Animal Rights, Animal Liberation: Seminal Ideas in the Movement to Extend Moral Consideration to Nonhuman Animals

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I. Introduction

About 25 years ago, Ken Le Vasseur and Steve Sipman were working at a marine mammal experimental station at the University of Hawaii. They lived at the facility near the dolphin tank, and were responsible for caring for two dolphins, named Puka and Kea. As they observed the dolphins for two years, they became convinced that conditions for the dolphins were deteriorating. Among other things, the dolphins were being overworked and underfed, and seemed to be suffering from the years of social isolation from other dolphins. Le Vasseur stated that Puka seemed especially stressed, sometimes refusing to take part in experimental sessions, had developed self-destructive behaviors, and had become quite lethargic. Although they had called these conditions to the attention of their superiors, nothing had changed. In fact, they were told that their employment at the facility would end in a month. Fearing that the dolphins would die, and believing that there was no legal authority that would help the dolphins, the two men decided that they should release the dolphins into the ocean. Early one morning, they removed Puka and Kea from the facility and set them free in Yokohama Bay, Oahu. Le Vasseur later said they had released the dolphins in such a way as to allow them to choose whether or not to return to captivity, and the dolphins chose not to return. The men did not regard the release of the dolphins as theft or as any kind of crime—rather, they believed that if there was any crime at all, it was the crime of keeping intelligent, highly aware creatures in solitary confinement in small concrete tanks and making them perform repetitious experiments for their entire lives (Midgley).

This is just one of dozens of such cases in which animals have been liberated in the United States and Europe in the last quarter century. In many cases, liberators have never been apprehended; in some, they presented themselves to authorities in the tradition of civil disobedients, and in still others, activists have received even more serious penalties than Le Vasseur and Sipman (who were given 6 month jail sentences), with some British ALF members serving as much as a decade in prison (Finsen and Finsen). The question I want to pose is whether people like Le Vasseur and Sipman simply represent a misguided sense of priorities, or whether they are ahead of most of the rest of us in recognizing a problem in our moral thinking that needs attention.

I want to approach this question rather indirectly—by discussing the emergence of the idea of animal rights, and especially focusing on two of the seminal philosophers who have influenced the thinking of people like these two dolphin liberators. Although the idea of extending moral consideration to nonhuman animals has been discussed for nearly three decades in Europe and the United States, there has been less awareness of this issue in Japan. Consequently, my aim is rather modest—to help those less familiar with these ideas to gain a deeper understanding of what is at stake in these discussions and in our responses both to the uses of animals and to those

seeking liberation for animals.

II. The Moral Status Question: Who Counts Morally?

Among other things, ethical theories tell us how to determine whether a proposed course of action or policy is morally right or wrong. To do so, they also have to tell us something about who counts from a moral point of view—for example, to whom we might have obligations. Is everything and everyone an object of concern, and in the same way? Traditionally, most theories have assumed that the circle of moral concern is drawn rather narrowly, with humans enjoying a privileged standing. That assumption has rarely been questioned, and in fact, until recently was rarely noticed. But animal advocates think this assumption embodies a radical mistake, and urge the expansion of the circle of moral concern to include nonhuman animals.

III. Putting the Animal Movement in Historical Perspective

III. 1. Brief Comments on Predecessors

There is a long history to the idea that animals are not entirely outside the scope of moral concern. Certainly one can point to individual thinkers in the Western tradition, such as Pythagoras, Plutarch and Voltaire, who have dissented from the mainstream idea that only humans can have moral standing (Dombrowski). In 19th-century England a movement on behalf of animals took shape both in intellectual circles as well as in attempts to bring about reforms for animals in law and social institutions. Efforts to legislate protection for animals occurred as early as 1809, the first organization to protect animals from cruelty was formed in

the 1820s, and the first law regulating animal research was passed in the 1870s. By the mid 19th century, a strong humane movement existed in England, fostered in part by some interesting intellectual reformers. In the second half of the 19th century a similar movement evolved in the United States as well, leading to the founding of a number of organizations still existent today (Finsen and Finsen, ch. 2).

III. 2. Major Differences between the Humane and the Animal Rights Movements

Today there are people who identify with the animal rights movement1 and others who identify with what has been known either as the "humane" or the "animal welfare" movement. To a certain degree, both have the same heritage, but historically and philosophically these movements diverged at a number of points. Most fundamentally, over time the humane movement came to approach animal issues with the idea of eliminating cruelty and extending kindness to animals, but did not challenge the assumption of human superiority. The result was that the humane movement focused on reforms of the manner in which animals are used, but did not address the larger question of whether animals should be used in those ways. The animal rights movement, by contrast, rather than focusing on humane reform, challenges the assumption of human superiority, and thus strives for more radical change from current uses of animals. For example, even in its earlier more radical phase, the humane movement did not challenge the assumption that it would be acceptable to kill and eat animals; in the 19th century they tried to ameliorate the conditions under which animals were transported to slaughter, and in the 20th century, they led the battle to make the methods of slaughter less cruel. Today animal rights/ animal liberation advocates question whether improving the welfare of animals who are to be slaughtered should be the goal of activism on behalf of animals (Finsen and Finsen, ch. 2).

IV. Historical Factors Leading to the Emergence of the Animal Rights Movement

There are undoubtedly numerous historical influences that have led to this shift to a more radical idea, but I believe two significant factors in particular need to be mentioned to understand the context in which animal rights/liberationist philosophies emerged in western thinking.

IV. 1. Two Major Changes in Worldview—Evolution and Dualism IV. 1. a. The Influence of Evolution

Central to the exploitation of animals is the assumption of some kind of fundamental divide between us and themanimals must be different from humans in some crucial way. or we could not be justified in treating them in ways that we would certainly not consider morally acceptable to treat human beings. Challenges to this fundamental divide come from at least two sources. One is the acceptance of evolutionary theory, which makes it implausible to think that humans could have developed highly sophisticated characteristics so important to our lives without others in evolutionary history exhibiting related features in at least a rudimentary form. Evolutionary theory simply doesn't posit the hierarchies or categorical differences needed to support the stark us/them dichotomy still implicit in much thinking about humans and animals (Rachels). The awareness that this breakdown of fixed categories will challenge some cherished assumptions about the primacy of humans is clear in the strong resistance that some people feel to accepting evolution,

despite its being our current paradigm within the biological sciences.

IV. 1. b. The Demise of Dualism

Another source of the destruction of the philosophical underpinnings of human superiority is the attack on the metaphysical view known as dualism. Dualism asserts that the mind (or spirit or soul) is a fundamentally distinct and separate substance from the body. It is a view with a long history and many variations, articulated and defended by thinkers as diverse as Plato and Descartes, and deeply influential on Western thinking. Dualism has been one of the main supports in separating animals from humans, for, according to most versions of dualistic metaphysics, it was only human beings who possessed immaterial souls, and it was this that accounted for what was most precious in identifying the sources of human superiority. In the last half century, dualism has come under sustained attack from many sides and for many reasons-from its intractable metaphysical problems (e.g., the great mystery of how an immaterial soul could interact with a physical body), to the epistemological quandary it places us in vis a vis knowledge of anyone else's mind (which are, after all, forever sealed off from our observation). These and other reasons led many to view dualism as a dead end.

IV. 2. Changes in the Treatment of Animals

These two shifts in thinking—the acceptance of evolutionary theory and the demise of dualism—have gradually led to the awareness that humans cannot be so fundamentally different from the rest of nature as we had previously imagined, and have thus helped pave the way for a reconsideration of the moral status of nonhuman animals. But at least one further

factor is important for understanding the emergence of animal rights philosophies: the ways our uses of animals have changed in recent times, with increasingly extreme, yet routine forms of exploitation of animals. I will briefly mention a few of the most significant forms of exploitation, but necessarily, I can only provide a brief overview of a few of the problems here.

IV. 2. a. Laboratory Uses of Animals

100 years ago animals were, of course, exploited and used in many of the same ways that we use them today. But the extent of animal usage has increased tremendously in the intervening period. For example, while animal experimentation was in its infancy in the 19th century, animals became a more important part of the research paradigm in many areas of science in the mid-20th century, an importance reflected in increasing government support for animal research and greatly increased numbers of animals being used in the postwar period. The best estimates today are that somewhere from 40 to 100 million animals are used in laboratories worldwide each year (Finsen and Finsen, 16).

The image many of us have of laboratory uses of animals is of a scientist searching to discover fundamental principles or to develop a new medication to heal serious injuries or diseases. And, of course, these do constitute an important part of the uses of animals in laboratories. Animals have certainly figured in many important advances. But the idea that humans may use animals for any purpose whatsoever has led to many other kinds of applications as well, including military experiments, household product and cosmetic testing and much behavioral research in psychology. In the military context, animals have been used for a long time in testing

weapons of various types. Each year thousands of goats and pigs are shot in wound laboratories to study wound treatments. Radiation experiments on animals have been conducted almost from the time the atomic bomb was invented— 6 months after the bombing of Hiroshima and Nagasaki, the U.S. military exposed thousands of animals at close range to atomic explosions, and have been using animals in various ways to test radiation effects ever since that time. One of the better known of these experiments (as a result of being depicted in the 1987 movie, "Project X") was performed on chimpanzees, who were trained by aversive conditioning (that is by applying electric shock) to use a flight simulator. Afterwards, they were irradiated, and then observed to determine how long and at what doses of radiation they could continue to perform their tasks. One of the principal Air Force researchers resigned after overseeing thousands of animals in experiments of this kind when he came to the realization that the detailed charts they were producing would not matter in the event of real nuclear confrontationthat operational commanders would be unlikely to use them in the heat of battle to determine likely force strength or second strike capability (Singer, ch. 2; Finsen and Finsen, ch. 1).

In psychological research in the last half century, millions of animals have been used in a great variety of ways—shocked, deprived of food, water, sleep, and normal sensory stimulation; given inescapable electric shocks or forced to drown until nearly dead to study a phenomenon called "learned helplessness"—supposedly a model for depression. In Harlow's famous studies, infant rhesus monkeys were removed from their mothers and raised in isolation in stainless steel chambers where they could have no contact with any other

living being. Later they were exposed to a variety of "surrogate" mothers to examine the effects of maternal deprivation by looking at the infants' responses to different behaviors of the surrogate mothers. For example, some mothers would do nothing. Others would react violently when the baby tried to cuddle it-by shooting out a blast of air so strong that the surrogate's skin would blow off its body; another would rock so violently that the infant's teeth would rattle, yet another would shake so much that the infant baby would be thrown from the mother—only to return again to cling to its mother. Finally they constructed one that sent sharp spikes from the mother's body when the infant hugged it. In all these cases, the frightened infants returned despite everything to hug the only mother they knew. The experiments of this type continued for many years and in many variations, and after Harlow's death, his students continued with many variations of deprivation studies. Some critics have pointed out that even before these experiments were initiated we already knew of the significance of maternal deprivation from field studies of human orphanages, war refugees and institutionalized children (Singer, ch. 2).

Even when we talk about some of the ways in which animals are used to study disease or injuries, we do not always realize what this means for the animals. To induce the injuries and diseases that scientists wish to study, animals are burned, exposed to carcinogens, forced to smoke cigarettes, drink alcohol, take a variety of drugs. They are injected with infectious diseases, have organs removed, bones broken, spinal chords severed. They have electrodes implanted in their brains, they are blinded, subjected to high-impact head injuries. Some have even had head transplants. And if the procedures don't kill them, generally they will be killed any-

way when we are done using them.

No simple conclusion can be drawn from these facts, just as no simple conclusion can be drawn from the fact that we sometimes benefit from using animals in these ways—but both the explosion of such uses in recent decades and the willingness of our societies to sanction the widespread use of animals whether or not a serious purpose can be claimed, has played an important part in bringing forth the question of the moral status of animals.

IV. 2. b. Intensive Farming

Of all the uses of animals, food is by far the most extensive—in the United States alone, more than 5 billion animals are consumed annually. Farming methods have also changed drastically in the period following WWII, from smaller, more diverse farms to current large-scale intensive farming operations. As well as the increasing numbers of animals being consumed, the transformation in scale has vastly changed animal agriculture. One major change has been moving many kinds of animals inside buildings, with the result that routine conditions for the animals have become more extreme at the same time they have become shielded from public view.

The new agricultural practices are referred to as "intensive farming systems," or more pejoratively, "factory farming." The key to intensive farming is to increase the density and number of animals housed together, and to mechanize as many processes as possible, thereby decreasing labor costs. One person may take charge of tens of thousands of animals, though the vast numbers mean that farmers cannot attend to the health of individuals at the same time that animals in intensive farming systems are exposed to increased levels of

stress and less natural conditions. I will describe two of the particularly extreme systems as examples of what is most objectionable today, but these are only the worst examples of what has become standard practice in agriculture today.

IV. 2. b. 1. "Milk-fed" Veal

Veal is the pale, tender flesh of male dairy calves. Though not a large industry compared to beef, pork or poultry production, this delicacy has been at the forefront of many discussions of factory farming. In the 19th century, calves were sometimes bled a number of times before slaughter in the belief that this would produce paler meat. More typically, veal calves were slaughtered before they were ready to be weaned from their mothers, but since weaning occurs within a few weeks of birth, their weight at slaughter was only around 40 kg, which didn't provide much profit. In the 1950s veal farmers discovered methods that enabled them to fatten calves for as much as 20 weeks and thus bring them to nearly 200 kg without losing the tenderness and paleness of the flesh.

The method they introduced is to take the one-day old calves from their mothers and place them in highly restrictive conditions for the rest of their lives. As the tenderness of veal is produced by lack of muscular development, calves are restricted from any exercise that would toughen their muscles, including walking. To accomplish this, they are kept for 24 hours a day in a small wooden stall known as a "veal crate." If they are still small enough to turn around in the stall, that is prevented by tying a chain or rope around their necks and fastening it to the end of the stall.

To produce meat that is not only tender, but also pale in color, the calves' diet is deficient in iron, since the paleness is produced by anemia. They are not allowed straw bedding, grass, or anything that would provide a source of iron. Instead, they are fed entirely on an iron-deficient liquid diet of milk powder, vitamins, minerals, and growth-promoting hormones. The four to five months of life for a typical milk-fed veal calf is exceedingly boring and frustrating—they have nothing to do but stand or lay in their stalls and drink the liquid diet. Veal producers sometimes respond to the restlessness that results from their boredom by maintaining low light conditions for as much as 22 hours per day. In these conditions, a mortality rate over 10 percent before 15 weeks of age is not uncommon (Finsen and Finsen, 7–9).

IV. 2. b. 2. Battery Cage Egg Production

Most eggs we eat today come from egg-laying chickens kept indoors in small cages, known as "battery cages." The hens are housed with three or four other chickens in cages about the size of one newspaper page. Chickens in such cages cannot spread their wings, and the crowding leads some of them to become quite aggressive. To prevent damage to other chickens in the same cage, farmers cut off a portion of all battery hens' beaks-a process known as "debeaking," which is not only painful, but if not done correctly, can render a chicken barely able to eat. To further avoid aggression. battery hens are also maintained in low light conditions for up to 22 hours a day. In addition to the physical discomfort of spending their entire lives in small cages standing on unnatural wire flooring that can cut into their feet, many of their natural instincts are frustrated. You can see this if, as I have done, you obtain a chicken that has lived in such conditions and release it to a more natural environment. Within a few minutes of their first opportunity to walk on the ground, the battery hens we adopted were pecking at the grass, excitedly

exploring their new environs, and creating a social order with their new neighbors (the so-called "pecking-order"). The pecking order is the natural way that serious aggression is avoided-knowing who is higher in the pecking order, chickens can avoid attack from those higher up through appropriately deferential behavior or by escape, things they cannot do when confined together in a cage. They were also "dust-bathing"—while lying on their sides they push dust onto their feathers and under their wings, and then they stand and shake it all off-a natural way to control parasites that irritate their skin. Caged birds also want to dust-bathe, but their incessant rubbing against the wire cage is quite bad for their skin and feathers. Inability to do these things is a serious source of frustration to caged animals. The suffering of chickens under such conditions is evident to an unbiased observer, and yet it has become the new industry standard for egg farming (Finsen and Finsen, 9-11).

These are just two examples of the new intensive farming systems. I could equally well have spoken of pig farrowing stall systems, the mechanized life of dairy cows today, or beef cattle feedlots. Confinement has been arranged to increase efficiency for farmers despite the costs to animals in suffering and frustration of their natural tendencies. If worsening conditions for animals are the logical outcome of the assumption of human superiority, it is not hard to see how some people are led to conclude that we need to reassess those fundamental assumptions about the place of animals. I will turn now to look at some of the voices that have contributed to that discussion.

V. Two Seminal Philosophers

V. 1. Peter Singer²

Peter Singer's work has undoubtedly had a profound influence both philosophically and as a catalyst for the animal rights movement. In 1975 at the time the first edition of his book was published, there was hardly any discussion within academia or elsewhere either about the treatment of animals or the assumptions commonly held about the moral status of nonhumans. Singer's contribution helped change that. Many activists refer to reading Singer's book as a turning point in their thinking about animals. It is interesting to note that Singer, despite being one of the main inspirations for the animal rights movement, titled his seminal book Animal Liberation, and in general he says relatively little about rights per se. Singer's theoretical orientation is Utilitarian, and Utilitarians do not consider rights a basic ethical concept. Instead they may attempt to explain our ordinary notion of individual rights with respect to other more fundamental aspects of their moral perspective (as John Stuart Mill did in the discussion of justice in his essay, "Utilitarianism"), or alternatively, they may suggest that the concept of rights can be dismissed altogether (as was Jeremy Bentham, who called the notion of rights "nonsense on stilts").

V. 1. a. The Critique of Speciesism

Singer sees the fundamental question about animal moral status as a question of whether the interests of nonhuman animals should be considered similarly or differently from the way we consider human interests. Singer's position is that there is no reasonable basis for distinguishing interests along species lines; rather, we should be concerned morally about anyone who has interests at all. Were we to take seriously

the interests of nonhuman animals, this would constitute a "liberation" for animals analogous to other liberations, such as the elimination of slavery and the struggle for civil rights for all people.

Singer maintains that we can gain insight into the nature of our errors in thinking about animals by looking at such phenomena as racism and sexism. Racism, for example, assumes that certain interests can be discounted solely because they are possessed by certain types of beings, rather than because of the seriousness or the weight of the interests themselves. Under oppressive conditions the interests of Blacks in the United States and elsewhere have historically been discounted solely because they are the interests of Blacks. For example, the reason some people can bring themselves to believe that killing someone of a different race from them is less morally reprehensible than killing someone of their own race is not because of any thought that those other people do not have the same desire, need or passion to live. Nor can historical patterns of exclusion of Blacks from White neighborhoods or from certain kinds of employment be explained as reflecting real differences in the interests of Blacks and Whites. Rather, the similarity of the interests at stake become irrelevant when the bearer of those interests is himself discounted as being less valuable.

Singer argues that when we realize that racism and sexism are morally wrong to discount interests solely because of who possesses the interests, we can see that a similar willingness to discount the interests of nonhuman animals is operating. If animals other than humans *have* interests, can there be any unbiased justification for ignoring them in considering how to treat animals? To give preference to the interests of a being

solely because it belongs to one's own species is analogous to preferring the fulfillment of interests of members of one's own race or sex. As the latter preferences are racist or sexist, so Singer (using a term introduced by British psychologist Richard Ryder) calls the same phenomenon in respect to nonhuman animals by the term "speciesist." One basic thrust of Singer's critique of our treatment of animals is that it is profoundly speciesistic and thus cannot be made consistent with sound moral principles.

V. 1. b. Equal Consideration and Equal Treatment

Singer's argument appeals to the idea that people are in some important sense each other's moral equals. He calls this the "Principle of Equality." This is a principle that was not, of course, first mentioned by Singer. In the 18th century Jeremy Bentham expressed the same idea by saying that "Each [is] to count for one, and none [is] to count for more than one," which at the time Bentham was writing was not obvious to everyone concerning even human beings—e.g., the U.S. Constitution included a provision that Blacks should be counted as 3/5 persons for the purpose of determining representation in government.

It is worth noting that the word 'interest' has a number of related uses. It will be helpful to distinguish what someone is interested in or takes an interest in from what is in his or her interests. I might take an interest in Southern Song Dynasty landscape painting, but to say that isn't necessarily to describe my interests in the sense in which Singer is speaking. Of course, what I take an interest in can become related to my welfare—in general, achieving our goals and obtaining what we want in life is a good thing. But not everything that is in my interest is something I take an interest in—for example,

the child who has to be reminded to brush his teeth has not yet integrated what is in his interest to the class of things he takes an interest in. Of course, in this context Singer is using "interest" in the sense of what is in someone's interest, whether or not they take any interest in it.

Fundamental to understanding Singer's position is a distinction he makes between equal treatment and equal consideration. While there are ways in which all people should be treated in exactly the same fashion, sometimes doing so would lead to absurdity. Different needs, abilities, preferences and situations should lead to different treatment, and that is consistent with treating each as a moral equal. For example, though many today believe that adults should have the autonomy to be able to refuse or seek medical care as they see fit, no one thinks that 5-year old children should decide whether or not to seek medical care when they are ill, since they are unable to make informed decisions most likely to preserve their health. We cannot conclude, though, that children are not morally equal to adults.

Singer maintains, then, that moral equality implies not exactly the same treatment of each individual but equal consideration of everyone's interests. The same point applies to animals. This is why equality for animals doesn't really entail the absurd implications that people sometimes worry about. Singer is not proposing that we send pigs to college or allow cats to vote. Of course, if someone were to suggest sending pigs to college, that would be silly, just as it would be absurd to let small children decide what to do about their medical needs. Pigs do not have interests that would be forwarded by higher education. But that does not mean that we can ethically ignore the interests they do have.

A second way in which differences in interests might lead to differentiated behavior consistent with moral equality is in terms of what we might call the moral weight of interests. Surely not all interests are on an equal footing. Suppose a boy wants to kiss a girl, but the girl does not want to kiss him. It would be a mistake to think the best resolution would be to use a system like *jan ken pon*. The desire to kiss someone is not comparable in importance to the other person's interest in determining for him or herself whether to share that kind of intimacy, so the situation is not a simple standoff of equally strong competing interests.

The possibility of conflict between interests that are not of equal moral significance also exists in situations in which animals and humans might interact—for example, once we acknowledge that the pig's interests should be counted, it is hard to see why its interest in living is less significant than the human desire to enjoy the taste of pork. Or, consider that the only reason producers provide milk-fed calves with an iron-deficient diet is to produce the pale meat consumers prefer. Paler meat has no more nutritional value, and doesn't taste any different—all it has to recommend it is that it is considered a delicacy, a kind of food fashion. The interest in eating such meat is clearly much less significant than the interests of the calves that must be sacrificed to produce it.

So Singer's position is that a more morally enlightened view considers the interests of many kinds of animals, and not just those of our fellow human beings. But if the right dividing line is not the species line between humans and the rest of the world, where should we draw the line? Singer's response is that the capacity to suffer or to enjoy—what we generally call

'sentience'—is the appropriate place to draw a line between those to be included within the scope of moral concern and those outside the circle. He argues that this is the morally meaningful place to make a division, because sentience is necessary for possessing interests at all. To understand this. imagine the various ways one might injure a plant, like a rose bush—we might, for example, snap its branches, or expose its roots leading to its death. These are ways of hurting, injuring or ultimately, of destroying the rose bush. But doing something of this kind is not of the same moral order as, say, injuring or killing a squirrel or a pig, because all the best evidence we have is that the squirrel and pig do have the capacity to suffer or enjoy, while the rose bush does not have that capacity. If a being is not sentient—i.e., if it cannot suffer (either physically or emotionally), then though we might injure it, nothing we can do will matter to it, and thus it lacks interests in the morally relevant sense. Thus, when Singer speaks of liberating animals, he is referring to all and only those animals which are sentient.

For Singer, and other animal advocates, the ideas of pain and suffering are not limited to the physical. Lots of evidence suggests that animals of various kinds experience a much richer mental life than has sometimes been attributed to them. For example, the boredom and frustration of natural behaviors experienced by many animals in conditions of captivity, such as in zoos, laboratories and factory farms, can be a serious source of suffering.

V. 1. c. Singer's Utilitarianism

As I mentioned, Singer believes that Utilitarianism provides the best moral perspective. In brief, Utilitarianism is a moral theory that maintains that the morally correct action is the one among our options that is most likely to promote the greatest balance of good over bad consequences.

It is easy to see how this intersects with the critique of speciesism, since in failing to consider the interests of nonhuman animals, the speciesist may come to the wrong judgment of which action is correct. The obvious kinds of cases are those in which significant animal interests are at stake. For example, many companies test consumer products such as cosmetics on animals using one of a number of tests. One standard test, known as the Draize Test, is a test for eye irritation and toxicity that involves placing samples of potentially dangerous substances on the eyes of rabbits that have been placed in restraints, and observing for a period of three to four days the deterioration of the eyes. New eye shadows. for example, are sometimes tested in this way. While the potential damage done to women's eyes from such products is very important, a utilitarian analysis makes it clear that such testing should not continue for this purpose. It would simply be better not to introduce new items of this kind if such testing were necessary, given that the animals' suffering is so extreme, whereas the interests promoted by yet another new cosmetic are rather minimal. This is especially clear in light of the fact that so many alternatives exist at this moment (either in the form of the great variety of already tested items, the possibility of new combinations of known safe ingredients, or the simple alternative of going without eye shadow altogether). The failure to come to the right conclusion about such matters often results from our failure to take the interests of nonhuman animals seriously in the first place, not because they are less important interests.

V. 1. d. Utilitarianism, Death, and the Replacement Problem Another example that can help us further develop our understanding of Singer's position is his reasoning about egg production. How should a utilitarian respond to battery cage systems? That can only be answered when we consider two other things—first, the interests that are promoted through such practices, and second, the alternative courses of action available. On the first score, there are certainly the economic benefits to owners of farming operations, as well as the lower cost that such mass-production methods can provide to consumers. There are two alternatives to consider—one is to consume fewer eggs than we currently do, while assuring these are eggs produced in more favorable conditions for chickens. These eggs are usually called "free-range" or "cage-free" eggs3. The free-range option protects animals against much of the intense suffering imposed by battery systems. Of course, the other option is to do without commercially produced eggs. At any rate, once we consider these options, Singer would want us to make the decision that promotes the greatest balance of good; in his judgment, the battery confinement system is a clear loser, given the hundreds of millions of chickens that must suffer for extended periods of time in order to produce what is only a marginal benefit beyond what we can enjoy without the battery system. But which of the other options is best?

As I mentioned earlier, after a period of about a year, the typical hen's egg production decreases, making her less profitable to commercial egg producers. Since baby chicks are inexpensive to purchase, it is easier to simply kill the less productive hens and replace them with younger, more productive hens. The free-range system, as it is practiced currently by commercial farmers, also typically involves the killing of

less productive birds. While the killing process undoubtedly causes much suffering as practiced today (in the roughness of handling and transport, and the brutal treatment typical of slaughterhouses), suppose that the birds could be killed without inflicting further suffering. The question would then become whether there would be anything morally objectionable in simply killing the birds and replacing them.

In general, the harm of death (apart from the suffering that might accompany dying, both for the individual who dies and for others as well) has seemed more difficult for Utilitarians to explain. The problem is that if we identify kinds of experiences as the primary values to be promoted or avoided, we may be at a loss to explain why bringing about someone's premature death is wrong, since death seems to be a state in which one has no experience at all. Those who challenge Utilitarians on this typically pose the problem in terms of some hypothetical scenario involving killing a person who lacks significant human ties and whose death can be caused without causing any suffering-in the envisioned scenario, we might assume that this person's death could be traded for some increase in happiness for others. In responding to this kind of challenge, Singer argues for a form of Utilitarianism that places the primary value not on mental states such as pleasure or pain, but on preference satisfaction, something that is not simply a matter of one's current mental state. The wrongness of killing on this view amounts to interfering with the possibility of satisfying preferences to live—the individual wants to continue living, but death has foreclosed that possibility. Thus, for those animals that are capable of the relevant preferences—i.e., for those for whom a sufficiently complex mental life that would involve desires for the future, for example—death represents a harm. For others, it does not. Since Singer thinks that chickens are unlikely to have that kind of mental complexity, the mere fact of killing them when unproductive would not by itself be objectionable for a preference utilitarian, and so the free-range option under current circumstances might come close to being acceptable (though, as I mentioned before, since actual methods of killing are far from being free of suffering, the best option today still does not involve commercially produced free-range eggs).

Similarly, Singer's view of such things as the use of animals in science is more nuanced than people expect when they identify him as an animal rights philosopher. He is not a strict abolitionist about the use of animals for human ends. But his challenge to the discounting of animals' interests does provide a significant challenge to the extreme exploitation of animals that is currently practiced today in so many places.

V. 2. Tom Regan4

Tom Regan, who in addition to Singer is the other seminal thinker on animal rights, proposes more stringent ideas of individual rights that seem to reflect more clearly many of the more radical ideas of many in the animal rights movement. Unlike Singer's Utilitarian perspective, Regan's deontological view is uncompromising and more radical in its conclusions. He argues for the abolition of the use of animals in science, the dissolution of commercial animal agriculture, and the elimination of such things as sport hunting and trapping. In this, he is calling for a rethinking of the entire framework that views animals as legitimate resources for our use. In its place, he argues that many kinds of animals, like humans, possess what he calls "inherent worth." As respect for human beings' inherent worth grounds moral rights for humans, Regan also thinks that a similar claim should be

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made on behalf of animals.

V. 2. a. Regan's Critique of Utilitarianism

A good place to begin in understanding Regan is in his critique of Utilitarianism, for it is here that, despite many concerns that Regan shares with Singer, we can see differences emerge. And it is also here that we can see why Regan believes that an approach to ethics that emphasizes rights in a strong sense is to be preferred, both for humans and for animals.

What exactly is wrong with the Utilitarian approach to ethics, according to Regan? There are a number of issues he raises, but I will mention only one here. Regan is worried, as are other critics, that Utilitarianism's aggregative approach is consistent with exploitation of the weak. The argument for this problem is often made in terms of an imagined scenario in which we are asked to assume that serious harm or death for some individual is required to obtain a greater amount of good for the community. Since Utilitarianism seeks the best aggregate outcome, the fact that some individual is sacrificed for the common good is not itself an objection to the action—so long as it is the act with the prospect of procuring the best overall outcome.

To see this, we might further develop the scenario I just mentioned in thinking about Singer's response to the problem of death. Imagine a reclusive individual with few social ties—no spouse, no living relatives, no friends ... in short, no one who cares specifically about this individual—and now imagine that his death would produce better outcomes for the community than if he were to live. For example, imagine he is a miser who has amassed a small fortune, but who has

extremely quixotic ideas. Apart from his frivolous spending on himself (he loves expensive cars and jewelry), he has no intention of letting anyone else enjoy the fruit of his wealth, since he cares only about himself. In fact, he is so misanthropic that he intends to take his entire wealth with him when he dies, making it unavailable to others for whom it might do some good even after he has no further use for it. Because of his mistrust of banks and governments, he keeps his money hidden in his home. Imagine that someone learns of these strange ideas and finds a way to kill the miser without being discovered and then to distribute the money anonymously to various worthy causes. Regan maintains that killing such a man would obviously be morally wrong, yet, he contends that, according to Utilitarianism it looks like it is not only not wrong, but obligatory.

In a less fanciful context, Regan makes the point this way: despite Singer's strong criticisms of factory farming, it is not obvious that a consistent Utilitarian should always oppose factory farming, for it may turn out that the aggregate consequences of ending an institution as massive as factory farming may tip the scales in favor of its continuance, if, for example, it could be shown that its discontinuation would lead to economic collapse or great suffering. Analogously, the utilitarian argument for vegetarianism also appears to be equally conditional on having an appropriate but uncertain effect. If, for example, only a small percentage of the population are vegetarians, then, given the way the numbers work in large markets, there will be little or no positive effect of being a vegetarian (no animals will be spared slaughter), while there are some negative outcomes (for example, vegetarians forego certain gustatory pleasures), and so it looks as though there are moral arguments against rather than for vegetarianism

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for a utilitarian, contrary to Singer's advocacy of this position.

While I think Utilitarians can make reasonable responses to these objections, I will pass over them here, since their importance at the moment is to understand Regan's motivation for seeking a different kind of theory to ground ethics.

V. 2. b. Avoiding the Utilitarian's Problems-Inherent Value

The problem, according to Regan is that moral theories that focus on aggregate goods can be achieved in ways that violate the fundamental interests of individuals, and thus provide an insecure basis for justice. Regan urges, therefore, that we have to begin with a commitment to the inherent value of the individual. The inherent value of an individual is independent of that individual's effects on others, or her relations to anyone else, and also independent of the quality of her experiences. Thus the value of one individual is not replaceable by producing others with greater prospects or different experiences, nor is it relevant that others do or do not value that individual—her inherent value would remain the same whether she is closely tied to a social network of loving family and friends who care deeply about what happens to her or if she is quite alone and unloved.

How do we know that we have inherent value in this sense? Regan believes that when we reflect on our lives we recognize that, given our consciousness, goals, desires, preferences, memories, fears, and expectations, our lives have value to us. In short, our being what he calls "subjects of a life" is what gives us inherent value. Regan points out that most of those who would deny that animals have anything like the value we attribute to human beings argue from certain assumptions

about the mental deficiencies of animals (such as lack of awareness, beliefs, or language) to conclusions about their lack of moral standing. Though believing that animals have a rich mental life is certainly the common sense view today, we passed through a period in the 20th century when attribution of complex mental life to nonhuman animals was deemed unscientific and anthropomorphic. Regan argues that the weight of scientific evidence is on the side of attributing a complex mental life to many kinds of animals. More specifically, he argues that adult mammals, over one year of age, are "subjects of a life," and therefore that such individuals have the same kind of inherent value that human beings have.

Regan thinks that the failure to take the complexity of animal mental life seriously has impoverished our notion of animal welfare. Specifically, it has led us to think that mere avoidance of pain and suffering is sufficient to assure their welfare. On Regan's view, animals should be seen as much more autonomous than this. He argues that beings with beliefs, desires, preferences, and goals are certainly capable of initiating actions to satisfy their goals and preferences, and undoubtedly take satisfaction in reaching their goals "by their own lights." We harm an individual with these kinds of capacities by removing their capacity to exercise their autonomy. It is not sufficient, for example, simply to provide captive predator animals with adequate food and nutritionsince their desire to hunt is nonetheless frustrated. It is part of our concept of the good life that individuals have the opportunity to pursue and attain their goals, not simply that their most basic needs are satisfied, and Regan contends that this is true not only of human beings, but also of many kinds of animals. The implications of this point are significant, for it puts into question the deprivations of zoos, laboratories and

factory farms, even for animals that have never known the alternatives. And since death forecloses the possibility of future satisfaction of goals, it is a severe deprivation for any animal with goals and preferences. Thus, for Regan, given the inherent value of the individual, "humane" killing is not an ethical option (except in genuine cases of euthanasia—what we call 'euthanasia' for animals today is often not that at all, but a euphemism for the killing of unwanted animals).

V. 2. c. Inherent Value and Rights

According to Regan, the inherent value of different individuals is always the same—Regan believes views that maintain a hierarchy of basic value are morally pernicious because they provide a foundation for highly inegalitarian social relationships, including slavery and rigid caste systems. The scientific genius or creative artist may be valued more than others by certain societies, and in some cultures, of course, the movie star or athlete may be even more highly valued. But in the end, none of our lives are more inherently valuable than anyone else's. All those who are subjects of a life are equally inherently valuable. This equality is essential to Regan's view, as the inherent value of individuals is the basis for the claim to moral rights. Since we should treat individuals in ways that respect their inherent value, it follows that we have a prima facie duty not to harm those who have inherent value.

Of course, animals do not have legal rights of any substance anywhere in the world today—certainly not in the United States or Japan. Regan is speaking rather of moral rights; but he argues that we should institutionalize moral rights as legal rights, in order to protect those with inherent value from harm. Even if many human lives could be saved at fairly low cost by coercing people into becoming bone marrow, organ, or

blood donors, we believe that their right to be free of such coercion takes precedence. Human beings have the right to be free of coercion, even where the issue seems relatively innocuous, as in providing a pint of blood when it is needed when blood is needed we ask for donors, but no one suggests that it be collected like a tax. Similarly, Regan believes his theory implies that we should bring to an end the coercive use of animals in medical research, irrespective of the greater good that such uses might promise for humans or animals. He also calls for an end to raising and killing animals for food, regardless whether this could be done painlessly and whether doing so leads to better or worse aggregate consequences. Reform of such institutions is not sufficient, on Regan's view-any more than reform of the institution of slavery in 19th century America would have been sufficient to respect the rights of Black Americans.

VI. Some Developments of Subsequent Thinkers

Regardless of their differences, Regan and Singer believe that humans and animals are in some fundamental sense moral equals, and that coming to grips with this idea requires rather serious changes in the ways we treat animals. Before closing, I want to briefly mention two ways that subsequent thinkers have developed our reflections on moral status.

VI. 1. Rachels and Midgley: The Need to Contextualize Moral Status Questions

First I want to mention an idea from James Rachels and Mary Midgley, both of whom offer an important stimulus to discussion of moral status by arguing that simple line drawing theories—whether speciesistic or not—go wrong in failing to contextualize the question of who counts to the specific

purpose for which we need to distinguish between individuals. Midgley puts the point picturesquely by saying that, in some dramas, someone may be an appropriate character on the stage; and for some other dramas, that same individual may not be an appropriate presence on the stage (Midgley). Rachels has developed this idea in less fanciful terms, arguing for what he calls "moral individualism," which is the view that how an individual may be treated should not be a function of group membership, but rather of the individual's own characteristics. There are complex patterns of similarities and differences between individuals, both within and across species lines, and morality should reflect this complexity. While this is close to Singer's idea that it is the interest, rather than the interest-bearer that is important, Rachels gives the idea an interesting twist, challenging the idea that a single characteristic (whether it be rationality or sentience) can be relevant to all situations. The differences between individuals that justify differences in treatment in one context are often irrelevant in yet another context. Signs of some promise of intellectual development may be very important to us in determining the distribution of scarce resources such as admission to graduate school, and so examination scores and previous academic achievement are relevant in justifying our decisions of who to admit. But a doctor who determined whether to administer antibiotics to his patients based on the patients' intelligence would be making a rather bizarre error. We adopt a much more sensitive set of tests when thinking about humans-sensitive to patterns of relevant similarities and differences (Finsen and Finsen, 222-225). On Rachels and Midgley's view, then, there may not be a general best answer to the question "who counts morally," but rather many answers that depend on context. This suggests that the question, "where shall we draw the line?" invites overly simplistic thinking that distorts the richness of moral experience, both for humans and animals.

VI. 2. Sapontzis: The Importance of Clarifying Differences Between Diffferent Kinds of Moral Principles⁵

Even if we admit that nonhuman animals of some kinds deserve greater moral consideration in some contexts than has traditionally been accorded them, a natural question to ask is whether there still might not be a priority given to humans. Perhaps this was the real point behind the question mentioned earlier about sending pigs to college—whether our lives don't in some sense have a greater value because of our capacity for rationality, autonomy, spiritual development, or because we have some special connection with our fellow humans that most of us at least do not experience with other animals? Indeed, even Regan acknowledges that in situations in which conflict arises between human and animal rights, it would often be appropriate to give priority to humans. But does this cause a problem for the idea of animal liberation? Steve Sapontzis has offered some insight on this issue that I think helps us sort out many mistakes in thinking about animals and ethics.

Sapontzis points out that morality involves more than just one kind of principle. In this context, he distinguishes two. The first he calls "Ordinary Principles"—these give us answers to questions about the major features of our moral terrain—such as what is valuable, and what kinds of interests we should protect. "Auxiliary Principles," on the other hand, are principles we use to deal with extraordinary situations—often emergencies—in which we must settle conflicts between rights or competing interests. For example, the ordinary principle that we should help those in distress does not tell us how to

choose when we can only help some of those in distress. It points us in the right direction, which is often sufficient, but needs rounding out in difficult cases. For that, we invoke Auxiliary Principles, such as the principle that we should first protect the weakest or the innocent, or those to whom we have special obligations, such as our own children.

Once we make this distinction, it is easier to see how to avoid certain errors. Suppose, for example, that we believe that we should first help those who are weaker in preference to helping the stronger, for the obvious reason that the weaker are in greater need of our help and so are less likely to survive an emergency. Surely we could not infer from that way of prioritizing emergency responses to the conclusion that those who are stronger have less of a right to life than the weak, and that consequently we may sacrifice their lives for the less pressing needs of those who are weaker. Were we to make such an inference, we would err in trying to determine more basic values by reference to how we might respond to extraordinary circumstances. Inferring our Ordinary Principles from our Auxiliary principles will clearly get us into trouble.

This point is helpful in clarifying our question about giving priority to humans over animals. To believe that because we must give greater priority to humans, we may routinely sacrifice animals' interests even for less pressing human interests, is based on the assumption that our choice of auxiliary principles dictates the ordinary principles we should accept. But as we have just seen, that inference is unsound. Recognizing that human life ought to be preserved in preference to animal life in situations of real conflict or real emergency does not mean that we may routinely sacrifice animals' most basic interests where this is avoidable. Deciding to save the

life of a child rather than that of a calf if we are forced to make such a choice is correct, but tells us little about the acceptability of keeping calves in veal crates their whole lives in anticipation of killing and eating them, because the latter has no plausible explanation as a response to any emergency or genuine conflict of interests. Analogously, the right to defend yourself against a bear that enters your house and attacks you does not imply that you have the right to go out and hunt bears in general when they are not bothering you, nor would it justify capturing bears and turning them into our entertainers in bear parks.

This insight of Sapontzis' also helps us to clarify what liberating animals means. As he puts it, to liberate animals would be to "end the routine and avoidable sacrifice of animal interests." Keeping that idea clearly in mind can help us cut through some of the ways we are tempted to lose sight of what is really being sought by animal liberationists.

VII. Conclusion: Common Themes in Extending Moral Consideration to Nonhuman Animals

I have looked at some different ideas relating to animal rights and animal liberation, and there are, of course, many others who have joined the discussion with different approaches since Regan and Singer opened the door some thirty years ago. I have not, for example, mentioned the relation between animal rights philosophies and environmental philosophies, or the developments offered by ecofeminists⁶. Indeed, much has happened since Singer and Regan offered their seminal ideas. Despite the difference in theoretical orientation or detail, the approaches that have been emerging in this area nonetheless converge in a common direction. Perhaps I can encapsulate

that sense of convergence by returning to my initial question about our dolphin liberators: whatever we might think about the ethics of civil disobedience or other forms of resistance, it is clear that we cannot dismiss the actions of Le Vasseur and Sipman in liberating the dolphins simply as the expression of

Sipman in liberating the dolphins simply as the expression of a morally distorted perspective. While they liberated individual animals in a rather direct sense, their action spoke eloquently of the need to liberate animals in the broader sense that Sapontzis put so well as ending the routine and avoidable sacrifice of animals' interests. Actions like that of Le Vasseur and Sipman are deeply disturbing, not simply because they may upset our sense of order and the importance of respect for social institutions, but because they pose an important challenge to our deepest assumptions about how we may treat the other inhabitants of our planet.

Endnotes

- 1 What has come to be known as the animal rights movement could equally be referred to as the animal liberation movement—the difference reflects philosophical differences about the importance or centrality of rights in our ethical thinking rather than differences about the importance of expanding our ethical thinking to include nonhuman animals in significant ways.
- 2 The discussion here draws on a longer discussion of Singer's views in Finsen and Finsen, 179-193.
- 3 I am informed that eggs from free-range operations are available in Japan, the chickens from which they come being referred to as "jidori" or ground chickens. But I am uncertain how widely available these are, or about the conditions under which such eggs are produced.
- 4 The discussion here draws on a longer discussion of Regan's views in Finsen and Finsen, 193-206.
- 5 The discussion here draws on a longer discussion of Sapontzis' views in Finsen and Finsen, 206-219.
- 6 For an overview of these approaches, see Finsen and Finsen, ch. 7.

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和文要旨

動物の権利、動物の解放 ---人間以外の動物に道徳的考察を広げる運動における根本的考え---

Lawrence FINSEN

いかなる偉大な社会運動も、それが重く受け止められる前には、さまざまな段階を通過しなければならないと、ジョン・スチュアート・ミル(John Stuart Mill) は述べた――広く受け入れられる前には、嘲笑も含め、議論がなされなければならない。シンガーとレーガンによって提唱された哲学的考えは、個人の習慣と共に、社会における最も強力な慣行の日常的実践を変化させる重大な運動を誘発した。1970年代にはじまって以来、動物の権利運動は、一部の反対者たちからは嘲笑と中傷の対象とされ、他方からは賞賛と支持が示された。提唱者の多くの人たちの熱意とその真の目的の両面においてこの運動を理解するには、われわれはその根底にある哲学を理解しなければならない。本論文で私は、動物の権利や動物の解放という考えにあまり馴染みのない人々に、その考えを紹介することにしたい。

動物を解放するという考えは、人間以外の動物には重要な道徳的資格は存在しないという仮定に挑戦することになる。動物の権利哲学は、われわれに、他の生物との道徳的関係を再考し、そしてその結果、動物の集合的また個別的な扱い方を再評価することを求めている。

これらの考えを理解するために、先ずそれらの考えを、その問題をより 緊急化させた歴史的変化 (例えば、戦後における集約的動物農業の出現) も含め、それが出現した当時の文脈内に位置づける。

さらに付け加えるなら、これは、われわれの動物観は見直す必要があるかもしれないと暗示した同時期の知的展開に関する考察の助けになるであろう。

過去30年間に、われわれと動物の関係の再考を促す人々が相当多く現われた。提唱された哲学は非常に多様である。本論文では、主に2人の哲学者、ピーター・シンガー (Peter Singer) とトム・レーガン (Tom Regan) の貢献を見ていきたい。最初にシンガーとレーガンに注目するが、それには次の2つの理由がある。第一は、彼らがこのフィールドにお

ける根本的思想家だからであり、第二は、彼らが、主流の倫理理論は動物 をその対象に含めることができるし、また含むべきだとする主張を代表し ているからである(シンガーは、帰結論者の功利主義的パースペクティヴ を提供し、レーガンは義務論者の権利理論を主張している)。

シンガーとレーガンの議論を追いながら、いくつかの問題をより明確に 焦点化するうえで助けとなる、ジェイムズ・レイチェルズ(James Rachels)、メアリー・ミドグレイ(Mary Midgley)、スティーヴ・サポンジ ス(Steve Sapontzis)の考えも簡潔に考察するが、しかし、あくまでも 主たる焦点はシンガーとレーガンの考えにある。(訳、田中洋二郎)

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1995年12月にデイトン協定が結ばれ、ボスニア紛争は一応の停戦を迎えた。その内戦によって、地域住民はそれぞれの住居を離れ、そこに他人が入り込み生活するという状況がボスニア全土で起こってしまった。国際社会は、それらの不法居住者を立ち退きさせ、海外や国内で避難生活を送る者たちを元の住居に戻すことが必要であり、それがボスニア・ヘルツェゴビナの平和再構築の一歩となると考えた。その実態調査の業務を国際NGOワールド・ビジョンが請け負うことになった。そのプロジェクトが住居立証・管理部門(the Housing Verification and Monitoring Unit、以下 HVM)である。HVM の現地スタッフの大半は、寄せられた情報をもとに住居一軒一軒を訪れ、不法居住者の存在を立証していくのである。2002年夏にこの HVM で約2ヶ月間インターンを経験し、ワールド・

2002年夏にこの HVM で約2ヶ月間インターンを経験し、ワールド・ビジョンがその業務を円滑に行う原因を知りたいと思ったのが本研究の動機である。またこの研究で HVM の活動を明らかにし、その手法を他の地域でも応用できればとも考えたのである。

本研究では、HVM がうまく機能している原因を、現場で働く人々と彼らが作り出す環境にあると考え、特に管理職のリーダーシップと組織文化 (organizational culture) に注目した。研究の手法としては参加者自身による観察 (participant observation) とインタビューの2つを用いた。まず1つ目のリーダーシップについては、HVM を統括するプロジェクトマ