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Do Animals Have Moral Standing?

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1. Introduction

In 1875, “the anti-vivisection agitation” came to a boil in England. Public meetings were held, petitions were circulated, bills were introduced in parliament, and scientists were thrown on the defensive.

The most distinguished, and most beloved, scientist of the day was Charles Darwin. People wanted to know what he thought, but he found it difficult to answer. He wrote to one correspondent,

You ask about my opinion on vivisection. I quite agree that it is justifiable for real investigations on physiology; but not for mere damnable and detestable curiosity. It is a subject which makes me sick with horror, so I will not say another word about it, else I shall not sleep tonight.

At times, we are told, visitors to the Darwin home were forbidden to bring up the subject.

Darwin was never able to resolve his inner conflict.

Eventually, the controversy subsided, to be renewed 100 years later.

The modern animal-rights movement began almost exactly 100 years after Darwin's letter.

People take extreme positions. Some believe that we simply should not do experiments on animals. They think that animals have rights, and that rights are inviolable. There is a distinguished philosophical advocate of this view, Tom Regan.

Others take quite the opposite view and say that, where animals are concerned, we can do whatever we like.

But many thoughtful people want a middle ground. They find themselves in Darwin's position. When we think of all the good that has come from animal experimentation, it seems necessary and indispensable. But when we think of how the animals have suffered, it seems horrible.

What would a middle ground look like?

If we reject the idea of inviolable rights, and we also reject the idea that we can do anything we want, the alternative is that we have to do a balancing act, balancing the good that might come from the research against the harm done to the animals.

We are now in the process of learning to do this balancing. In the United States, one of the conspicuous results of the modern animal-rights movement is that research facilities funded by the federal government are now required – and they have been required for several years – to have “animal use committees” to monitor the experiments and (theoretically, at least) make sure that the animals are treated as decently as possible, given the requirements of the research.

The practical result of doing this balancing will be a great reduction in the use of animals in laboratories. It would mean that our treatment of animals would be more like our treatment of humans.

[ASIDE: The researchers themselves, at least the ones I know, are not too happy with this.

My own university’s medical research center has a full-time employee whose job it is to defend the researchers from the criticisms of the animal activists.]

2. The Idea of Moral Standing

I said I was going to discuss Darwin’s conflict. Actually, I want to focus on one issue connected with it—the question of the moral standing of animals.

The concept of “standing” is, of course, borrowed from the law. You have standing in a court of law if you have the right to be recognized and have

your claims heard. You have “moral” standing if, from a moral point of view, you have claims that must be heard – if your interests constitute morally good reasons why you may, or may not, be treated in certain ways.

People have moral standing. Does anything else?

Some environmentalists have argued that trees should have moral standing. This is not quite as silly as it sounds. It just means that the welfare of trees (and other elements of the ecosystem) should be taken into account when we decide what to do and what policies to adopt. And this should be done independently of whether it helps or hurts human beings—we should be concerned to protect the trees for their own sakes.

If we said that animals have moral standing, it would mean (similarly) that their interests would count, from a moral point of view. And their interests would count for their own sakes.

This is contrary to the dominant tradition, which says that we should avoid cruelty to animals only because, if we do not, there may be bad consequences for people. (Aquinas, Kant)

So, do animals have moral standing?

3. The Personhood Approach

A familiar pattern:

The strategy seems to be this: We begin with a group of assumptions. Persons have moral standing. Normal human beings are persons. Other beings may or may not be persons.

Then we ask what it takes to be a person, and we come up with a criterion—what is it that makes us the distinctive sort of being that we are?—and the answer usually has something to do with self-consciousness.

Then we conclude that nonhuman animals aren't persons but have some sort of lesser status.

And then we say that, because of all this, humans have full moral rights and other animals have less than full moral rights.

I believe this is a poor way to approach our subject. For one thing, it assumes that

whatever makes us the sort of beings that we are = what gives us moral standing = what makes it wrong to mistreat us

and this seems wrong.

But I will not argue directly against The Personhood Approach.

There's a bog here. Sometimes, rather than continuing to debate in the familiar way, it's better to back up and start over and then say: look, this

other way of thinking is more illuminating and it doesn't get up bogged down in all those non-issues like "what is a person" and "what is self-consciousness?"

James W. Walters, *What is a Person? An Ethical Exploration* (Urbana: University of Illinois Press, 1997).

Walters defines personhood in terms of self-consciousness, and then says self-consciousness is "the capacity to be aware of one's distinctive self as a relatively autonomous being among other such selves." (26) This capacity, he says, is "both necessary and sufficient for personhood, and for maximal moral standing." (2)

Nonhuman animals do have this status.

4. The Criteria of Moral Standing

The two most commonly defended views are:

- Rational, autonomous agents have moral standing.

Philosophers who say this generally hold that animals do not have full moral standing, although they might concede that animals have some sort of lesser moral status.

Motivation for this view: it picks out an especially noble human characteristic—a characteristic that makes us sort of wonderful, not just “mere animals”—and says *that* is the basis of our moral standing. That’s why we matter!

- Sentient beings (capable of feeling pain) have moral standing.

Philosophers who say this believe that animals have full moral status.

And the argument between these two views is, at least in part, an argument about whether animals have rights.

I do not want to take sides in this argument. Instead I want to suggest that there is something wrong with the way the issues are being framed.

We are interested in understanding how people (or animals) may be treated. But there is no one characteristic—whether it is rationality, sentience, or anything else—that is relevant to the whole range of ways in which people (or animals) may be treated.

Let me explain why this is important.

Rationality and Autonomy

Humans, it is said, have moral standing because they are rational, autonomous agents. Humans can guide their own conduct according to their own conceptions of what ought to be done.

Does the fact that someone is a rational autonomous agent make a difference in how he should be treated? Certainly it may. For such a being, the self-direction of his own life is a great good, valued not only for its instrumental worth but for its own sake. Thus paternalistic interference may be seen as an evil.

To take a simple example: a woman might have a certain conception of how she wants to live her life. This conception might involve taking risks that we think are foolish. We might therefore try to change her mind; we might call attention to the risks and argue that they are not worth it. But suppose she will not heed our warnings: are we then justified in forcibly preventing her from living her life as she chooses? It may be argued that we are not justified, for she is, after all, a rational, autonomous agent.

It is different for someone who is not a fully rational being--a small child, for example. Then we feel justified in interfering with his conduct, to prevent him from harming himself. The fact that the child is not (yet, anyway) a fully rational agent justifies us in treating him differently than we would treat someone who is a fully rational agent.

But once we understand why being a rational agent makes a difference in how one may be treated, in those cases in which it does make a difference, it becomes clear that possession of this quality is not always relevant.

Whether a difference is relevant depends on the kind of treatment that is in question. When the issue is paternalistic interference, it is relevant to note

whether the individual whose behavior might be coerced is a rational agent. Suppose, however, that what is in question is not paternalistic interference, but something else.

Suppose, for example, the question is whether to admit someone to this university.

Jones is not admitted because he can't read. Now, the fact that Jones is or is not an autonomous agent has nothing to do with the decision. What is important is the fact that he can't read.

Or suppose the question is whether to prescribe penicillin. Now, what is important is whether the person has an infection.

Suppose we said "only those who can read have moral standing" or "only those susceptible to infection have moral standing." That would make just as much sense.

The plain fact is that different capacities figure into explanations of how people may be treated, depending on what sort of treatment is at issue.

What does all this imply about nonhuman animals?

- It's all right to coerce an animal, for its own good, because it is not an autonomous being.

- It's all right to exclude chimps from university classes, because they can't read.
- Appropriate veterinary medical treatment may be given to animals, because they are vulnerable to diseases (and their not being autonomous, and not being able to read, has nothing to do with it).

Suppose (what is probably impossible) that an unusually gifted chimpanzee learned to read and speak English. And suppose he eventually was able to converse about science, literature, and morals. Finally he expresses a desire to attend university classes.

Pain

Animals may not be autonomous, and they may not be able to read, but they can suffer pain. And that, of course, is what worries us about many uses of animals in research.

Does the fact that doing something would cause pain to an animal constitute a reason against doing it? (A reason of moral weight?) Of course. This brings animals well within the boundaries of "the moral community."

Does it make any difference to this if the animal isn't an "autonomous being"? Of course not.

Philosophical friends of animals have frequently made this point, and in order to circumscribe the boundaries of the “moral community,” they have expressed a variety of opinions about how far sensitivity to pain extends.

- Some say: down to the level of shrimps
- Some say: probably insects can't feel pain

What we need, however, is more empirical information. (In the old days, before Darwin, animals were regarded as mere “animated machines,” on philosophico-religious grounds. Now the pendulum has swung the other way, often on ideological grounds.)

Here's the question we need answered:

Is the experience of pain something that is well-nigh universal among complex species, or is it something that occurs in only some species (as, for example, echo-location in bats is peculiar to them)?

From Daniel Dennett, *Brainstorms* (Cambridge, MA: Bradford Books, 1998), p. 346:

In an elegant paper, Peter Gärdenfors (1996) points out “why a snake can't think of a mouse.”

It seems that a snake does not have a central representation of a mouse but relies solely on transduced information. The snake exploits three

different sensory systems in relation to prey, like a mouse. To strike the mouse, the snake uses its visual system (or thermal sensors). When struck, the mouse normally does not die immediately, but runs away for some distance. To locate the mouse, once the prey has been struck, the snake uses its sense of *smell*. The search behavior is exclusively wired to this modality. Even if the mouse happens to die right in front of the eyes of the snake, it will still follow the smell trace of the mouse in order to find it. This unimodality is

particularly evident in snakes like boas and pythons, where the prey often is held fast in the coils of the snake's body, when it e.g. hangs from a branch. Despite the fact that the snake must have ample proprioceptive information about the location of the prey it holds, it searches stochastically for it, all around, only with the help of the olfactory sense organs. (Sjölander, 1993, p. 3)

Finally, after the mouse has been located, the snake must find its head in order to swallow it. This could obviously be done with the aid of smell or sight, but in snakes this process uses only *tactile* information. Thus the snake uses three separate modalities to catch and eat a mouse.

So snakes can't think of mice. Can they feel pain? Is there an organized snakey "self" there that feels pain and minds it?

Anyway, snakes are not our close kin. The closer a species is to us, the more confidence we can feel. Mammals can feel pain.

5. Conclusion

Darwin again:

Darwin was anxious to oppose the idea that animals are mere “animated machines,” and in making the point was willing to attribute a broad range of psychological capacities to animals. They experience not only pleasure and pain, but terror, suspicion, and fear. They sulk. They love their children. They can be kind, jealous, self-complacent, and proud. They are curious. “There is no fundamental difference,” he said, “between man and the higher mammals in their mental faculties.”

That is why the thought of vivisection bothered him so much. He realized that, to the extent that nonhumans are similar to humans, they should be treated similarly.

The view that I have sketched is, I think, Darwinian. It does not elevate some one human characteristic to a place of supreme importance in determining moral status.

Instead, it sees a complex pattern of similarities and differences between species (and among individuals within species!) and treatments appropriate to those similarities and differences.

Our treatment of humans and other animals should be sensitive to the pattern of similarities and differences that exist between them. When there is a difference that justifies treating them differently, we may; but when there is no such difference, we may not.

On this view, moral rules are not indexed to species—there is not one set of rules for humans, one for nonhumans.

The rule against causing pain is not a rule against causing pain to humans.

Three Questions:

- Does this mean we must treat animals in the same way we treat humans?

No, not even all people should be treated alike.

- Do animals have moral standing?

Yes, but this simply means that it is objectionable to treat them in certain ways, and that the explanation of why it is objectionable has to do with their own welfare.

- Finally, there is the perennial question, “But where do you draw the line? Must we avoid killing cockroaches?”

There is no one line to be drawn, unless we wish to be arbitrary.

Bibliography

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Do animals have moral standing? On what grounds should animals be granted moral standing? As part of your answers to these questions, explain what moral standing means, along with an explanation of Peter Singer's argument that all animals are equal based on sentience. Also consider the reasons why Mark Sagoff argues that animal liberationists cannot be environmentalists and vice versa. Whose view do you agree with more, and why? Williston, Byron. 2012. Animal Welfarism.