a human being. If this is true, then while it would be wrong to kill human beings in survival cases, such as the explorer case, it might not be wrong to kill comparably situated nonhuman animals.

Yet, what is meant by the claim that human and nonhuman animals are not equal in the possession of their rights? It cannot mean that they do not possess their rights equally, for the possession of rights is not something which admits of degrees. To have a right is to have it fully or not at all. Perhaps all that can be meant by this claim is that, other things being equal, it is more seriously wrong to violate the rights of a human being than to violate the rights of a nonhuman animal. And because the right to life of a human being is, in this sense, more compelling than that of a nonhuman animal, we are morally justified in overriding the right to life of a nonhuman animal when doing so is necessary for human survival.

In evaluating this argument there are two separate claims to consider, both of which I regard as characteristic tenets of the moderate position. The first is the claim that it is ordinarily more seriously wrong to kill a human being than to kill a nonhuman animal. The second is the claim that because of this we are morally justified in overriding the right to life of a nonhuman animal when respecting this right conflicts with human survival. I shall examine both of these claims in the following two sections.

IV

How might the first claim be supported? Francis and Norman in "Some Animals Are More Equal than Others" argue that one important difference between

human and nonhuman animals is that nonhuman animals are incapable of having hopes and aspirations for the future and that because of this it is not morally wrong to kill nonhuman animals:

We have suggested that a primary reason why it is wrong to kill a creature painlessly is the fact that the potential victim is capable of entertaining aspirations for the future, which would be frustrated by death. If we are correct in our descriptions of the capacities of the majority of animals, this reason does not apply to them. Barring some other explanation of the wrongness of killing, Singer and Regan simply have not made the empirical case needed to show that it is wrong to take animals' lives painlessly (515).

In response, there are three points to be made. The first is that while it is no doubt true that many animals are incapable of having hopes and aspirations for the future, it is far from clear whether most animals that are routinely slaughtered for food or otherwise killed by humans belong in this category.² The second point is that if killing nonhuman animals is morally unobjectionable because these creatures are incapable of forming projects for the future, then it cannot be morally objectionable to kill human beings, such as the severely retarded, who also lack this capacity. This, however, is simply unacceptable.³ The third and, I believe, most important point concerns the explanation which Francis and Norman give of the wrongness of killing. According to their account, what makes killing wrong, when it is, is that it frustrates the hopes, aspirations, and desires for the future of the being who is killed.⁴ As they explain, the connection between these capacities and the wrongness of killing is not that these capacities contribute to the *value* of life. "The point is rather that only in the context of such abilities does death become a loss, a deprivation for, a frustration of the aspirations of, *the being who is killed*" (515). Clearly, death will be a frustration of the aspirations of only those creatures who have the capacity to have aspirations. But surely a more plausible explanation of why death as a loss or deprivation is bad is that it deprives the being who is killed of something of value.⁵ This explains, for instance, why the death of a child is regarded as more tragic than the premature death of an adult. It is not that the child has more unfulfilled aspirations for the

future than the adult; indeed, the adult may well have a fuller and more complicated set of goals than the child. Rather the death of the child is more tragic because it deprives the child of something of greater value—many more years of life.

If this account is correct, then in order to defend the claim that it is more seriously wrong to kill a human being than to kill a nonhuman animal, it must be argued that the life of a human being is more valuable than that of a nonhuman animal.

Bonnie Steinbock argues directly for the moderate view on the basis of the alleged qualitative superiority of human life.⁶

... if we can free human beings from crippling diseases, pain and death through experimentation which involves making animals suffer, and if this is the only way to achieve such results, then I think that such experimentation is justified because human lives are more valuable than animal lives. And this is because of certain capacities and abilities that normal human beings have which animals apparently do not, and which human beings cannot exercise if they are devastated by pain or disease (416-417).

What special capacities and abilities are these? Steinbock mentions such traits as moral responsibility, altruism, and the desire for self-respect. Others have applauded our superior intelligence, rationality, and the ability for sophisticated communication. Even Peter Singer, one of the most important figures in the animal liberation movement, writes:

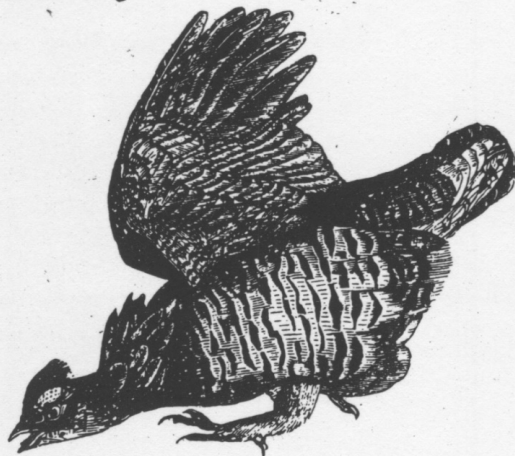
It is not arbitrary to hold that the life of a self-aware being, capable of abstract thought, of planning for the future, of complex acts of communication and so on, is more valuable than the life of a being without these capacities (21-22).

The assumption that human life, because of the special capacities and abilities of normal human beings, is more valuable than mere animal life is rarely challenged, and few people who make this assumption feel the need to defend it. But why should it be so widely assumed that such capacities as those mentioned by Steinbock, Singer, and others convey a special value

upon human life? The reason for this, I believe, is that most people consider the matter entirely from an anthropocentric viewpoint. It is imagined how impoverished life would be *for a human being* who was incapable of abstract thought, of framing complicated projects for the future, and so on—in other words, it is imagined what it would be like to be a severely retarded human being—and in consideration of this, it is concluded that these capacities contribute, not just to the value of *human* life, but to the value of *all* life. As Singer writes, "If we had to choose to save the life of a normal human or a mentally defective human, we would probably choose to save the life of the normal human" (22). Because a mentally defective human being is incapable of abstract thought, of planning for the future, and so forth, we would be justified in choosing to save the life of a normal human being rather than a mentally defective one, if both could not be saved. By the same token, because a nonhuman animal is comparable in all important respects to a mentally defective human being, "if we have to choose between the life of a human being and the life of another animal, we would choose to save the life of the human" (22). Here, and elsewhere, Singer explicitly compares a nonhuman animal to a mentally defective human being.

The problem, I think, with viewing the matter in this way is that a normal nonhuman animal is simply *not* a mentally defective human being.⁷ For this reason, we do not succeed in imagining what it would be like to be, say, a dolphin by imagining what it would be like to be a human being at a comparable level of intellectual development. No one will dispute that a normal human being has various capacities which make his or her life valuable *as* the life of a human being. But by the same token, a normal dolphin has capacities which make his or her life valuable *as* the life of a dolphin. To assume, as so many do, that the lives of dolphins and other creatures are less valuable because they lack characteristically human capacities is, I think, sheer speciesism. It is by no means clear to me that it is better *to be* a human being than *to be* a dolphin. In fact, to the extent that I am able to imagine what it would be like to be a dolphin, I am tempted to think just the reverse is true. It is certainly not unreasonable to maintain that it would be better to be a dolphin (or, for that matter, a timber wolf, or a mountain gorilla, or some other kind of nonhuman animal) than to be a human being. If it is not unreasonable to maintain this, then it is not unreasonable to maintain that the life of a dolphin

(or a timber wolf, or a mountain gorilla, or some other kind of creature) is no less valuable than the life of a human being.⁸



V

Let us now turn to the second claim mentioned earlier. I have argued that human life is not necessarily more valuable than animal life, or at least that this position is not unreasonable. But let us suppose that human life is normally more valuable. Does it follow that we would be justified in overriding the rights of animals if doing so were necessary for human survival?

Tom Regan describes a survival case similar to the explorer case discussed in Section II:

Imagine five survivors are on a lifeboat. Because of limits of size the boat can only support four. All weigh approximately the same and would take up approximately the same amount of space. Four of the five are normal adult human beings. The fifth is a dog. One must be thrown overboard or else all will perish. Whom should it be? (285)

Regan goes on to argue that despite the fact that the dog, no less than the human involved, has a right to life, it is the dog who should be sacrificed:

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 (324).

And because it would be a greater loss to a human being to be killed than to a dog, it follows that it is the dog who should be thrown overboard.

Although Regan, so far as I know, nowhere specifically says that human life is more valuable than animal life, this is clearly suggested by his claim that death is normally a greater loss to a human being than to a nonhuman animal.⁹ Death is bad only if it deprives the dying of something of value. If death is worse in the case of a human being than in the case of a nonhuman animal, this can only be because it deprives the human of something of greater value—a human life.

The principle which supports Regan's position on the lifeboat case is his *worse-off* principle. According to this, if we must choose between overriding the rights of one or more individuals and overriding the rights of one or more other individuals, then, other things being equal, we should override the rights of those individuals who would be harmed less rather than more as a result, and this is so even if more individuals would thereby be harmed (308). If to this we add that the harm which death is is a function of the opportunities for satisfaction it forecloses, and that the death of a normal human being forecloses more opportunities than the death of a nonhuman animal, then it follows that in choosing between killing a normal human being and killing some nonhuman animal, we would choose to kill the nonhuman animal. Indeed, it follows that we would be justified in killing any number of animals rather than killing a single human being.

Granting, for the sake of argument, that death is normally a greater loss to a human being than to a nonhuman animal, then I believe we should accept this conclusion. The problem, though, is in applying this conclusion to the issue of whether we are justified in killing nonhuman animals for food, clothing, or vital medical research. The question is not whether we would be justified in killing animals if the choice were between killing animals and killing human beings; rather the question is whether we would be justified in killing animals if the choice were between

killing animals and *allowing* human beings to die. If this is the real issue, then the worse-off principle is beside the point; for it cannot reasonably be argued that I violate someone's right to life if I choose not to save that person's life because doing so would involve directly killing someone else. Indeed, it is difficult to argue that merely by *allowing* someone to die, regardless of the reasons, I thereby violate that person's right to life. Therefore, since the worse-off principle applies only to cases in which we must choose between overriding the rights of some individuals or overriding the rights of others, the principle is irrelevant to the issue of whether we are justified in killing animals for food, clothing, or vital medical research.

Regan does specifically address the issue of whether we are ever morally justified in killing animals for food. He argues that if, contrary to fact, meat did supply certain vital nutrients unobtainable from other sources, then people would be justified in killing animals for food:

If we were certain to ruin our health by being vegetarians, or run a serious risk of doing so, . . . , and given that the deterioration of our health would deprive us of a greater variety and number of opportunities for satisfaction than those within the range of farm animals, then we would be making ourselves, not the animals, worse-off if we became vegetarians (337).

In this case, the moral principle involved is not the worse-off principle, but the *liberty* principle:

Provided that all those involved are treated with respect, and assuming that no special considerations obtain, any innocent individual has the right to act to avoid being made worse-off even if doing so harms other innocents (331).

According to this, I have the moral right to take whatever steps are necessary, within certain boundaries, to prevent myself from becoming worse-off with respect to other individuals. All those involved must be treated with moral respect, but this does not prevent me from deliberately harming others. If I can only prevent harm from coming to myself by inflicting it upon others, then, by the liberty principle, I am morally justified in doing

so, provided that the harm I inflict is less than the harm I prevent.

Clearly, the liberty principle, if true, would justify us in killing nonhuman animals in survival cases, provided that death would be a greater loss to the human beings involved than to the animals. However, it is far from clear that the liberty principle is true. Imagine the following case. Suppose you suffer from a kidney ailment, and will die unless you receive a transplant right away. Suppose further that because of the peculiarities of your condition, there is only one person who can serve as a donor. But this person is alive and healthy and understandably refuses to relinquish one of her kidneys. After all, the operation is extremely painful, and it takes many months to recover fully. Now, assuming that the only alternative was death, would you or someone acting on your behalf be morally justified in kidnapping this person and forcing her to undergo the transplant procedure? Obviously not. But assuming that the harm done to the donor would be less than the harm you would otherwise experience, by the liberty principle you would have the moral right to force this person to submit to the operation.

It is not difficult to multiply counterexamples to the liberty principle. Here is another case. Suppose you have been kidnapped by some sadistic cult. You are told that you will be put to death unless you torture another innocent captive. If you refuse, you will be put to death, but the other captive will be released unharmed. Under these circumstances, would you have the *moral right* to torture this person? I think not, but assuming that the torture inflicted on this person would not be as bad as death itself, by the liberty principle you would have the right to do so.

If, as these examples suggest, the liberty principle is simply not true, then Regan is left without an argument for his position that we are justified in harming animals when doing so is necessary to prevent greater harm to human beings.

VI

I have argued that if nonhuman animals have certain basic moral rights, including the right to life, then the moderate view is false—human beings are not morally justified in killing animals even when doing so is necessary for human survival. In arguing for this conclusion, I have considered two important tenets of the moderate position, and rejected both. The first is

the claim that the right to life of a human being is ordinarily more compelling than that of a nonhuman animal. The second is the claim that, because of this, we are morally justified in overriding the right to life of an animal when respecting this right conflicts with human survival. Neither claim, I have argued, has sufficient support to command our rational assent. Even if human beings do have a right to the basic necessities of life, this right does not entitle them to override the rights of other animals.

My position is an extreme one. If it is correct, then we do not have the right to kill animals for food even when no other source of food is available. Nor do we have the right to sacrifice animals in conducting medical research which might improve human health or save human lives. I suspect that few animal rights advocates fully embrace this position. But the only alternative, I believe, is a more or less mitigated anthropocentric ethic—one which grants basic moral rights to animals, but refuses to take these rights as seriously as those conferred on human beings.

Notes

¹ For more on this topic, see Gendin.

² For further information and discussion, see Chapter 2 in Regan and Part 1 in Robbins.

³ See Francis's and Norman's response, pp. 511-513.

⁴ Tooley also suggests this account.

⁵ For a full defense of this position, see Marquis.

⁶ Hoff also advances a version of this argument.

⁷ John Rodman writes: "the process of 'extending' rights to animals conveys a double message. On the one hand, nonhumans are elevated to the human level by virtue of their sentience and/or consciousness; they now have (some) rights. On the other hand, nonhumans are by the same process degraded to the status of inferior human beings, species anomalies: imbeciles, the senile, 'human vegetables'—moral half-breeds having rights without obligations" (pp. 93-94).

⁸ It seems to me that the kind of value involved in judgments concerning the comparative value of different lives is what might be called *subjective* value—that is, the value which something has as a *subject* of consciousness. In the case of a conscious being there is something that it is like to be that being, and so we can meaningfully ask whether it would be better or worse to be that being. There is, for

example, something that it is like to be a dolphin, and this is different from what it is like to be a human being. Thus we can ask whether it would be better or worse to be a dolphin than a human being. However, in the case of a nonconscious being, there is simply *nothing* that it is like to be that being. There is, for example, nothing that it is like to be a tree, or a mountain, or a river, or any other nonconscious thing. (Or, to put the matter differently, what it is like to be a tree is exactly what it is like to be a mountain or a river or any other nonconscious thing; and this is what it is like to be nothing at all). To imagine otherwise is to project a subjective point of view onto an object which lacks one. (For more on the topic of subjective viewpoints, see Nagel's "What is it like to be a Bat?" and "Subjective and Objective" in *Mortal Questions*.)

⁹ Regan does maintain that all subjects of consciousness have *inherent* value and have it equally (Ch. 7). However, the notion of inherent value seems to be a separate notion from the one involved in judgments concerning the value of life.

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