IN DEFENSE OF AN ANIMAL’S RIGHT TO LIFE

Aaron Simmons

A Dissertation

Submitted to the Graduate College of Bowling Green State University in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

May 2006

Committee:

R.G. Frey, Advisor

Juan Bouzat
Graduate Faculty Representative

Tom Regan

David Sobel
In this dissertation, my primary aim is to defend the idea that animals have a basic moral right to life, such that we have a strong duty to refrain from killing them. More specifically, I argue that animals’ right to life is equal in strength to humans’ right to life, such that our duty not to kill animals is just as strong as our duty not to kill humans. An implication of this right is that we are required to cease killing animals for food, material, and purposes of scientific experimentation.

I approach my thesis by examining two main objections to the view that animals have an equal right to life. The first objection contends that animals do not have a right to life because they do not have an interest to live. According to this objection, animals have no interest to live either (1) because having interests requires having desires and animals cannot have desires, or (2) because even if animals can have desires and interests, they do not have specifically an interest to live. In response, I argue, first, that many animals are in fact capable of having desires. Second, I argue that many animals do have specifically an interest to live.

The second objection contends that animals do not have an equal right to life because life has less value for animals than humans. According to this objection, life has greater value for humans than animals because human life is richer than animal life, and this is the case because only humans possess traits such as autonomy, personhood, or rational agency. In response to this objection, I concede that it is plausible to think that life typically has greater value for humans than animals. However, I argue that having an equal right to life does not require that life has equal value for a being but rather just that...
the value of life for a being meets a certain threshold. I aim to show that the value of life for many animals meets this threshold.
ACKNOWLEDGEMENTS

I would like to thank the members of my dissertation committee for their assistance in my production of this dissertation. At the outset of this project, my advisor R.G. Frey expressed to me his belief that it is best to have as your advisor someone who disagrees with your conclusion, since such an advisor is likely to challenge you to defend your views more thoroughly. Although at times it can be frustrating to work with an advisor who, more often than not, does not see eye to eye with you, I believe that my dissertation is considerably stronger for having worked with Dr. Frey. In our meetings, he consistently challenged me to address various important issues and arguments that I otherwise may have missed or glossed over. As a result, my arguments became more sophisticated and stronger. I was fortunate to be able to rely on Dr. Frey’s expertise in the area of animal ethics, and I thank him as well for his support of my work despite the fact that we hold opposing viewpoints on the moral standing of animals.

Additionally, I would like to thank the other members of my committee: Tom Regan, Dave Sobel, and Juan Bouzat. I am grateful for having been able to work with Dr. Regan, whose seminal book The Case for Animal Rights (along with Peter Singer’s Animal Liberation) originally inspired my interest in the philosophy of animal ethics back when I was just a junior in high school. Dr. Regan provided me with extensive comments on the rough drafts of my chapters, which helped me improve my arguments. Moreover, he offered me words of encouragement and support as a fellow defender of the rights of animals, which I appreciated. I thank Dr. Sobel as well for his extensive comments on my rough drafts, and also for his very positive and encouraging words of support after reading my work and before my dissertation defense as well.
Finally, I’d like to thank my parents for always being supportive of my beliefs and my academic pursuits.
# TABLE OF CONTENTS

**INTRODUCTION** ............................................................................................................. 1

1. Clarifying the Right to Life ....................................................................................... 2
2. Life vs. Suffering ........................................................................................................ 5
3. Main Argument & Basic Assumptions ..................................................................... 7
4. The Merits of this Project ......................................................................................... 11
5. Chapter Outline ......................................................................................................... 13

**CHAPTER 1. FEINBERG, ANIMALS, AND THE RIGHT TO LIFE** ............. 17

1. Feinberg & the Interests Criterion ............................................................................ 18
2. Feinberg on Animals & the Right to Life ................................................................. 25
3. Problems with Feinberg’s Argument ....................................................................... 29
4. Conclusion .................................................................................................................. 40

**CHAPTER 2. ANIMALS, INTERESTS, AND DESIRES: IN DEFENSE OF ANIMAL DESIRES** ................................................................. 43

1. Interests & Desires .................................................................................................... 44
2. Desires & Animals .................................................................................................... 46
3. Animals & Propositional Attitudes ......................................................................... 61
4. Animal Behavior & the Scope of Desires ............................................................... 86
5. Drawing the Line ...................................................................................................... 88
6. Conclusion .................................................................................................................. 90

**CHAPTER 3. ANIMALS, THE VALUE OF LIFE, AND THE RIGHT TO LIFE: IN DEFENSE OF ANIMALS’ RIGHT TO LIFE** .............................................. 92

1. An Interest to Live ....................................................................................................... 93
2. The Comparative Value of Life ............................................................................... 108
4. Conclusion ...................................................................................................... 208

CONCLUSION ............................................................................................................. 209
INTRODUCTION

Many people in the world today believe that, generally speaking, every human being possesses certain basic moral rights. One of the most important, most basic of these rights is the right to life. In holding that every human has a basic right to life, we believe that every human life has a fundamental moral worth, such that we have a strong moral duty to refrain from taking away that life, regardless of what personal or societal goals could be achieved by doing so.

When we move past the boundary of our own species, however, most people deny that sentient nonhuman animals have basic moral rights. Among the rights denied to animals is the right to life. The dominant moral attitude towards animals regards them not as holders of a right to life but rather as mere resources whose lives we are free to take for various purposes of human benefit or satisfaction. In virtually every human society today, animals are routinely killed in order to become our food and material, whether reared on farms or hunted and killed in the wild. Most people eat meat and wear animal skins (e.g. leather, fur), and endorse the practice of killing animals for these products. Animals are also killed frequently in scientific laboratories for purposes of medical and other scientific experimentation.

In this dissertation, my primary aim will be to defend the idea that, contrary to the dominant moral view, animals have a basic moral right to life, such that their lives have a fundamental moral worth and we have a strong moral duty to refrain from killing them, regardless of any human benefit that could be produced by doing so. I will argue that animals’ right to life is equal in strength to humans’ right to life, such that our duty not to kill animals is just as strong as our duty not to kill humans. Given their right to life, I will explain that we are morally required to make fundamental changes in our basic moral attitudes towards animals and

---

1 I say “generally speaking” because of possible exception cases of human beings that we think do not possess rights. For example, such exceptions might include humans in a permanently brain-dead or vegetable state.
2 From now on, I will use “animals” to refer exclusively to nonhuman animals.
in our basic moral treatment towards them. In particular, we are required (1) to cease killing animals for food, clothing, and other materials or products, and to adopt a vegetarian lifestyle, and (2) to cease killing animals for purposes of scientific experimentation.

1. Clarifying the Right to Life

In considering the issue of whether animals have a moral right to life, we must clarify exactly what it means to have a moral right and, in particular, a moral right to life. To have a moral right to something is to be morally entitled to a certain respectful treatment from others. Or as Joel Feinberg puts it, to have a right is to have a “valid claim” to certain treatment from others, where by “valid claim” he essentially means a claim that is morally justified. The right to life, for example, is a moral entitlement to having one’s life respected by others, to not having one’s life taken away from her. Corresponding to a being’s moral right to something is a moral duty on the part of others to treat that being in the way required by the right. For example, corresponding to a being’s right to life is a duty on the part of others to respect that being’s life, to not kill that being. In particular, the duties corresponding to rights are possessed by those who qualify as moral agents—that is, those beings that are capable of moral reasoning and who, therefore, can reasonably be held morally responsible for their actions.

Rights and the duties that correspond to them may be “positive” or “negative”, or both. A being’s negative right is one that requires us not to cause a particular harm to that being. A being’s positive right is one that requires us to aid that being in some way. The right to life, for example, is usually viewed as at least a negative right, requiring us not to kill certain beings.

---

4 A right to life may also entitle one to positive assistance in having one’s life saved when threatened, depending on whether we think the right is a positive right (one that requires us to aid others) or merely a negative right (one that merely requires us to not harm others). I will put this issue to the side for now.
the right to life is often viewed also as a positive right, requiring us, for instance, to try to save another’s life when her life is in danger and when making this effort would personally cost us very little.

A being’s moral rights are not temporary or situational, but rather they are things that a being continues to possess through time and changing circumstances. They serve to protect a being’s most basic, most important interests by requiring us to respect those interests in our various actions. In this way, rights are expressions of the fundamental moral worth of a being and her basic interests. In protecting a being’s basic interests, rights function as moral constraints on our pursuit of our own good and the good of others. In pursuing our own or others’ good, we must not infringe on others’ rights. If a being has a right to something, then we have a duty to respect that right, regardless of what ends could be achieved if we violated the right. If a being has a right to life, for example, then we have a duty not to kill her, regardless of what ends could be achieved by doing so, even if by killing her we could promote our own welfare or the welfare of others.

In discussing rights, however, there arises a certain question as to the strength of particular rights and their corresponding duties. In what circumstances, if any, does a particular right fail to hold, such that we no longer have a duty to treat a being in the way required by that right? For example, when does a being’s right to life fail to hold such that it becomes permissible to kill that being? One view that we could take of a particular right is that it has absolute strength. This means that the right in question is one that always holds, and that we must always respect that right. On the other hand, we might think that a particular right ceases to hold in some circumstances such that we no longer have a duty to respect that right. For example, most of us probably think that a person’s right to life ceases to hold if she poses a threat
to someone’s life and killing her is necessary for self-defense. The strength of our duty to respect a particular right varies according to the strength of that right: the stronger a right, the stronger our duty is to respect that right. If a particular right is absolute, then our duty to respect that right is absolute as well. If a particular right has a limit to its strength, the strength of our duty to respect that right is also limited accordingly.

In this dissertation, I will argue that animals have a strong right to life. More precisely, I will contend that their right to life is equal in strength to the human right to life. In making this argument, I will be focusing in particular on the negative right to life. I will aim to show that animals have an equal negative right to life, such that our duty not to kill animals is just as strong as our duty not to kill humans. This means that there are not circumstances in which it is wrong to kill humans but permissible to kill animals.

How strong though is the human right to life and our corresponding duty not to kill other humans? The human right to life is not an absolute right, because at the very least it is sometimes permissible to kill another human who threatens the lives of others, if doing so is necessary to protect those lives. I think that most people that believe in a human right to life accept this limit on that right. However, beyond cases of immediate self-defense, there seems to be much less consensus on the limits of the human right to life. For example, some people think that it can be permissible to kill another human in cases of war, in cases of euthanasia (i.e. terminally ill patients who wish to die rather than suffer), in cases of capital punishment, to prevent a great catastrophe (e.g. a nuclear holocaust), or to prevent an intended future act of great harm (e.g. if we could have killed Hitler in his sleep).

I do not seek here to settle the question of precisely in what circumstances a human’s right to life no longer holds. It is sufficient for my purposes to recognize when the human right
to life clearly does hold, such that we clearly have a duty not to kill other humans. The belief that every human possesses a basic right to life, as commonly held in today’s world, typically implies that it is wrong in nearly all circumstances to kill other humans given (1) that they are not, in their actions, threatening to kill or cause serious harm to others, such that killing them is necessary for self-defense, and (2) that they wish to live or that they have an interest to live.\footnote{This second condition is intended to potentially permit some cases of assisted suicide.} In this respect, I think that the human right to life is typically regarded as pretty close to an absolute right. Again, some people who believe in the human right to life might think that there are some exceptions to this, but even so, the exceptions are rather exceptional. Human life, within some exceptional limits, is quite sacred.

More to the point, the belief in the basic human right to life typically implies that it is clearly not permissible to kill other humans simply because it pleases or entertains us or makes a good sport, or to eat them as food, or to use their skins as material, or to reduce their population levels, or for purposes of scientific experimentation. The fact that experimenting on and killing unwilling humans would serve to advance research for cures or treatments for human diseases certainly does not permit us to do so. If, then, animals have an equal right to life, it follows that it is also not permissible for us to kill animals for any of these purposes.

2. Life vs. Suffering

Often in discussions about how we morally ought to treat animals, ethical concerns are focused mainly if not solely upon the pain and suffering that we may cause animals, and there is little if any concern about the taking of animal life. For example, moral questions surrounding our rearing of animals for food often pertain merely to how the animals are treated, whether they are caused to suffer unnecessarily. Indeed, moral concerns about our rearing of animals for food
often center on animals reared in factory farms, because it is argued that factory farms inflict great suffering on the animals. It is left unclear whether there should also be moral concern with the mere fact that we are killing animals for food, whether in factory farms, on more traditional, “free-range” farms, or through hunting. Occasionally it is admitted that there is nothing wrong with killing animals for food if we kill them in ways that do not cause them much suffering.

Similarly, moral questions surrounding the use of animals for scientific experimentation often pertain merely to whether the animals used are treated “humanely”, whether they are caused unnecessary suffering. It is possible to perform many experiments on animals using an anesthetic so that the animals do not feel any pain when they are cut into and when they are ultimately killed. Often it is suggested that if we can eliminate or minimize the pain we cause animals, there is no reason for any moral concern about experimenting on them.

I do not wish to suggest here that we should not be concerned about the suffering we inflict on animals in our practices towards them, or that we should not seek to minimize their suffering. I believe these are very important moral goals. However, in this dissertation, I do wish to make the point that it is morally insufficient to seek merely to eliminate the suffering we cause animals. There is something deeply wrong with killing animals for purposes of scientific experimentation, even if they are killed painlessly. Similarly, our moral objections to rearing animals for food should not be limited to factory farms but should extend to killing animals for food at all. In short, my claim in this dissertation is that killing animals in itself is morally wrong in most circumstances, regardless of whether they are killed painlessly. This amounts to a much more fundamental challenge to the dominant moral attitudes and practices towards animals, and it calls for much wider and more fundamental changes in those attitudes and practices.
3. Main Argument & Basic Assumptions

My central argument in this dissertation will be that animals have an equal right to life in virtue of the fact that they have in common with us a fundamental interest to live. That animals have an interest to live means that life has value for them, that it is good for them, that it benefits them somehow, that it promotes their welfare. That animals have a fundamental interest to live implies that life has fundamental value for them. By this I mean that life is among the things that have the highest value of anything for animals. Moreover, its value for them is very basic, in the sense that life is instrumental to the rest of their welfare—that is, it is necessary as a means to many other things that have value for them.

In making my argument, I will be relying on a couple of assumptions: (1) that human beings have a right to life, and (2) that they have this right in virtue of having a fundamental interest to live. As previously noted, a great many people believe that generally all humans have a basic right to life. Not all philosophers though have agreed that humans have a right to life or any rights at all. Historically, most philosophers who subscribe to the moral theory of utilitarianism have denied the existence of moral rights altogether. According to utilitarianism, moral action does not consist in respect for the rights of others; rather, it consists in doing whatever would produce, on balance, the greatest amount of happiness in the world. Utilitarians tend to think that talk of rights is mysterious or nonsensical. On the other hand, rights theorists charge that utilitarianism violates the principle of human dignity insofar as it allows the basic welfare of individuals (e.g. their lives, freedom, or health) to be sacrificed for the greater good of society. Tom Regan, for example, argues that utilitarianism, in its singular goal to promote the

---

6 It might be wondered whether everything that has value for an entity is properly called an interest of that entity. In response to this concern, I will just say that if anyone objects to my definition of having an interest, we can simply forego talk of interests and instead refer simply to what has value for an entity.
greatest net good, views people (as well as animals) as mere “receptacles of value”, rather than valuing the individuals themselves.

The debate between rights theorists and utilitarians is one of the biggest debates in all of moral philosophy. Moreover, the disagreement occurs at a very fundamental philosophical level. Any serious attempt to resolve this debate requires deep, complex arguments. For this reason, I will not seek, in this dissertation, to show why we should believe in the existence of rights as opposed to adopting utilitarianism or some other moral theory. My suggestion here is that most people share the assumption of my argument: that humans have some moral rights, including a right to life. My argument is not intended to convince utilitarians or others to believe in rights. I do not purport here to justify the belief that there are such things as rights. Rather, my argument is intended to convince those who already believe in human rights—and in particular, a human right to life—that animals too have a right to life.

My argument assumes not only that humans have a right to life but also that they have this right in virtue of having a fundamental interest to live. It seems to me that a highly intuitive view of why humans have a right to life is because life has fundamental value for them—that is, because life has a certain very high, very basic value for them. This is evident, for one, from the arguments that philosophers often give for denying that certain entities, such as animals, have a right to life (or a strong right to life). For example, Michael Tooley suggests that an entity cannot have a right to life unless it is capable of having an interest to live. On these grounds, he argues that animals and human fetuses do not have a right to life.7 Ruth Cigman contends that animals do not have a right to life because death is not a misfortune for them.8

---

7 Tooley, Abortion and Infanticide.
suggests that animals have, at most, only a very weak right to life because the value of life for them is minimal at best, much less than the value of life for humans.\(^9\)

Aside from what philosophers have said, I believe there is also a common intuition among people who believe in the human right to life that the reason why each of us has this right is because life has a certain fundamental value or preciousness for each of us. Indeed, it seems to me that the central purpose of basic moral rights like the right to life is to protect things that have fundamental value for each of us. Additionally, those people who believe that it is justifiable for humans to kill animals for food or scientific experimentation typically defend their view on the grounds that life has much greater value or preciousness for humans than animals, and therefore, that animals do not have the same right to life that humans have.

In making this second assumption, however, I will, to some degree, be putting aside objections that contend either (1) that having a right to life does not require having an interest to live, or (2) that having a right to life requires the possession of qualities in addition to considerations regarding the value of life for an entity. This second kind of objection might be waged, for example, by contractarians who believe that humans have rights in virtue of the fact that we make agreements with one another to cooperate and not harm each other. Such contractarians could argue that the reason why animals do not have a right to life is not so much because life has little or no value for them, but rather because they are incapable of making cooperative agreements with us.

In my first chapter, I will, to some extent, seek to defend my argument from these objections. I will provide some reasons for thinking that having a right to life requires having an interest to live, and I will offer some criticisms of the view that having rights requires having the capacity to reciprocate moral conduct. However, to some extent, my analyses and arguments

will not be as thorough as they ultimately should be. It should be noted also that in chapter five, I will also seek to defend the criterion of interests from the criticisms of Tom Regan, who argues that the most reasonable criterion for having rights is not the possession of interests, but rather what he refers to as having inherent value and being the subject of a life.

Given the assumption that humans have a right to life and that they have this right in virtue of having a fundamental interest to live, there are two main issues when it comes to the question of whether animals have an equal right to life: (1) whether animals have an interest to live, and (2) if they have an interest to live, whether the value of life for animals is great enough in comparison to the value of life for humans. These two issues are the main issues that will concern me in this dissertation. My primary aim will be to show that animals have an interest to live, and that the value of life for them is great enough in comparison to the value of life for humans. The main arguments that I will consider against the view that animals have a right to life are ones that contend either (1) that animals do not have an interest to live, or (2) that their interest to live is not significant enough in comparison to humans’ interest to live.

These assumptions help explain what I mean by the claim that animals have a right to life “in virtue of the fact” that they have a fundamental interest to live. On the face of it, this claim might appear objectionable on the grounds that, even if it is agreed that animals (or humans, for that matter) have a fundamental interest to live, it is still an open question why we should think that they have a right to life. In other words, the fact that entities have an interest to live does not in itself entirely illuminate why they have a right to life; it is part of the explanation, but more argument must be given, argument that bridges the gap between the purely factual claim that others have an interest to live and the moral claim that they have a right to life. It is not my concern in this dissertation to provide this argument. Rather, my concern lies with the criterion
for having a right to life—that is, what qualities an entity must possess in order to have a right to life—and whether animals meet this criterion. Thus, I assume that there is a right to life. Moreover, I assume that what qualifies humans for a having this right is the fact that they have a fundamental interest to live. Given these assumptions, the question becomes whether animals qualify for having a right to life. I argue that many animals do qualify for this right because they too have a fundamental interest to live.\footnote{I should clarify also that I do not mean to endorse the view that beings have rights to everything in which they have an interest (i.e. everything that has value for a being). I do not seek, in this dissertation, to put forth a general theory of rights. However, ultimately I would argue that only certain interests qualify for rights. More specifically, I would argue that beings have rights to certain fundamental interests that they have in common with us.}

4. The Merits of this Project

My dissertation endeavors to make a substantial contribution to the philosophical literature on animal rights in a number of ways. First and foremost, although a number of philosophers have already developed arguments in defense of the rights of animals, I am not aware of any work that has sufficiently put forth the foundation for animals’ possession of an equal right to life in particular. This is especially significant since there is a lot of practical moral consequence that turns on whether animals have an equal right to life. In particular, if animals have an equal right to life, then it follows that it is fundamentally wrong to kill animals for food, material, and purposes of scientific experimentation, even if the animals are caused minimal pain and suffering in the process of being killed.

Easily, the best-developed defense of animal rights to date is the work of Tom Regan, particularly his book, *The Case for Animal Rights*. However, in his works, Regan never really illuminates the grounds for animals’ right to life. In *The Case for Animal Rights*, he is primarily concerned with defending the grounds for animals’ possession of rights in general. He does not
specifically articulate a defense of animals’ possession of a right to life. In his article, “The Moral Basis for Vegetarianism,” Regan does argue that animals have a right to life. However, his argument is merely a “negative” one in that he merely examines possible reasons for thinking that animals do not have a right to life and shows why each reason is deficient. Although this approach certainly has its merit, what I seek to do here is to provide positive grounds for attributing to animals an equal right to life. More precisely, I seek to articulate what is required for an entity to have an equal right to life (i.e. what qualities an entity must possess) and to show that many animals meet this criterion. I am not aware of any other extensive philosophical work which has sought to accomplish this goal.\(^\text{11}\)

In my effort to show that many animals meet the criterion for having an equal right to life, I address a number of philosophical issues that have not been sufficiently dealt with in the animal rights literature. For one, I investigate whether animals have an interest to live, and I provide extensive grounds for thinking that they do. I explain the nature of this interest and I address a number of objections questioning animals’ capacities to have in particular an interest to live. Secondly, I investigate whether life has less value for animals than humans, and if it does, whether this justifies the belief that only humans have a right to life or that only humans have a right to life in the strongest, fullest sense. My argument aims to show why animals have an equal right to life even if life has less value for them than most humans.

Finally, it is worth noting that my criterion for having a right to life (i.e. the possession of a fundamental interest to live) is distinct from Regan’s criterion for having rights, which is the

---

\(^\text{11}\) James Rachels has an essay titled, “Do Animals Have a Right to Life?” in *Ethics and Animals*, ed. by Miller and Williams. It goes some way in putting forth the positive grounds for attributing to animals a right to life. According to Rachels, the criterion for having a right to life consists in “having a life in the biographical sense” as opposed to a merely biological sense. This criterion appears to be related to the criterion of having an interest to live, but it’s not entirely clear how it is related. More importantly, in just a few pages, Rachels’ article does not go very deeply into the variety of philosophical issues that must be resolved in order to show that animals meet the criterion for having a right to life.
possession of inherent value and being the subject of a life. In fact, Regan has actually criticized appeals to interests as the criterion for having rights. In chapter five, I address this criticism and show why my interests criterion is superior to Regan’s criterion.

5. Chapter Outline

In what follows now, I will give a brief outline of my dissertation. In the first chapter, I will begin my dissertation by examining the view of one major philosopher who denies that animals have a right to life (or at least a strong or equal right to life), namely, the view of Joel Feinberg. In his essays “The Rights of Animals and Unborn Generations” and “Human Duties and Animal Rights”, Feinberg addresses the issue of the moral standing of animals. In the latter essay in particular, Feinberg addresses the question of whether animals have any moral rights, including the right that concerns us here—a right to life. His view is that while animals do have a basic right against being treated “cruelly” or being caused to suffer, they do not have any serious right to life. In defending his view, Feinberg raises what I take to be the central issues involved (at least for the purposes of this dissertation) in deciding whether animals have a right to life: (1) do they have an interest to live, and (2) if they do, how strong is this interest in comparison to humans’ interest to live? In this chapter, I will take up Feinberg’s arguments for his view, and I will show where the arguments fail. In particular, I will argue that Feinberg fails to show that animals do not possess enough of an interest to live to warrant their having a strong right to life.

In chapter two, I will consider one significant objection to the idea that animals have an interest to live. According to this objection, animals do not really have interests at all because having interests requires having desires and animals are not capable of having desires. In
response to this objection, I will agree that having interests requires having desires (or something like desires), but I will argue that many animals are capable of having desires. In making this argument, I will address a number of objections that claim that animals cannot have desires. These objections usually contend that for one reason or another having desires requires having the capacity to use language, a capacity that animals mostly if not entirely lack. I will show that these objections are misguided. I will also consider objections that claim either that we cannot know whether animals have desires or that we cannot know what it is that they desire (i.e. the content of their desires). Finally, I will suggest where we should draw lines in terms of which animals have desires and which lack them.

In chapter three, I will take up two main issues: (1) whether animals have an interest to live, and (2) whether the value of life for them is great enough in comparison to the value of life for humans. I will aim to show, first of all, that animals have an interest to live (and that their interest to live is a fundamental interest). In doing so, I will consider Michael Tooley’s argument against animals having an interest to live. I will contend that Tooley’s argument is misguided.

Upon showing that animals have an interest to live, I will argue that, in comparison to the value of life for humans, the value of life for animals is great enough to warrant their having a strong, equal right to life. The primary objection to this argument is that animals do not have an equal right to life because the value of life for animals is less than the value of life for humans. In response to this objection, I will admit that there are grounds for thinking that the value of life is ordinarily greater for humans than it is for animals, but I will deny that it follows from this that animals do not have an equal right to life. I will argue that having an equal right to life does not require that life has equal value for a being but rather just that the value of life for a being meets a certain threshold, and I will contend that the value of life for many animals meets this
threshold. To show this, I will appeal to an argument that has come to be known as the argument from marginal cases (AMC). I will point out that the value of life for certain “marginal” humans is equal to or less than its value for some animals, and yet we regard generally all humans as having an equal right to life. I will also suggest that my conclusions are supported by a certain principle of humility and compassion. Upon defending the idea that many animals have an equal right to life, I will address the question of which animals have this right, and I will discuss some of the practical moral requirements that are placed on persons in virtue of animals having this right.

In chapter four, I will seek to more fully defend one key argument made in the last chapter: the argument from marginal cases. I will examine various arguments that philosophers have given in attempt to overcome the argument from marginal cases. Each of these arguments seeks to point out some characteristic that distinguishes marginal humans from animals and justifies our treating marginal humans morally superior to animals. Among the proposed distinctions between marginal humans and animals are that marginal humans belong to the human species, that they are potential or former persons, and that we have relationships of care with them. I will show why each of these arguments fails.

In chapter five, I will contrast my defense of animals’ equal right to life with the best-known philosophical argument for animal rights today, namely, the argument of Tom Regan. Although Regan believes, as I do, that many animals possess certain strong moral rights, he does not appear to agree with the kind of argument that I have given in defense of animals’ right to life. My argument consists in the thought that animals possess a right to life in virtue of having a fundamental interest to live. According to Regan, however, the possession of interests is not a sufficient criterion for having rights. Regan argues that the most reasonable criterion for having
rights is not the possession of interests but rather the possession of what he calls “inherent value” and being the “subject of a life.” In this chapter, I will address Regan’s critique of the interests criterion. I will contend that Regan’s critique of the interests criterion is mistaken, and moreover, that having interests is actually a superior criterion for the possession of rights than Regan’s criteria of inherent value and being the subject of a life.

In chapter six, I will consider a certain challenge to the view that animals have an equal right to life, a challenge posed by the philosopher Mary Anne Warren. According to Warren, animals have some rights, possibly including a right to life, but their rights are much weaker than the rights of humans. This view challenges my own insofar as I wish to argue that animals’ right to life is equal in strength to humans’ right to life. Warren’s main argument for her view is that we have inevitable practical conflicts with various animals that make it unfeasible to grant them equal rights, such as an equal right to life. I will show that Warren’s argument for her weak animal rights view is one we should reject.

In chapter seven, I will consider another objection to the view that animals have an equal right to life, what I will call the predator objection. According to this objection, if animals have an equal right to life, then we have a duty to save animals from being killed by predators in the wild, but to think that we have such a duty is absurd. I will examine this objection and show why it is mistaken. I will suggest that we do not have a duty to save wild animals from predators, but that it does not follow that animals do not have an equal right to life.
CHAPTER 1

FEINBERG, ANIMALS, AND THE RIGHT TO LIFE

Do animals have a right to life? In order to answer this question, we must first ask another question: what is required for having a moral right to life? That is, what qualities must an entity possess in order to have a right to life? Another way of asking this question is what is the criterion for having a right to life? Once we have decided what is required for having a right to life, then we can ask whether animals meet this requirement. The question of the criterion for having a right to life might seem to raise a more general question though, namely, what is required for having moral rights in general? If we understand what is required for having rights in general, this may help us decide what is required for having a right to life in particular.

One preeminent philosopher who has addressed this issue of the criterion for having rights is Joel Feinberg. According to Feinberg, the criterion for having rights is the possession of interests: an entity must possess interests in order to have rights. Let us call this the interests criterion. Under the interests criterion, Feinberg believes that many animals are capable of having rights, for he thinks they do possess interests. Moreover, he believes that animals do, in fact, have some rights. In particular, he believes that animals have a fairly strong right not to be treated cruelly (i.e. to not be caused unnecessary pain or torment).

But do animals have a right to life? According to Feinberg, animals have, at most, only a very weak right to life. He suggests that while it is wrong to wantonly kill animals, it is perfectly permissible to kill animals for food, skins, or various other human purposes. Feinberg gives a few different arguments to defend his view that animals have only a weak right to life. But his
main argument consists in the thought that “an individual human life as such is a thing of far
greater value than an individual animal life as such.”\textsuperscript{12}

In this chapter, I will examine and evaluate Feinberg’s views. First, I will examine the
reasoning behind Feinberg’s interests criterion, and I will look at some possible alternatives to
his view. I will suggest that we should accept his view that animals are the kind of entities that
can have rights because they possess interests. Moreover, I will suggest that Feinberg’s interests
criterion provides the basis for a criterion for having a right to life. However, I will take issue
with Feinberg’s claim that animals have only a very weak right to life. I will argue, first, that
Feinberg does not give us a good reason to think that animals have any right to life at all. But
more importantly, I will contend that his argument that animals have only a weak right to life
because life has less value for animals than humans is inadequate. My argument in this chapter
will set up my discussion of the chapters to follow, in which I will lay out the grounds for
animals’ equal right to life.

1. Feinberg & the Interests Criterion

1.1. Feinberg’s Defense of the Interests Criterion

In his essay, “The Rights of Animals and Unborn Generations,” Joel Feinberg is
concerned with the question of whether animals have any rights. Feinberg approaches this
question by asking what the criterion is for having rights, and whether animals meet this
criterion. In Feinberg’s view, the criterion for having rights consists in what he calls the interests
principle. According to this principle, “the sorts of beings who can have rights are precisely
those who have (or can have) interests.”\textsuperscript{13} Those entities that do not (or cannot) have interests,

according to this principle, are incapable of having rights. Feinberg explains that the reason why we don’t think that “mere things” (e.g. buildings, furniture) have rights is because these things lack interests.

According to Feinberg, there are two reasons why we should accept the interests criterion: (1) “because a right holder must be capable of being represented and it is impossible to represent a being that has no interests,” and (2) “because a right holder must be capable of being a beneficiary in his own person, and a being without interests is a being that is incapable of being harmed or benefited, having no good or “sake” of its own.” (167) The essential point made by both reasons seems to be that a right holder must have a behalf that we can act in (i.e. a sake that we can act for), and that an entity cannot have a behalf unless it possesses interests. To have a behalf means that an entity has a welfare or good of its own, i.e. that it can be benefited or harmed. Additionally, it means that an entity is capable of being represented; its welfare is something that can be advocated, and it is difficult to see how an entity can be “stood up for” unless it has some kind of behalf or welfare.

It might be asked though, why must a right holder have a behalf in which we can act? Feinberg’s answer, I suspect, is that it has to do with the essential nature of rights. To have a right, in Feinberg’s view, is to have a claim against others that one is due (i.e. owed, entitled to) certain forms of respectful treatment from others (e.g. to not be killed by others). More precisely, to have a right is to have a valid claim of this sort, meaning that the claim is justified according to valid moral principles. (I do not have a right to a certain kind of treatment merely because I claim that I am due this treatment; my claim also must be morally justified.) Now, claims, Feinberg implies, represent an entity. That is, they speak in behalf of an entity. Feinberg
suggests that it is impossible for claims to represent an entity in this way unless that entity has a welfare that right-claims can speak in behalf of.

It could also be asked why having a behalf or welfare requires having interests. The answer to this, it seems to me, is that having a welfare and having interests are the same thing. To have a welfare means that an entity is capable of being benefited or harmed, or in other words, that certain things are good or bad for that entity. To my understanding, this is also what it means for an entity to have interests. I suspect that this is what Feinberg believes as well, as he frequently uses the notions of having interests and having a welfare (or having a good or sake of one’s own) interchangeably. If someone wishes to argue that having a welfare and having interests are not the same thing, then some distinction must be drawn between these notions. 14

It appears, then, that there are good reasons for thinking that having rights requires having interests. Do animals meet this criterion for having rights? Feinberg thinks that many animals do. To answer this question, we must decide what is required for having interests. According to Feinberg, interests are things that are “compounded somehow out of conations,” conations that include conscious wishes, desires, and hopes, urges and impulses, unconscious drives, aims, and goals, latent tendencies, directions of growth, and natural fulfillments. 15 The reason why “mere things” like buildings and furniture do not have interests is because they do not have conations like desires. But many animals, Feinberg argues, do have a conative life. He states, “Many of the higher animals at least have appetites, conative urges, and rudimentary

14 Tom Regan has suggested that there may be a difference between having interests and having a welfare. He suggests that having interests presupposes having desires, whereas having a welfare does not. However, I don’t think there is actually this difference between having interests and having a welfare. Neither notion presupposes having desires by definition. It is an open question whether having interests or having a welfare presupposes having desires. Feinberg ultimately argues that having interests requires having desires (or a conative life), but he does not appear to think this is true by definition, and I think that he would equally argue that having a welfare requires having desires. See Regan, “What Sorts of Beings Can Have Rights,” All That Dwell Therein.
15 Feinberg, ibid., p. 165-6.
purposes, the integrated satisfaction of which constitutes their welfare or good.”

Therefore, Feinberg concludes that many animals do have interests.

1.2. The Moral Agency Criterion for Rights

Although it appears that there are good reasons for thinking that having rights requires having interests, it might be thought that having interests is not the only requirement for having rights, or that the criterion for rights is something else altogether. In particular, some philosophers have argued that having rights requires the possession of moral agency. To have moral agency means that one is capable of moral reasoning and action, and therefore can be held morally responsible for one’s actions. In contrast to Feinberg, philosophers who endorse the criterion of moral agency have argued that animals are not capable of having rights because they lack moral agency. That is, animals are not capable of moral reasoning, at least not to the extent that it makes sense to hold them morally responsible for their actions.

Philosophers have suggested at least three different reasons for thinking that having moral agency is necessary for having rights. The first reason is one that Feinberg considers. According to this reason, having rights requires that an entity is capable of making claims to its rights, and entities that lack moral agency do not have this capacity. This argument presupposes the same view of rights that Feinberg endorses: having rights entails having a claim against others that one is due certain forms of respectful treatment. However, in contrast to Feinberg, this argument contends that having rights requires that an entity is itself capable of making or

---

16 Feinberg, ibid., p. 166.
17 Tom Regan has suggested that the most reasonable criterion for having rights is not the possession of interests but the possession of inherent value and being the subject of a life. I will address his arguments in a separate chapter. See chapter five.
defending these claims against others. Because animals lack this capacity, it is concluded that they cannot have rights.

In response to this argument, Feinberg contends that having rights does not require that an entity is capable of making or defending claims to its rights. To support his view, Feinberg points out that there are some humans, such as infants, children, and the mentally handicapped, who are not capable of making claims to rights, but this does not keep us from thinking that they have rights. Despite their inability to make claims to rights, these “marginal” humans can still have rights because their claims to rights can be represented by other humans who are capable of making and defending claims. Similarly, Feinberg argues, although animals are incapable of making claims to their rights, their claims could be represented by human proxies speaking in behalf of the animals. 18

A second reason why some philosophers have thought that having rights requires having moral agency is what we can call the reciprocity argument. According to this argument, animals and other entities that lack moral agency cannot have rights because they are incapable of reciprocating moral respect. Proponents of this argument suggest that our moral duties to others must be grounded in a principle of fairness. When we treat others with moral respect, we incur a certain burden insofar as we restrict our freedom in order to obey moral rules. If others cannot reciprocate our moral respect, then we are incurring this burden while they are essentially getting a free ride, and this is unfair. Therefore, we can have moral duties only to entities that are capable of reciprocating our moral respect. 19

---

18 See Feinberg, ibid., p. 162-3.
19 Jan Narveson is one philosopher who appeals to the reciprocity argument as grounds for denying rights to animals. Narveson argues that morality amounts to mutually beneficial agreements among people, and since animals cannot make such agreements with us, they cannot have rights. He states, “If we adopt moral restraints in relation to them, it looks as though it will necessarily be a one-sided affair: the animals gain everything and we gain nothing.” See Narveson, Moral Matters, 2nd ed.
There are at least a couple serious problems with the reciprocity argument. First, if rights are limited to those entities that are capable of reciprocating moral respect, then many “marginal” humans who are not moral agents—such as infants, the severely retarded, the severely insane, and the severely senile—will not have any rights. Moreover, it is unclear whether we will have any moral duties at all to these humans. To have moral duties to entities that are incapable of treating us with moral respect is just as “unfair” as attributing rights to these entities. If this unfairness is grounds for denying that non-moral agents have rights, then it would also be grounds for denying that we have any moral duties to non-moral agents. This means that we would not have any moral duties to marginal humans or animals. These implications are deeply counterintuitive. Most of us likely believe that we have basic duties to many marginal humans as well as many animals—for example, a duty not to inflict unnecessary pain and suffering on them, such as by torturing them for fun. Most of us likely believe also that many marginal humans have basic rights, such as a right to life or a right not to be tortured.

At the very least, the fact that animals and marginal humans are capable of being harmed must be given some moral consideration in our actions. It does not matter that they are not capable of reciprocating moral consideration. *The fact remains that they can be harmed*, such as through the infliction of pain and suffering. The reciprocity argument implies that harm caused to non-moral agents does not morally count for anything and, thus, that we are allowed to treat such beings however we like, causing them as much harm as we like, for whatever reason we choose (so long as harm is not inflicted on moral agents). For this reason, the reciprocity argument seems fundamentally misguided. It is based on a mistaken, selfish, and morally immature premise that we are required to show others moral respect only if we get something back in return.
One final reason why some philosophers have thought that having rights requires having moral agency is because there is something intrinsically valuable or dignified about moral agents, and rights are properly attributed only to entities possessing this intrinsic value or dignity. This argument is most famously associated with the philosophy of Immanuel Kant. Kant argues that beings that lack rational agency (i.e. moral agency) are mere “things” and have value only as a means to the ends of humans. On the other hand, he states that rational beings are worthy of a moral respect that other beings are not: they must always be treated as ends in themselves and never merely as means. This essentially implies that we must always respect the interests of rational beings, never merely using rational beings to achieve our goals, even if a greater good could be produced by doing so.

Kant’s argument faces one of the same problems faced by the reciprocity argument: it implies that humans who are not moral agents do not have any rights, and moreover, that we do not have any moral duties to them or to animals. This conflicts with some basic moral intuitions that most of us have. But there is something else to notice here. When the criterion of moral agency is understood in this Kantian way, it appears to be similar in kind to the interests criterion. To be clear, Kant’s criterion of moral agency restricts rights to a much narrower scope of entities than the interests criterion. However, when Kantians claim that humans possess a unique intrinsic worth or dignity in virtue of their rational agency, I think they mean to say that life, freedom, and other basic goods have much greater value or richness for humans than animals because only humans are rational beings. This is to make a point about human versus animal interests: human interests are more significant than animal interests. Therefore, the Kantian argument can be addressed within the context of the interests criterion. Later on in my dissertation, this issue will be central to my consideration of whether animals have a right to life.
I will consider the possibility that only humans have a right to life because life has greater richness for them in virtue of capacities they have in association with their moral agency (e.g. autonomy, self-consciousness).  

2. Feinberg on Animals & the Right to Life

Because animals can have interests, Feinberg concludes that they are the sorts of entities that are capable of having rights. However, this does not settle the question of whether animals do in fact have any rights, and if so, which rights they have and how strong those rights are. Feinberg addresses these questions most explicitly in his essay “Human Duties and Animal Rights.” According to Feinberg, many animals do in fact have rights. The primary right that he attributes to animals is the right not to be treated cruelly, to not be caused unnecessary pain or torment, where by “unnecessary pain” he means “pain for which there is no good or sufficient reason.” Feinberg argues that human pain and suffering are evil not because they are human or because they have bad consequences, but rather simply in virtue of the fact that they are pain and suffering. That is, they are evil in virtue of their intrinsic nature, what they are intrinsically like. It follows from this, Feinberg reasons, that a given amount of pain or suffering is equally evil whether it is experienced by humans or animals. Thus, if we hold that humans have a right to not be caused unnecessary pain, then we must also attribute this right to any animal that is capable of feeling pain.

But in addition to having a right to not be caused unnecessary pain, do animals also have a right to life? In answer to this question, Feinberg suggests that, at most, animals have only a

---

20 See chapter three.
22 Feinberg, ibid., p. 194.
very weak right to life. He claims that, at most, their right to life is “so weak as to be outbalanced by almost any human purpose of a reasonably respectable sort with which it might come in conflict.”

What sorts of human purposes can justify killing animals? Feinberg states, “We can kill animals for self-protection, for food, for skins, for purposes of sanitation and public health, or to protect still other animals from suffering.” However, Feinberg does suggest that animals have some weak right to life, such that there are some circumstances in which it is wrong in itself to kill animals, regardless of whether or not we cause them pain. He states,

To kill a horse, or a dog, or a lion just for one’s idle amusement, when no contribution to the well-being of other animals is intended, would be to deny a very real claim without cause and hence to violate the animal’s right, weak though it may generally be. Wholly wanton painless killing, even more obviously than killing for sport or amusement, would be an invasion of the rights of the victim.

The question then becomes, what is the justification for thinking that animals have, at most, only a very weak right to life, as opposed to having a strong or equal right to life? First, let us examine why Feinberg thinks that animals have any right to live at all. He states, “All animals, like all living things, are disposed by their inherited natures to remain in existence. This “impulse to self-preservation,” like any other biological propensity, is something that can be

---

23 In addressing this issue, Feinberg tends to speak not of a human or animal “right” to life but rather of a “claim” to life. In his view, “rights in a strict and proper sense do not differ in degree and cannot be in conflict with one another.” Claims, on the other hand, “can come into conflict with other claims and can be outbalanced or overruled,” and they can differ in degree of strength. Unlike Feinberg, I will speak here of the “right” to life rather than the “claim” to life. However, it will be my understanding that rights are the sorts of things that can be overruled, and that they can differ in degree of strength; rights are not necessarily absolute. See Feinberg, ibid., 198-9.
24 Feinberg, ibid., p. 201.
25 Feinberg, ibid., p. 201.
26 Feinberg, ibid., p. 201.
respected and furthered or denied and hindered.” Feinberg suggests that this “impulse to self-preservation” establishes “at least some value for each animal life, however minimal.”

But what concerns me more here is why Feinberg thinks that animals have only a very weak right to life, as opposed to having a strong or equal right to life. Feinberg gives us a few different arguments to support his belief that animals do not have a strong right to life. His central argument consists in the thought that life has much greater value for humans than it has for animals. Whereas Feinberg argued that human pain and suffering are bad merely in virtue of their intrinsic nature, he suggests that human life has “supreme value” not simply because it is life, but because it is human life. That is, life acquires supreme value only when it sustains human beings. He argues that life has supreme value for humans because it is a necessary condition for “uniquely human properties” that have an intrinsic value, properties that define “the human condition” and make being human uniquely precious. In contrast to this, Feinberg suggests that life has little if any value when it is not human life—that is, when it is “abstracted from” the uniquely human properties that make being human uniquely precious. Thus, because animals do not exhibit the properties that make human existence precious, life has little if any value for them.

Unfortunately, Feinberg does not go into detail about exactly what uniquely human properties he thinks make being human uniquely precious. However, it does not seem unreasonable to think that he might argue that humans uniquely possess, among other things, self-consciousness, autonomy, rational agency, or life projects and plans. Philosophers who argue that life has greater value for humans than it has for animals typically cite these

---

27 Feinberg, ibid. p. 201.
29 Feinberg, ibid., p. 203. Feinberg states, “Abstracted from those [uniquely human] properties, however, it is far from ‘self-evident’ that life has any value in its own right at all, much less an invariant supreme value ‘wherever and whenever it occurs’”
characteristics as ones that distinguish humans from animals, and that make life have much greater value for humans. I will examine these views more deeply in the coming chapters. For now, it will suffice to acknowledge simply Feinberg’s belief that the primary reason why animals do not have a strong right to life is because life has little if any value for them, whereas life has supreme value for humans.

In addition to this central argument, Feinberg gives a couple other reasons for thinking that animals do not have a strong right to life. First, he suggests that if animals did have a strong right to life, then humans would have a duty to intervene in the wild to save animals from being killed for food by other animals, and that this would be cruel to predators, “whose instincts require them to kill”. Presumably, Feinberg’s thinking here is that the right to life in the human case requires us not only to refrain from killing other humans but also to save other humans’ lives when we can do so, as Feinberg says, “at reasonable cost”. Thus, if animals have a strong or equal right to life, Feinberg’s suggestion is that we would be required to save their lives too when we could do so at reasonable cost. But this, he thinks, could have unacceptable, cruel consequences if it means denying predators of what they require in order to survive.

Second, Feinberg argues that “Human duties to respect animal lives…are simply one part of the larger catalog of human duties of all kinds and must find their proper place in an order of priority.” What is the proper order of priority for human duties? Feinberg answers,

Generally speaking, our duties to persons close to ourselves in space and time, kind and relation, tend to have a greater stringency than our duties to creatures

---

30 These views will be discussed in more depth in the next chapter.
31 Feinberg, ibid., p. 201.
32 Feinberg, ibid., p. 199.
who are more remote in those respects. I have a greater duty to my immediate
family than to my remote relatives, to my friends than to strangers, to countrymen
than to foreigners.\footnote{Feinberg, ibid., p. 202.}

This, Feinberg suggests, may justify the idea that animals’ right to life is much weaker
than humans’ right to life. His thinking here seems to be that our fellow humans are closer to us
in space, time, kind, and relation than animals are, perhaps simply in virtue of the fact that other
humans belong to the same species as us, whereas animals do not.

3. Problems with Feinberg’s Argument

Feinberg’s view that animals have only a very weak right to life is unsatisfactory.
Clearly there is much at stake in whether we accept Feinberg’s view. The difference is between
seeing animals as creatures whom we are free to kill (perhaps we are required to do so
painlessly) for food, skins, or scientific research, and on the other hand, seeing them as creatures,
like humans, whose lives have a fundamental moral worth, whose lives we must show a deep
moral respect, whose lives we morally cannot take for purposes of food, skins, or scientific
research, even if done so entirely painlessly. In what follows now, I will show why Feinberg’s
arguments for his view are inadequate.

3.1. The Value of Life for Animals

As I have pointed out, Feinberg’s main reason for believing that animals do not have a
strong right to life consists in the thought that the value of life for animals is much less than the
value of life for humans. Feinberg’s argument raises a number of important questions regarding
the requirements for having a right to life (in the strong sense), and he does not do much to give adequate answers to these questions. In failing to adequately answer these questions, Feinberg fails to provide a satisfactory argument for the view that animals do not have a strong right to life.

Does life have any value for animals, and if so, on what grounds? This is perhaps the most basic question raised by Feinberg’s argument, and indeed, it is the first question we should ask in deciding whether animals qualify for having a right to life. If the criterion for having rights in general is the possession of interests, then it makes sense to think that a criterion for having specifically the right to life would be the possession specifically of an interest to live. Feinberg endorsed the interests criterion on the grounds that if an entity has no interests, then it has no behalf to represent, no welfare that would be served by the possession of rights. Similarly, if an entity has no interest to live (i.e. if life has no value for an entity), then it has no welfare to be represented or served by a right to life.

Feinberg suggests that life has some minimal value for animals, in virtue of the “impulse to self-preservation” that every living thing possesses—enough value so that Feinberg thinks we wrong animals if we kill them wantonly. Though I agree that life has some value for animals (and that animals have some right to life in virtue of this value), this is not a good argument for that conclusion. The argument suggests that life has value for all living things, animals and

---

34 Michael Tooley makes a similar point in his book *Abortion and Infanticide*. He formulates what he refers to as the “particular-interests principle.” According to this principle, “It is a conceptual truth that an entity cannot have a particular right R unless it is at least capable of having some interests I which is furthered by its having right R.” See Tooley, *Abortion and Infanticide*, p. 99. A similar idea is supported by James Rachels in his essay, “Do Animals Have a Right to Life?” in *Ethics and Animals*, ed. by Miller and Williams.

35 David Sobel has suggested to me that it goes against commonsense morality to think that a human cannot have a specific right unless she is benefited by that right—for example, that it is permissible to kill a human if her life no longer benefits her. I suppose this may be contrary to a certain principle that all human life is sacred. However, if life truly has no value whatsoever for certain humans, it is hard to see why we should think they have a right to life. There are not many humans of which this will be true. A permanently brain-dead human who is biologically alive would likely be one example, a human who permanently lacked consciousness. If this human is incapable of being benefited from life (or harmed from death), then she has no behalf that could be represented and served by a right-claim to life.
plants alike. This is objectionable if we think it implausible that plants have any interests, which I do. However, even if we don’t think it implausible that life has value for plants, Feinberg’s argument is objectionable because it suggests that individual plants like animals have a minimal right to life, a right not to be killed wantonly. This is the result of Feinberg’s argument because it is in virtue of animals’ impulse to self-preservation that he attributes to them a minimal right to life. Therefore, if plants also possess this impulse, as Feinberg claims they do, then it follows that they too have a minimal right to life. But it seems highly counterintuitive that we wrong a flower or a blade of grass if we wantonly pick it from the ground, or when we mow our lawns. If life has value for animals, in virtue of which they have some right to life, then it must have value for them in some way other than in virtue of an impulse to self-preservation that all living things possess.

Feinberg’s failure to justify that life has some value for animals is not the most serious problem with his argument though. Though I will not seek to make the argument here, I am confident that the belief that life has some value for animals can be justified ultimately. A more serious problem for Feinberg’s argument arises when we consider why he believes that animals do not have a strong right to life. As we saw, Feinberg argues that although life has some value for animals, animals do not have a strong right to life because the value of life for them is less than the value of life for humans. Feinberg’s argument immediately raises the following question: Why is the value of life for animals less than the value of life for humans? As we have seen, Feinberg argues that life has supreme value only for humans in virtue of uniquely human properties for which life is a necessary condition. But this only raises further questions. What are these uniquely human properties? Moreover, why must a being possess these properties in order for life to have supreme value for her? Feinberg does not seek to

36 I make this argument in chapter three.
answer these questions. But these are questions that must be answered if one is to justify the belief that the value of life for animals is less than the value of life for humans, and that animals do not have a strong right to life in virtue of this fact.

But even if we concede that the value of life for animals is less than the value of life for humans, it does not automatically follow that animals do not have a strong right to life. In order for this conclusion to follow, a further assumption must be justified, namely, that having a strong or equal right to life requires that the value of life for a being is equal to the value of life for humans. Feinberg does not seek to justify this assumption. Indeed, it’s not clear that he even realizes that it is an assumption that must be justified in order to reach his conclusion that animals do not have a strong right to life. Perhaps Feinberg (or someone who wished to defend his argument) would argue that this is not a very significant assumption because its truth is pretty commonsense. Does it not just make sense that beings for whom life has lesser value have less of a right to life, and that having a right to life equal in strength to humans’ right to life requires that the value of life for a being is equal to the value of life for humans? In other words, doesn’t it make sense that the strength of the right to life corresponds to how much value life has for a being?

Once we ponder the assumption deeply enough, it becomes clear that its truth is not so obvious. There is one fact in particular that, once acknowledged, will likely cause us to seriously doubt that the assumption is true, namely, the fact that the value of life is not equal for all humans. Indeed, there is reason to think that there is much variance in the value of life for humans. The most significant proof of this point consists in the existence of certain “marginal” humans, biological humans whose mental, intellectual capacities are significantly lesser than
those of other, “normal” humans.\textsuperscript{37} Indeed, their mental, intellectual capacities are more equal to if not lesser than the capacities of many nonhuman animals. These marginal humans include infants, the severely mentally disabled, the severely insane, and the severely senile.

Why should we think that the value of life for marginal humans is less than the value of life for other humans? This question gets at the same basic issue as the question of why we should think that the value of life for animals is less than the value of life for humans, namely, what characteristics decide how much value life has for a being? I will not seek to thoroughly answer this question right now. It will suffice for now to point out that most philosophers who hold that the value of life for animals is less than the value of life for humans believe that this is so because animals possess lesser mental, intellectual capacities than humans. Among the mental capacities that animals are said to be lacking in (or to possess to a lower degree) are self-consciousness, rationality, and autonomy. But these are precisely the same mental qualities that marginal humans are lacking in (or possess to a lower degree than other humans). Therefore, if the value of life for animals is less than the value of life for humans because animals have lesser mental capacities, then it follows that the value of life for marginal humans is less than the value of life for other humans, since marginal humans also have these lesser mental capacities.

So what does this prove to acknowledge that the value of life is not equal for all humans? What it suggests is that having a strong or equal right to life does not require that the value of life for a being is equal to the value of life for humans, or more precisely, “normal” humans (or the humans for whom life has the greatest value). Having a strong right to life does not require this unless it is the case that some humans, such as marginal humans, do not have a strong right to life. Most people probably would not be willing to accept that marginal humans have only a

\textsuperscript{37} In the next chapter, I will argue that it is reasonable to think that the value of life also varies (i.e. is not exactly equal) amongst non-marginal humans, in virtue of the fact that some humans lead richer, deeper lives than others.
weak right to life, such that it is permissible to kill them for the same purposes that we presently kill animals—for food, for skins, for scientific experiments. But if marginal humans have a strong right to life, then having a strong right to life cannot require that the value of life for a being is equal to the value of life for “normal” humans. And if this is the case, then the thought that the value of life for animals is less than the value of life for humans does not justify the view that animals do not have a strong or equal right to life.

All of this suggests that having a strong right to life requires not that the value of life for a being is equal to the value of life for humans (or certain humans) but rather that the value of life for a being meets a certain threshold. That is, it requires that the value of life for a being is enough to warrant having a strong right to life. I have suggested that the value of life for marginal humans is less than the value of life for other humans. In spite of this, why do we think that marginal humans still have a strong right to life? I believe it is because life still has much value for marginal humans, and though this value is less than the value of life for other humans, it is great enough to warrant marginal humans having a strong right to life.

In deciding, then, whether animals have a strong right to life, the central question becomes whether the value of life for animals meets the threshold for having a strong right to life. That is, is the value of life for animals great enough to warrant their having a strong right to life? Feinberg argues that the value of life for animals is only very minimal; this could be reason to think that the value of life for animals does not meet the threshold. However, the claim that life has only minimal value for animals is open to challenge. Feinberg never really explains why we should think that life has only minimal value for animals, and though I will not argue it here, I believe he is mistaken. For now, I will just point out that one strong reason to think that the value of life for animals does meet the threshold is the fact that many animals possess mental,
intellectual capacities equivalent to if not greater than many marginal humans. If the value of life for marginal humans meets the threshold, and if the value of life for beings is determined according to certain mental capacities they have, then this would strongly suggest that life has a value for animals that meets the threshold too.

If one wishes to maintain that the value of life for animals does not meet the threshold for having a strong right to life, then it would seem that one of two things must be argued. First, one could argue that the value of life for a being is determined according to some characteristics that marginal humans possess to a greater degree than animals. It is unclear though what these characteristics would be. Feinberg suggests that beings’ interests must be compounded out of their mental capacities—in particular, their conations. But it is unclear whether there are any mental or conative capacities that marginal humans possess to a greater degree than all animals. (This challenges Feinberg’s claim that the value of life for humans is greater than the value of life for animals in virtue of some properties that uniquely belong to humans. What properties, relevant to the value of life for a being, do all humans have and all animals lack?) Perhaps it could be argued that the value of life is determined according to some non-mental, non-conative characteristics that marginal humans have to a greater degree than animals. The challenge for such an argument is not only to pick out some characteristics that marginal humans have to a greater degree than animals, but also to show why these characteristics are relevant to how much value life has for a being, particularly if they are not mental characteristics.\(^{38}\)

Alternatively, one could simply admit that the value of life for marginal humans is not great enough to warrant their having a strong right to life, and that they have, at most, only a weak right to life. If it is admitted that the value of life for marginal humans does not meet the

\(^{38}\) Later on in my dissertation, I will consider a number of arguments that seek to distinguish marginal humans from animals in a way that could justify attributing stronger rights only to marginal humans.
threshold for having a strong right to life, then it could be argued with consistency that the value of life for animals also does not meet this threshold. The obvious problem with this argument, however, is the moral implications it would have for our treatment of marginal humans. It would suggest that it is permissible to kill marginal humans for the same purposes for which we presently kill animals, such as for food, skins, and scientific experiments. To most of us, I suspect that this implication would be morally repugnant.

3.2 The Duty to Save Lives

As we saw, Feinberg makes a couple other arguments for his view that animals do not have a strong right to life. I will not evaluate these arguments as extensively as Feinberg’s main argument, but I would like to make some comments on these arguments in passing.

First, Feinberg suggested that animals do not have a strong right to life because if they did, then humans would have a duty to intervene in the wild to save animals from being killed for food by other animals, and this would have bad consequences. But it is a mistake to think that animals’ possession of a strong right to life would necessarily require us to save animals in the wild from being killed by predators. In speaking of rights, there exists an important distinction between negative rights, which entail duties not to harm others, and positive rights, which entail duties to aid others. It is possible to think that animals have a right to life in the negative sense, entailing that we have a strong duty not to kill them, but not in the positive sense that would entail a strong duty to save animals’ lives. Indeed, I am inclined to think that no beings, humans included, really possess rights in the positive sense.

---

39 Feinberg is not the only philosopher to have made this argument. It also has been suggested by Carl Cohen, Marc Sagoff, and J. Baird Callicott. See Cohen and Regan, *The Animal Rights Debate*; Sagoff, “Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce”; and Callicott, “Animal Liberation: A Triangular Affair”.

I believe that we have positive obligations to others, both human and nonhuman. But I think the concept of rights is ill-suited for describing our positive obligations to others. This is because questions regarding our positive obligations to others (human and nonhuman) are particularly complicated, requiring that we take into consideration a variety of different factors. For instance, it seems reasonable that in some situations we have positive obligations to loved ones that we do not have to strangers, in virtue of our special relationships with our loved ones. If faced with a situation in which I could save the life of either a loved one or a stranger but not both, I think I ought to save my loved one, other things being equal. Nevertheless, this does not mean that strangers do not still have a right against me not to kill them, a right I must not violate even to save the life of my loved one. Similarly, if faced with a choice between saving the life of one person or saving the lives of a hundred people, then, other things being equal, it seems reasonable that we ought to save the hundred people rather than the one person. Nevertheless, this does not mean that the one person does not still have a right not to be killed (even if doing so would save a hundred people).

Similarly, questions regarding our obligations to help animals must take into consideration a number of factors. Among these factors are the ecological consequences of our actions. If we were to stop predators from killing other wild animals for food, it would likely have unavoidable, disastrous ecological consequences. This would threaten current and future humans and animals alike, whose well-being depends upon the health of ecosystems and the flourishing of biodiversity on this planet. Thus, a policy of saving wild animals from their predators ought not to be adopted. But it does not follow from this that wild animals do not have a right against us not to be killed. It should be noted also that despite the fact that we ought not to save wild animals from their predators, there may be other, less ecologically threatening
situations in which we do have positive duties to save animals’ lives—for instance, if an animal
is injured from being hit by a car.

This is just a sketch of a response to Feinberg’s argument that animals do not have a
strong right to life because this would require us to save wild animals from their predators. My
aim here is just to point out that it is possible to think that animals have a right not to be killed
but that it is not necessarily the case that we ought, in every situation, to try to save animals’
lives. Thus, the fact that we recognize that saving wild animals from their predators is a bad idea
does not mean that it can’t still be the case that animals have a right against us not to be killed.
Ultimately, a more extensive argument must be given for this view, an argument that addresses
important objections that may be raised. For instance, aren’t there ways in which, through
human ingenuity, we could save wild animals from their predators without causing ecological
disaster? Also, should we refrain from saving humans when they are attacked by wild
predators, and if not, how can we justify treating humans differently from animals? Doesn’t this
show that humans have a superior right to life? Finally, is it permissible to kill animals in order
to avoid ecological disaster, and if not, why is this impermissible when it is permissible to allow
animals to die to avoid ecological disaster? In other words, why do consequential considerations
factor into only our positive duties and not our negative ones?

3.3. The Priority of Our Duties

40 See Marc Sagoff, “Animal Liberation: Bad Marriage, Quick Divorce”. I should say that if it could successfully be
shown that saving prey from their predators would not result in ecological disaster, then perhaps there would be
good reason to do so (or no good reason not to). However, I am very skeptical that this can successfully be shown.
41 The same sort of question could be asked in other cases. For instance, if it is permissible to save the life of a
loved one over the life of a stranger, why is it not permissible to kill a stranger to save a loved one? (Why do
relationships factor into positive but not negative duties?) Also, if we ought to save the lives of 100 people over
saving the life of one person, why is it impermissible to kill one person to save the lives of 100 people? I think that
the proper response to this objection has to do with the critical distinction between causing harm and allowing harm,
and also the fact that our positive obligations easily conflict with each other whereas our negative obligations do not
conflict with each other.
Feinberg’s final argument against animals having a strong right to life consisted in the thought that human duties to respect animal lives are “simply one part of the larger catalog of human duties and must find their proper place in an order of priority”, and that we must prioritize our duties to beings that are “closer” to us. Feinberg’s suggestion is that animals are less close to us than other humans, and therefore, that animals do not have the strong right to life that humans do. I find two problems with this argument. First, it is not clear in what sense animals are supposed to be “less close” to us than other humans. My best guess is that Feinberg is thinking that other humans are “closer” to us than animals simply in virtue of their belonging to the same species as us. Still though, it is not clear how belonging to the same species is supposed to make other humans “closer” to us. Does this mean that, as a man, other men are “closer” to me than women? Or that, as a white person, other white people are “closer” to me than non-white people? This would be very troublesome since it could easily justify forms of racism, sexism, or other prejudices. That is, it would seem to imply that our duties to members of our own race or sex (or other “groups” we belong to) are stronger than our duties to non-members of these groups. Hopefully we find this idea deeply objectionable. But if membership to our race or sex does not justify preferential moral treatment, then how can membership to our species? Feinberg fails to explain this, and it is doubtful that it can be adequately explained.

This brings me to the second problem. It seems reasonable that there are some cases in which we do have stronger or prioritized duties to beings that are “closer” to us, particularly in the case of beings (human or nonhuman) that we have special relationships with, such as family, friends, or romantic partners. We have responsibilities to take care of our friends, family, or lovers, that we do not have to complete strangers. However, this prioritization does not apply to all of our moral duties. On the one hand, it’s reasonable to think that our positive duties to help
and take care of others are stronger in the case of our relationships. But though we may have some stronger duties to those we have relationships with, there are some duties that it would be deeply objectionable to think are stronger in the case of our relationships, or weaker in the case of those who are not close to us. These duties are our basic duties not to harm others, including our duty not to kill others. It would be objectionable to think that our duty not to kill others becomes weaker as it extends out from those who are close to us to those who are strangers to us. The right not to be killed is possessed equally by friends and strangers alike; our duty not to kill strangers is equal in strength to our duty not to kill friends. We may not, for example, kill a stranger in order to save the life of a loved one.

Therefore, even if it is the case that animals are somehow less “close” to us than other humans, it does not follow that animals have any weaker of a right not to be killed, or that our duty not to kill animals is any weaker than our duty not to kill humans. There is nothing familiar or acceptable about the idea that we have weaker duties not to kill (or otherwise cause basic harm to) those who are less “close” to us.

4. Conclusion

According to Feinberg, animals are the sorts of beings that can have rights because they have interests. Moreover, he thinks that animals in fact have some rights, most notably, a right against unnecessary suffering. However, he denies that animals have a right to life in any strong sense, implying that it is permissible to kill animals for food, skins, and most other human purposes. Feinberg’s main argument for this view is that animals do not have a strong right to life because the value of life for animals is less than the value of life for humans.
In questioning whether animals have any rights, and in particular a right to life, I believe that Feinberg is correct to focus on the question of what interests animals have (i.e. what things have value for animals). However, his arguments are plagued by a number of critical problems, and they leave us with a number of unanswered questions that must be resolved in order to decide whether animals have a strong right to life. These questions are as follows.

(1) Does life have any value for animals? (That is, do animals have any interest to live?) Feinberg suggests that life may have some minimal value for some animals. However, he does not give us a very good argument for this view, as his argument implies that life has some minimal value for plants too, and that plants like animals have a minimal right to life. Unless it can be shown that life has some value for animals, it is not reasonable to think that animals have any right to life at all.

(2) Is the value of life for animals less than the value of life for humans? If so, in virtue of what? It is Feinberg’s view that life has greater value for humans than animals, and that this fact justifies the belief that animals have only a weak right to life. However, Feinberg fails to adequately justify this view. He claims that life has supreme value for only humans in virtue of certain properties that only humans possess. But he fails to detail what these properties are, and why having them is required in order for life to have supreme value for a being.
(3) Even if the value of life for animals is less than the value of life for humans, does this justify the belief that animals do not have a strong right to life? Feinberg suggests that it does. However, this belief depends on the assumption that having a strong or equal right to life requires that the value of life for a being is equal to the value of life for humans. I suggested that this assumption is questionable because life does not have the same value for all humans. In deciding whether animals have a strong right to life, the question we must answer is whether the value of life for animals meets a certain threshold of value. I suggested that one strong reason to think that the value of life for animals meets this threshold is the fact that the value of life for animals is equal to if not greater than the value of life for some humans.

In the coming chapters, I will aim to address each of these questions, and in doing so, I will seek to show that, contrary to Feinberg’s view, animals do in fact have a strong right to life.
CHAPTER 2

ANIMALS, INTERESTS, AND DESIRES: IN DEFENSE OF ANIMAL DESIRES

Do animals have an interest to live? This is one of the fundamental questions that must be answered in deciding whether animals have a right to life. If animals have no interest to live, if life is not something that has value for them, then there would seem to be no point in attributing to them a right to life, since rights are supposed to protect things that hold value for a being, things that are important for a being’s welfare. In this chapter, I will consider one general argument against the idea that animals have an interest to live. According to this argument, animals do not really have interests at all (or at least not the kind of interests necessary for having rights), because having interests requires having desires and animals are not capable of having desires. This argument does two main things. First, it puts forth a particular view of interests, namely, that having interests requires having desires. Second, it makes a claim about the mental lives of animals, namely, that animals are incapable of having desires. In this chapter, I will examine different versions of this argument and show why they are mistaken. On the one hand, I will agree that having interests requires having desires (or something like desires). However, I will argue that many animals are in fact capable of having desires. I will examine arguments that contend that animals are incapable of having desires, and I will show why these arguments are mistaken. I will argue that behavioral and physiological evidence support attributing desires to many animals. Based on this evidence, I will also suggest where we should draw the line in terms of which animals are capable of having desires and which are not.
1. Interests & Desires

According to some philosophers, animals do not really have any interests, including an interest to live, because having interests requires having desires, and animals are not capable of having desires. One question that is raised by this argument is whether it is true that having interests requires having desires. Debating this question will not be one of my priorities in this chapter, because ultimately I am willing to accept the assumption that having interests requires having desires (or something like desires). Nevertheless, the question is still worth discussing here to some extent.

Does having interests require having desires? To answer this question, it is useful first of all to provide some further definition of what it means to have interests. The definition that I employ is that a being’s possession of an interest in something means simply that that thing has value for that being, that it is good for that being, that it benefits that being in some way. For instance, a being’s possession of an interest to live means simply that life is good for that being, that life benefits that being in some way. One might wish to give a more stringent definition of interests than this, one that limits the attribution of interests to things that have significant or serious value for a being. For example, Joel Feinberg contends that “A person has an interest in Y when he has a stake in Y”, where by this he means that a person has something “at risk” in Y, or that he has a sufficiently strong personal “investment” in Y.\footnote{See Feinberg, “Harm and Self-Interest”, in Rights, Justice, and the Bounds of Liberty.} I do not wish to quarrel with definitions here. My primary concern here lies with the idea of things that have value for a being, and I use the label of “interests” merely as shorthand for those things that have value for a being. It seems natural to me to use the label of “interests” in this way. However, if one objects
to this usage, he or she may merely substitute my use of “interests” with the notion of “what has value for a being”. 43

Within the study of environmental ethics, there is much discussion over whether having interests requires having desires. Typically, the debate centers around whether non-desiring but living entities such as individual plants (or even perhaps whole ecosystems) possess any interests. According to some environmental philosophers, plants possess certain interests despite the fact that they have no desires. They argue that plants, because they are living, have a certain good or welfare, such that they can be harmed or benefited by various events, like whether they receive enough water or sunlight. Why are plants harmed or benefited by these events? The basic reasoning here is that plants (and all living entities) are goal-oriented, entities that have certain “aims” that they “strive” to achieve. For example, plants move towards sunlight in order to achieve the ultimate goal of continued life. If plants have goals, and if they possess a welfare in virtue of having these goals, then it is reasoned that this is sufficient for attributing interests to plants. 44

However, despite the fact that plants may work to achieve certain “aims” (e.g. water, light, and ultimately life), I don’t think it makes sense to hold that these goals have value for plants, or that plants have a good or welfare in any literal sense. It is difficult to see how things can have value for an entity if the entity does not care about anything. Plants do not care about getting water or sunlight or staying alive (or any other goals), so it does not make sense to hold that these things really have any value for plants. They may serve the “goals” or functions of a

43 One reason that might be given for limiting the attribution of interests to things that have significant value for a being is because of the tight connection that is frequently drawn between having interests and having rights. We would not want to suggest that a being has rights to everything that has value to her. However, in using “interests” to refer to anything that has value for a being, I do not maintain the tight connection between having interests and having rights. Rather, the tight connection that I ultimately draw is between having rights and having shared fundamental interests, which are essentially the things that have more significant or serious value for a being.

44 Some philosophers who are known for arguing this basic point of view include Kenneth Goodpaster, Gary Varner, and Albert Schweitzer. Joel Feinberg also suggests, in places, that plants have some kind of interests.
plant, but to think that plants have “goals” or functions is distinct from thinking that things have
value for them, particularly when these “goals” or functions are things that plants do not have value
themselves. In short, it does not make sense to think that things matter for an entity if nothing at all
matters to the entity. It is only in virtue of having desires (or attitudes like desires, i.e. “pro-
attitudes”) that an entity begins to care about things, and for this reason, it seems to me that
having interests does require having desires.45

2. Desires & Animals

Let us work, then, on the assumption that having interests does require having desires. Our question then becomes whether animals are capable of having desires. The general
argument that I am addressing in this chapter contends that animals are not capable of having
desires, and for this reason, that animals do not have interests, including an interest to live. In
what follows, I will explain why we should believe that animals are capable of having desires,
and thus, why we should reject the view that they do not have interests because they lack desires.

2.1. What Are Desires?

In order to decide whether animals are capable of having desires, we must first know
what desires are.46 The first thing to say about desires is (1) that they entail being disposed to
“go for” things—that is, to behave in a goal-oriented fashion. It makes sense to say that an entity
desires something only if that entity is disposed, in some sense, to “pursue” that thing (i.e. to

45 This is not to suggest that a being’s possession of an interest in X requires that the being desires X. I think it is
clear that things can be in our interests without our having desires for those things. The requirement is just that
having interests at all requires that a being desires or cares about some things.
46 In this discussion, I have benefited a lot from David DeGrazia’s discussion of desires and other mental states in
his book Taking Animals Seriously.
obtain that thing, to bring that thing about). But to have desires, it is not sufficient that an entity is disposed towards goal-oriented behavior. Additionally, (2) desires are potentially conscious mental states, meaning that there is something that it is like to have a desire (i.e. a desire can be experienced) and that to desire a thing entails potentially being aware of that thing (though not necessarily the fact that one desires it). Finally, (3) desires entail caring about what one is going for (i.e. having positive feelings towards one’s goals). That is, there is an affective or feeling component to desires. When one experiences her desires, she feels a motivation to go for what she desires. Also, frequently one experiences feelings of satisfaction or frustration when she perceives that what she desires has or has not been successfully brought about, because she cares about those things.

It makes sense to think that having desires requires (2) and (3) because we can imagine entities that have goal-oriented behavior but that do not have desires. Plants display goal-oriented behavior—for instance, insofar as they move towards sunlight, which they require to live—but we do not say that they desire sunlight, because their behavior is not conscious and

---

47 Surely it must be possible to have desires but not act on them (i.e. to not pursue the things one desires), since it is clear from common experience that we often have desires without acting on them. However, the idea here is that even when a being does not act on its desires, it is still disposed in some sense to do so. A desire is something that urges a being to pursue its (i.e. the desire’s) object. If a being does not act on its desire, it is likely because of something that “obstructs” it from doing so, such as another, stronger desire.

48 I say that they are potentially conscious to leave open the possibility that we can have unconscious desires, and also to acknowledge the fact that some of our desires are dispositional in nature, which I discuss below.

49 It might be wondered whether desires must have an affective component. Hume is famous for pointing out the “calm” nature of some desires, particularly some of more mundane, everyday desires we have. Michael Smith gives the example of “I desire to write something down and so I write it down”. He imagines that there is no feeling impelling him to act. Does this mean that desires need not have an affective component? In response, it is not clear to me that there is not at least some minimal feeling impelling us to act in these cases of mundane desires, for if we desire a thing, then we care at least to some small degree about that thing, and if we care about a thing, it suggests that we must have at least some small positive feeling toward that thing. We need not be overcome with strong emotion in order to just have some small feeling of preference or want. Also, the affective component of desires can also express itself in terms of the satisfaction or frustration we experience when what we desire is or is not successfully brought about. In Smith’s example, if he is unable to write down what he wants to write down (because perhaps he lacks a writing instrument), he may experience at least some minor frustration and perhaps the feeling impelling him to act amplifies itself a bit as he searches around for a pen. If there really are some cases in which desires have no affective component whatsoever, perhaps then it must be said that desires frequently (i.e. paradigmatically) though not always have an affective component. See Smith, The Moral Problem, p. 109.
they do not care about getting sunlight (i.e. have positive feelings towards it). Even if plants or some other entities behaved in ways that were not only goal-oriented but also conscious, it would not make sense to think that they have desires unless they also cared to some degree about their goals.

Another important feature of desires is that they can be *dispositional* in nature. This is to say that some desires are such that we can possess them over long periods of time without always consciously experiencing them or acting on them. For example, most of us usually do not experience a desire to live, but even when we do not experience this desire, it would be a mistake to hold that we do not have the desire. (Certainly we do not usually experience this desire when sleeping, but if someone tried to kill us in our sleep, it would make sense to hold that, even when sleeping, we wanted to live.) We do have this desire, but usually it is only a latent desire, a desire that resides in us, but which is not presently experienced. Given circumstances that would warrant our experience of this desire, we probably would experience it. For example, we would experience our desire to live if we perceived someone trying to kill us.

One final important feature of desires is that they have *propositional* content. As Michael Smith explains, this means that “Ascriptions of desires…may be given in the form ‘A desires that p’, where p is a sentence.”50 For example, I desire that *I live a long, happy life*, or I desire that *it will stop raining*. As Smith explains, this feature distinguishes desires from sensations like pain and pleasure, and makes desires similar to other propositional attitudes like beliefs. Although pain and pleasure are affective (i.e. have a feeling quality) like desires, a being’s pain or pleasure cannot be expressed in the form ‘A pains that p’ or ‘A pleasures that p’. On the other hand, beliefs are another example of a mental state that it makes sense to express in

the form of ‘A believes that p’, where p is a sentence. For example, I believe that it is raining outside.

2.2. Evidence for Animal Desires

Now that we have a basic account of what desires are, let us address the question of whether animals are capable of having desires. Given our account of desires, it is reasonable to think that animals are capable of having desires if (1) they are disposed towards goal-oriented behavior, (2) their goal-oriented behavior is potentially conscious, (3) they care about their goals, and (4) they are capable of having propositional attitudes. In what follows, I will aim to show that each of these claims is true. To show that animals’ behavior is potentially conscious, it will suffice to show that animals care about their goals, since caring about one’s goals entails potential consciousness.

Do animals have goal-oriented behavior? It is clear that many animals do exhibit such behavior. Animals can be observed pursuing a number of different things, such as food, water, sex, various forms of play (e.g. a cat chasing a string), social relations with other animals (e.g. their family members), and freedom from pain, predators, and other dangers. Indeed, just like most human behavior, it is difficult to see how most animal behavior is not goal-oriented behavior, whether a squirrel climbing up a tree, a bird building a nest, or a fish swimming under a rock for shelter.

As we have seen though, having desires entails more than just going for things. Plants display goal-oriented movement, but they do not have desires. Having desires also entails having awareness of one’s goals, and in particular, caring about one’s goals. Do animals care about the things they go for? There is strong evidence for thinking that many animals are
capable of caring about their goals. The primary source of this evidence lies in animals’ behavior. However, our observations of animals’ behavior must be checked by our knowledge of their physiology and a confirmation that, to the best of our knowledge, animals possess the requisite physiology for having the capacity to care about things (or that they do not lack any physiological components that we believe to be essential for such a capacity).

Let us begin by examining the behavioral evidence. Animals behave in the ways that we would expect them to behave if they cared about the goals they pursue. That is, they behave in many of the same ways that we ourselves behave when we care about the goals that we pursue. These behaviors clearly distinguish animals from other entities that may have goal-oriented behavior but which clearly lack desires, such as plants. First of all, animals often express feelings of satisfaction or dissatisfaction upon getting or not getting, respectively, the things they pursue, showing that their goals matter to them. For instance, a dog that appears to want to go outside exhibits displeasure if she does not get to go outside—she whines, cries, or “misbehaves” in some way. Once the dog gets to go outside, she expresses her satisfaction, such as by wagging her tail wildly and running around excitedly.

Additionally, animals often express concern for their goals as they act towards these goals, through such behaviors as facial expressions, bodily movement, and vocalization. For example, in many species, mothers will seek to protect their young from dangers (e.g. predators, humans). In doing so, their behaviors strongly suggest that protection of their young is something that strongly concerns them. These behaviors might include the mother running desperately to protect her young, growling, crying out, concerned-, stressed-, afraid-, or angry-looking facial expressions, fierce, apparently impassioned fighting with threatening animals, defensive posturing, hyper-attentiveness, and general agitation (e.g. expressed in their bodies
through jumpiness, shakiness, or a raised stress level). Animals behave protectively towards many other things too (including their own safety). This protective behavior provides strong indications of emotion and concern.

Animals also show that they are capable of caring about things insofar as they express concern or dislike for their pain (and liking for their pleasure). Borrowing from DeGrazia, let us define pain as “an unpleasant or aversive sensory experience typically associated with actual or potential tissue damage.” Animals’ behavior strongly suggests that they feel pain and are concerned about their pain insofar as (1) they seek to avoid and escape noxious stimuli, (2) they seek to get assistance when they sustain bodily injuries, (3) they limit use of injured body parts to allow rest and healing, and (4) when injured, they exhibit behaviors such as bodily contortions, writhing, crying or screaming out, whimpering, and facial expressions such as grimacing and stressed or concerned looks. These behaviors characterize precisely how each of us typically behaves upon not only feeling pain but also disliking or being concerned about that pain, and so, it is the behavioral criteria we should also use in judging whether animals are concerned about their pain.

It is clear from ordinary observation that many animals behave in these ways when we would expect them to do so if they were feeling pain and disliking their pain, such as when they are injured. For instance, upon having a limb caught and cut into by a sharp trap (e.g. as used by fur trappers), we know that many animals would desperately seek to free their limb from that

---

51 DeGrazia, Taking Animals Seriously, p. 107. I take pain by itself to have a purely sensory definition that does not include any affective qualities (e.g. feelings of concern or dislike). However, I agree that there is a strong connection between feeling pain, as a sensory phenomenon, and disliking that pain at least to some degree (though in some cases, such as in the case of masochists, pain may also be liked and perhaps not disliked at all). Indeed, it seems difficult to differentiate the behavioral evidence for pain from that for disliking pain. Moreover, as I will argue below, it seems likely there is an evolutionary link between feeling pain and at least having the capacity to dislike one’s pain.

52 The first three criteria are taken from DeGrazia, Taking Animals Seriously, p. 108.

53 Related to the dislike of pain is the fear of pain. Fear is an emotion that entails wanting to avoid the thing of which one is afraid. Animal behavior strongly suggests that many animals experience fear, including fear of pain.
trap, whimper, cry out piercingly, their faces would appear extremely stressed and concerned, their bodies would writhe and contort, and if they were able to free that limb, they would seek to protect it and limit its use in order to avoid experiencing further pain. Clearly, this behavior signifies both pain and concern for their pain. We would expect the very same behaviors from ourselves or any other human if caught in a similar situation and experiencing pain and concern for pain. 54

In addition to behavioral evidence for caring about their pain, there is also evolutionary support for thinking that animals are capable of caring about their pain. As Steve Sapontzis has argued, it wouldn’t make evolutionary sense if animals were capable of feeling pain but not also disliking their pain. It wouldn’t make evolutionary sense because there would be no advantage to having the capacity to feel pain but not also the capacity to be concerned about feeling pain or to want to avoid or escape pain. 55 It might be objected that pain could still be useful in triggering some automatic behavioral response in animals. But I think this objection misses the point.

Feeling pain is a conscious state. Its biological purpose is to alert a being to bodily injury that it has incurred, so that the being may then take conscious action to escape or alleviate the pain, and in the future, potentially avoid things that have caused pain. If we propose to explain animals’ injury-avoiding behavior in terms of automatic behavioral responses, then it becomes unclear what purpose is served by the capacity to feel pain. The capacity to feel pain becomes unnecessary. In this case, it would make more sense (i.e. it would be a simpler explanation) to

54 Physiological evidence also supports the belief that most animals are capable of feeling pain. The key physiological requirement for the capacity to feel pain is having a complex central nervous system (CNS), one that could support and explain the experience of pain in an entity. It is common scientific knowledge that most animals possess some sort of complex CNS.

55 Sapontzis, Morals, Reason, and Animals, p. 186. The same point can be made with respect to the capacity to feel pleasure and the capacity to desire pleasure.
explain animals’ injury-avoiding behavior entirely in terms of automatic behavioral responses.

Everything that supposedly is accomplished by the capacity to feel pain could be accomplished more simply by automatic, non-conscious stimuli-response mechanisms. The capacity to feel pain seems to serve a function in injury-avoiding behavior only if pain is something that a creature would not like, would want to act to avoid. This is a strong consideration in favor of thinking that every animal that can feel pain must also be capable of disliking its pain.

Moving on from the issue of pain, several other behaviors of animals strike me as characteristic of beings that care about certain things. Animals will pursue their goals through a variety of different actions, develop new strategies of achieving their goals when the previous ones fail, and they will persist in their actions to achieve their goals. For example, a cat appears to express a desire to go outside by standing at the door, meowing loudly and persistently, pawing at the door, and trying to dart out the door whenever it opens. She may also try to get outside through other exits, such as an open window or another door. All of these actions are oriented towards the same goal of getting outside. Similarly, wild animals sometimes try to eat food left out by human beings, such as raccoons eating from garbage cans, and when people try

56 This could be accomplished through the mechanism of nociception. Nociception, DeGrazia explains, “is the detection of potentially tissue-damaging (noxious) stimuli [e.g. pricking, cutting, cold, heat, pressure, tissue inflammation, muscle spasms] by specialized neural end organs, nociceptors, which fire nervous impulses along axons.” Nociception is closely tied to the experience of pain (in creatures that are capable of feeling pain), but it is not a conscious state itself. See DeGrazia, p. 99-100.

57 Perhaps though there is another reason to object to the thought that the capacity to feel pain entails the capacity to have desires. It might be objected that if we accept this view, we are saying that every creature that feels pain necessarily dislikes its pain or wants not to feel that pain. But, the objection continues, this would be mistaken because surely there are cases in which persons actually like to feel pain, such as in the case of masochists. There are a couple of ways in which we might respond to this objection. First, we might admit that any being that feels pain necessarily experiences some degree of dislike towards it, but then also point out that this fact does not rule out the possibility of also experiencing some degree of like for the pain, such as in the case of the masochist. In other words, it is not inconceivable that a being could have “competing” likes and dislikes—indeed, this actually seems to be a fairly common experience, at least among human persons. If we are unhappy with this response for some reason—for example, if we believe that the masochist need not experience any degree of dislike toward her pain—we might, alternatively, deny that the argument under consideration implies that every being that feels pain necessarily dislikes it. Instead, we might respond that the argument merely implies that every being that feels pain must have the capacity to dislike it or to want not to experience it. It is still perfectly conceivable that someone could happen to like the feeling of pain. But it must also be possible for beings to dislike their pain. Otherwise, there would be no evolutionary point to their feeling pain.
to invent ways to prevent the animals from getting this food, the animals often are able to get past the preventative measures by developing new strategies of action.

Though it has already been touched upon, it should also be emphasized that animals appear to express their care for certain things through how hard they work, fight, or struggle to achieve their goals, and through the pains they will endure to achieve goals. For instance, many animals will fight or struggle fiercely to resist being caged and will go through great labors to try to free themselves from cages. Moreover, animals appear to care strongly about a thing if they work harder and display persistence in overcoming obstacles to their goals. As an example of animals enduring pains to achieve their goals, we may look to mothers that endure physical injury and pain in order to protect their young.

So, there is ample behavioral evidence that many animals not only pursue goals but also that they care about and consciously pursue their goals. Animals behave in many of the same ways that we behave insofar as we express concern for our goals. That is, they behave in the ways we would expect them to behave if they cared about their goals, aside from telling us through language what they experience, which obviously it is unrealistic to expect since they lack linguistic ability. Unlike in the case of plants, there does not appear to be anything significant missing from the behavior of animals that we would expect to see from beings that are capable of caring about their goals, nothing that would count as evidence against their caring about their goals.

Is there also *physiological* support for animals having the capacity to care about their goals? If animals lack some physiological mechanism that we believe to be essential for having the capacity to care about things (i.e. for having conscious, affective states), then we would have a reason to doubt whether they are capable of caring about their goals. So, what physiological
mechanisms are needed for having the capacity to care about things? There seems to be one main physiological requirement for having the capacity to care about things, and that is the possession of a complex central nervous system (CNS). This is the same physiological requirement as that for having the capacity to feel pain. I am not aware of any better physiological criterion that has been put forth. Moreover, it makes sense to think that the physiological requirements for feeling pain and caring about things would be basically the same. On the one hand, caring about things seems to involve an affective and attitudinal element that is not entailed by the concept of pain alone, which seems to be a purely sensory experience. That is, I do not believe that feeling pain in itself entails that one experiences some affect and attitude of care, concern, dislike, etc. However, as I argued earlier, it does make sense to think there is a close link between the capacity to feel pain and the capacity to have feelings about one’s pain. In particular, it makes evolutionary sense to think that the capacity to feel pain would be coupled with the capacity to care about one’s pain and want to do something about it. Why else would a being feel pain unless it was something the being would or could dislike or care about?

Given this physiological criterion, it follows that many animals possess the physiological hardware required for having the capacity to care about things, since many animals possess a relatively complex CNS. As DeGrazia points out, this includes all vertebrates and some invertebrates, such as the cephalopods (e.g. octopi, squid). All vertebrates possess a relatively complex brain and a spinal cord. And apparently octopi, though they lack spinal cords, have nerve cords in their arms that contain nearly three times as many nerve cells as the brain.\textsuperscript{58}

Thus, after examining both the behavioral and physiological evidence, it seems highly reasonable to infer that many animals are capable of caring about their goals. Given the preponderance of similarities between animals’ behavior and our own caring behavior—and

\textsuperscript{58} DeGrazia, p. 105
given also that, to the best of our knowledge, many animals have the physiological hardware required for the capacity to care about things—we must presume that many animals have the capacity to care about their goals. We are not justified in doubting or abandoning this presumption unless we are given a good reason to do so, a good reason to doubt that various animal behaviors that highly resemble our own caring behavior are evidence of their caring about their goals. Below I will examine some possible reasons to have such a doubt.

2.3. *Skepticism about Animal Behavior*

I have just argued that behavioral plus physiological evidence supports the belief that many animals not only have goal-oriented behavior but also that they are conscious of and care about their goals. However, historically and still today there has been much resistance to the idea that animal behavior provides us with evidence of animals having conscious states. This resistance seems to be found especially among the scientific community. The skeptics tend to argue one of two things. First, some of them contend that animal behavior does not provide evidence for animals having conscious states because there are other, better explanations for animals’ behavior that do not involve attributing conscious states to them. In particular, they argue that animal behavior can always be explained by (i.e. reduced to) non-conscious stimulus-response mechanisms. They may admit that animals’ brains play a causal role in their behavior, but they argue that the role is merely one of informational processing (i.e. cognition) and does not involve conscious states at all.\(^59\)

\(^{59}\) This distinguishes the contemporary skeptics from the earlier behaviorists, who held that animal behavior is explained entirely by external, environmental influences and not at all by internal, brain-related causes. Nevertheless, like the behaviorists, the contemporary skeptic is still a reductionist, in the sense that he or she reduces all animal behavior to non-conscious mechanisms. Donald Griffin discusses this in his book, *Animal Minds.*
Other skeptics make a more epistemological argument. They contend that we aren’t capable of knowing whether animals have conscious states because animals’ minds, if they have minds, are inaccessible to us, and moreover, animals are not capable of telling us through language what, if anything, they experience. If animals have conscious states, they are not directly observable or testable. Because we can’t know whether animals have conscious states, these skeptics insist that it is unscientific to speak of animals having conscious states and that we ought to avoid doing so. This argument overlaps with the first one insofar as some of its proponents will contend not only that we cannot know whether animals have conscious states, but also that talk of animals having conscious states is irrelevant because we can explain and understand all animal behavior through non-conscious mechanisms.

The general thrust of both lines of skepticism is that animal behavior does not give us evidence of animals having conscious states. The arguments pose a serious and perhaps frustrating challenge to those of us who think it fairly commonsense that animals have conscious states, including caring about their goals. Even Tom Regan, one of today’s foremost philosophical defenders of animal rights, suggests that examples of animal behavior are “impotent” in showing that animals have conscious states, and that it is “pointless” to challenge those who reduce animal behavior to non-conscious mechanisms by citing examples of animal behavior that we think demonstrate their having conscious states. Although certainly Regan believes that many animals have conscious states, he claims that behavioral facts pose no challenge to the reductionist. He states, “How animals are observed to behave may be compatible with disparate, incompatible explanations of their observed behavior”, such as the reductionists’ explanations.60

60 Regan, *The Case for Animal Rights*, p. 20. (See also p. 5-6.)
To be fair, I think Regan’s claim is that animal behavior alone cannot show that animals have conscious states; he thinks the behavioral evidence must be combined with other forms of evidence, including especially insights from our understandings of evolution. I think he is correct that behavioral evidence alone cannot prove that animals have conscious states, but I believe that he wrongly downplays the importance and power of behavioral evidence, as I will seek to illustrate below.  

2.4. Reply to the Skeptical Objection

One serious problem with the general reductionist argument is that the reasons cited for denying that animals have conscious states, if consistently applied, lead us to also doubt or deny that other humans have conscious states. For just as we do not have direct access to the minds of animals, we also lack direct access to the minds of other humans. The only mind to which we have direct access is our own. But to deny that other humans have conscious states flies in the face of commonsense. It seems rather obvious that other humans have the same basic experiences that we do—sensory awareness, pain, pleasure, desires, and beliefs among them. Yet how can we justifiably attribute these states to other humans when we don’t have direct access to their minds, and how can we do so consistently while denying that animals have conscious states?

One possible answer to this question is that the crucial difference between other humans and animals is that other humans are able to use language to tell us that they have conscious

---

61 I think Regan also overemphasizes the importance of having evolutionary support for attributing conscious states to an entity. I agree that evolutionary insights can aid the case for animal consciousness. However, I don’t think we need to draw on evolutionary insight in order to show that another entity has conscious states. This is especially evident in possible cases of entities that have not evolved here on Earth but nevertheless may have conscious states, such as aliens and artificial intelligence. To show that these entities have conscious states, we would not be able to draw upon evolutionary insight. We would have to rely solely on behavioral and physiological evidence.
states (and moreover, the content of those states). However, language does not really solve the problem raised by the reductionist argument. Language does not give us direct access to others’ minds, no more than any behavior does. Indeed, language is ultimately just another form of behavior, open to the same basic skepticism that any behavior is. You tell me that you feel pain as you stub your toe, but I do not know for sure that what you say is truthful. You could be some kind of complex but non-conscious robot programmed to report to me that you have certain conscious states. Indeed, just as reductionists claim that what may appear to be conscious behavior on the part of animals can be explained through non-conscious mechanisms, other humans’ use of language could also be given non-conscious explanations.

Tom Regan gives us another reason to reject the idea that the ability to use language is required for having conscious states. If this is true, then it seems we cannot explain how young human children ever come to learn to use language. For in order to learn to use language, it would seem that one would need the capacity to have beliefs. For example, in order to learn the word “ball”, one would need to believe that “ball” refers to this spherical object in front of her. So, if we think that children do go through the process of learning language, then it seems we must agree that beings can have conscious states prior to having the ability to use language.62

Finally, it is telling that oftentimes in our everyday lives we are able to know that other humans have conscious experiences (and to know what they experience) without their telling us through language; we know merely from their non-linguistic behavior. For example, often we do not need people to tell us they are in pain in order to know they are in pain; we are able to make this assessment merely from their very obvious, non-linguistic pain behavior. If non-linguistic behavior is frequently sufficient to know that other humans have conscious experiences (and to

---

62 Regan, p. 15-17. Regan makes this argument in more depth than I have done here. In particular, he provides a convincing argument against the retort that young human children, prior to learning language, still have the potential to learn language and that this potential is required for consciousness.
know what they experience), then why should we think that it is never sufficient to know that animals have conscious experiences (and to know what they experience)?

It is possible that all the details of animals’ behavior could be explained through non-conscious mechanisms. But it is also possible that all of the behavior of other humans (or those we think to be humans), including the use of language, could be explained through non-conscious mechanisms. As Griffin has pointed out, it is not possible to have absolute proof of any mind other than one’s own, so we should not expect some kind of absolute proof in the case of animal minds. However, we can ask for the likelihood that another entity possesses conscious states. Given the preponderance of similarities between many animals’ behaviors and our own conscious behaviors—and given also the physiological evidence examined—there is a very strong likelihood that many animals have some of the same conscious states that we have, including that they care about their goals. As Griffin says, it seems quite conceited and chauvinistic to think that conscious-seeming behaviors are evidence of conscious states in the case of other humans but not in the case of animals.

The thought that animals have conscious states (e.g. pain, pleasure, sensory awareness, desires, emotions, beliefs) also provides us with better explanations for their behaviors than non-conscious explanations. That is, it makes their behaviors intelligible to us and often allows us to successfully predict how animals will behave, in ways that cannot be achieved through non-conscious explanations. An animal that gets her leg caught and cut into by a sharp trap acts panicked, frantically seeks to escape the trap, writhes and contorts her body, her heartbeat goes up and her body tightens with apparent stress, she cries or screams out, whimpers, and she shows very stressed and seemingly concerned facial expressions. Why does the animal exhibit all these behaviors? We make all these behaviors intelligible (and we unite them under a single, simple
explanation) with the thought that the animal is in pain and is concerned about her pain.
Moreover, we are able to successfully predict ways in which the animal will behave, ways that are consistent with the experience of pain and the desire to avoid or relieve pain.

One final reason why we ought to reject the reductionist objection to animal consciousness is that it makes it impossible to have evidence for animal consciousness. If, after citing all the resemblances between animal behavior and our own conscious behavior, the skeptic still replies that animals’ behaviors can be explained through non-conscious mechanisms, we must start to wonder what animals could do that would count as evidence of their having conscious states. To answer that they could tell us through language that they have conscious states is not sufficient. It is not sufficient because, as I have examined, language use is open to the same skepticism as any other behavior. But also it is not sufficient so long as we believe it is possible for there to exist beings that are conscious but lack linguistic ability. For if we do accept this possibility, then we should want to know what would count as evidence that a non-linguistic being has conscious states. It seems that any conscious-seeming behavior that animals exhibit will be explained away as the product of non-conscious mechanisms. But how can we accept a view that doesn’t allow anything to count as evidence against it? Such a view does not seem to be very scientific at all.

3. Animals & Propositional Attitudes

In questioning whether animals have desires, it has been shown so far that many animals have goal-oriented behavior, and moreover, that it is reasonable to think that they are conscious of and care about their goals. But one further issue remains. Earlier it was pointed out that desires are propositional attitudes. That is, desires are mental states that can be expressed in the
form of ‘A desires that p,’ where p is some sentence. Moreover, it is commonly thought that having desires requires having beliefs, which are also propositional attitudes (‘A believes that p’), and which are supposed to interact with desires in a way that explains a being’s behavior. Because desires and beliefs are propositional attitudes, some philosophers have argued that animals are not capable of having either of these mental states. In this section, I will consider some of their arguments.

3.1. Davidson’s Argument against Animal Desires

In two articles, “Thought and Talk” and “Rational Animals,” Donald Davidson argues that animals are not capable of having propositional attitudes, including both desires and beliefs. In assessing Davidson’s argument, I will focus on his argument as he articulates it in “Rational Animals.” Davidson’s argument begins with the premise that having any propositional attitude requires having “a dense network of related beliefs.” This requirement applies equally to beliefs and desires, or any other propositional attitude. Davidson explains,

In order to believe the cat went up the oak tree I must have many true beliefs about cats and trees, this cat and this tree, the place, appearance and habits of cats and trees, and so on; but the same holds if I wonder whether the cat went up the oak tree, fear that it did, hope that it did, wish that it had, or intend to make it do so. Belief—indeed, true belief—plays a central role among the propositional attitudes.

---

63 I prefer Davidson’s presentation of his argument in “Rational Animals” because it is clearer, more in-depth, and more expressly focused on animals.

For my purposes now, the crucial point that this premise establishes is simply that having desires requires having certain related beliefs. This premise leads Davidson to ask, what is required for having beliefs? Davidson’s answer forms the second premise of his argument. He states, “In order to have a belief, it is necessary to have the concept of belief.”\(^{65}\) Why does he think this? Davidson’s reasoning can be broken down as follows. First, he claims, “One cannot have a general stock of beliefs of the sort necessary for having any beliefs at all without being subject to surprises that involve beliefs about the correctness of one’s own beliefs. Surprise about some things is a necessary and sufficient condition of thought in general.” Davidson’s basic point here is that having beliefs requires the ability to be surprised. Davidson then suggests that being surprised requires having the concept of belief. He explains, “Surprise requires that I be aware of a contrast between what I did believe and what I come to believe. Such awareness, however, is a belief about a belief: if I am surprised, then among other things I come to believe my original belief is false.”\(^{66}\)

Upon arguing that having a belief requires having the concept of belief, Davidson then claims that “In order to have the concept of belief one must have language.”\(^{67}\) He reasons, “Much of the point of the concept of belief is that it is the concept of a state of an organism which can be true or false, correct or incorrect. To have the concept of belief is therefore to have the concept of objective truth.”\(^{68}\) This point can be understood further by appealing again to the notion of surprise. Davidson suggests that the ability to be surprised involves having an awareness of an objective reality independent of one’s beliefs. This is what it is to be surprised: one discovers that objective reality does not correspond to what one believed. But why does

---

\(^{65}\) Davidson, p. 478.  
\(^{66}\) Davidson, p. 479.  
\(^{67}\) Davidson, p. 478.  
\(^{68}\) Davidson, p. 479-80.
having the concept of objective truth require having language? Davidson confesses that he does not know how to show that this is a requirement. However, he states that he cannot think of any other way in which one could arrive at the concept of objective truth or an objective reality but through the use of language. Just how does one arrive at the concept of objective truth through language? Davidson explains that “to understand the speech of another,” one must have the concept of “a shared world” (i.e. “an intersubjective world”) in which two beings can “entertain the same proposition, with the same subject matter, and the same standard of truth.”

The final premise of Davidson’s argument, of course, is that animals lack the ability to use language. Given their lack of linguistic ability, it follows from Davidson’s argument that animals cannot have the concept of belief or an objective reality, they cannot be surprised, and therefore, they cannot have beliefs at all. Since, according to Davidson, having desires or any other propositional attitude requires having beliefs, it follows then that animals cannot have desires.

3.2. Reply to Davidson

Is Davidson’s argument correct? His first premise that having desires requires having some related beliefs (according to Davidson, “a dense network” of beliefs) seems plausible. There is some difficulty in imagining, for example, how one could want to drink water if one did not have any beliefs about water or drinking water, such as the belief that there exists water (i.e. having some concept of water), that drinking water will relieve one’s thirst, and beliefs about where water can be found (e.g. that there is water in the glass, the bowl, or the stream). We might wonder why one must believe there exists water rather than simply perceiving water, but I

---

69 Davidson, p. 480.
will not seek to address this question here. Also, we might wonder to what extent having a desire or a particular belief requires having “a dense network” of other beliefs, but I will not seek to address that question here either. I am willing to accept Davidson’s claim that having desires requires having some related beliefs.

Davidson’s suggestion that having beliefs requires having the capacity to be surprised seems reasonable as well. That is, to have beliefs, one must have the capacity to discover that what one believed to be the case is not actually the case. As Davidson says, one must have some awareness of an objective truth or reality independent of one’s beliefs, one must be capable of discovering that objective reality does not correspond to what one believed to be the case. This is what it means to be surprised, and it seems to be an aspect of having beliefs.

However, where Davidson’s argument goes wrong is with his claim that having the capacity to be surprised requires having the concept of belief. Having the capacity to be surprised does not require having the concept of belief nor having linguistic ability. To the contrary, it requires only the capacity to discriminate conditions that satisfy one’s belief from those that do not. Being surprised involves having an expectation, and then discovering that the world (i.e. objective reality) does not correspond to what one is expecting. There need be no

---

70 R.G. Frey argues that having perception requires having concepts or beliefs. If his argument is correct, this would rule out the possibility that desires could require perception but not beliefs. See Frey, *Interests and Rights*, p. 118-120.
71 Richard Jeffrey challenges this claim of Davidson’s. See his article “Animal Interpretation”, in *Actions and Events*, LePore & McLaughlin, eds.
72 Another intriguing potential line of objection is to argue that there is a class of ‘simple desires’ that does not require interaction with any beliefs. R.G. Frey considers this possibility but argues against it. His argument though is not convincing. He suggests that if animals have simple desires, either they must be aware that they have these desires or not aware that they have them. He argues that it is implausible to think that animals have consciousness of their desires. But if animals are not aware of their desires, he argues that the notion of desire no longer has any ‘cash value’, such that desires could just as easily be attributed to entirely non-conscious entities like plants. Frey’s argument is inadequate because he presents us with a false dilemma, namely, between self-conscious desires and non-conscious desires. Left out of the mix is a viable third option of conscious but not self-conscious desires, i.e. desires that entail awareness of one’s environment but not necessarily awareness of one’s mental states themselves. Frey raises this possibility in a footnote but dismisses it without providing much argument. See Frey, *Interests and Rights*, chapter 8.
awareness of belief (i.e. having the concept of belief) involved here, there is no self-reflection required here, just perceiving conditions in the world that conflict with what one is expecting in the world. Understood in this way, many animals exhibit the capacity to be surprised in their behavior. DeGrazia gives a good example:

After several rounds of throwing a tennis ball in the yard and letting his dog retrieve it, a boy pretends to throw the ball, keeping it in his hand. The dog, expecting to see the ball fly somewhere in the yard in front of the boy, begins in that direction, stops abruptly, looks around, looks back at the boy. The dog is surprised at the unprecedented situation, having believed that the ball would appear immediately.\(^{73}\)

The surprise that the dog exhibits in this example, and the surprise that many animals sometimes exhibit, is indicative of the discovery that what one believes to be the case, what one expects to perceive in the world, is not actually the case. In the case of the dog, the dog initially believes it is the case that the ball flew into the yard again, but then comes to realize that this is not the case, and as a result, she stops searching and returns to the boy.

Davidson’s mistake may be the result of a couple of factors. First, there seems to be a certain ambiguity and potential for confusion when discussing propositional attitudes like beliefs and desires. When referring to one’s “belief”, we can mean one of two different things. First, we can be referring to what one believes, i.e. the content of one’s belief. But alternatively, we can be referring to the mental state of having a belief. Recall how Davidson explains the phenomenon of being surprised. He states, “If I am surprised, then among other things I come to

\(^{73}\) DeGrazia, p. 149.
believe my original belief is false.” But what does it mean to “believe that one’s original belief is false”? On the one hand, we could interpret it as Davidson does: to believe that one’s original belief is false implies that one has a belief about having had a belief mental state, implying that one has the concept of belief. However, to believe that one’s original belief is false could also imply that one believes that the content of one’s original belief (i.e. what one believed) is false. This second interpretation does not require having the concept of belief, and it is something of which many animals are capable. For instance, the dog originally believes that the ball is thrown, but then comes to believe that it is false (or that it is not the case) that the ball was thrown, thereby believing that her original belief (i.e. the content of that belief) is false. It is only this second interpretation that seems to be required for being surprised. I see no reason to think that the first interpretation is required. However, I can see how one might think the requirement stated in its ambiguous form makes sense and then, because of the ambiguity of “belief”, interpret the requirement in the first sense, in the way that requires having the concept of belief.

But perhaps Davidson has not confused different meanings of “belief” at all. In that case, it seems to me that he has simply fallen victim to an unfortunate tendency of philosophers to over-intellectualize or over-sophisticate conscious mental capacities. Regardless, it appears that many animals are perfectly capable of having beliefs, because they are capable of being surprised, and therefore, Davidson’s argument does not give us a reason to think that animals cannot have desires.

3.3. Frey’s Argument against Animal Desires

Like Davidson, R.G. Frey argues that animals cannot have desires because having desires requires having beliefs and having beliefs requires having the ability to use language, an ability
that animals lack. As we saw with Davidson, the most questionable claim made by this argument is that having beliefs requires having linguistic ability. Davidson’s defense of this claim was not successful. Frey, however, offers his own arguments for why having beliefs requires having language. Let us consider Frey’s arguments to see whether they are any more successful.

Why does Frey think that having beliefs requires having language? Frey’s argument is captured, at least partly, in an example he asks us to consider. Frey asks us to imagine that he is a collector of rare books and that he desires to own a Gutenberg Bible. He points out that having this desire requires that he also has the belief that he does not now own this book, for if he did not believe this, he would not desire to own a copy of the book. Frey then argues,

Now what is it that I believe? I believe that my collection lacks a Gutenberg Bible; that is, I believe that the sentence ‘My collection lacks a Gutenberg Bible’ is true. In expressions of the form ‘I believe that…’, what follows the ‘that’ is a sentence, and what I believe is that the sentence is true. …The difficulty in the case of animals is this: if someone were to say, for example, ‘The cat believes that the laces are tied’, then that person is holding, as I see it, that the cat believes the sentence ‘The laces are tied’ to be true; and I can see no reason whatever for crediting the cat or any other creature which lacks language, including human infants, with regarding the sentence ‘The laces are tied’ as true.\(^\text{74}\)

The crucial claim of Frey’s argument is that whenever one has a belief, what one believes is that some sentence is true. For example, if I believe that the ball is red, what I believe is that

\(^{74}\) Frey, *Interests and Rights*, p. 87.
the sentence ‘The ball is red’ is true. If this claim is true, then it seems to follow that having beliefs requires having language since one cannot believe that a sentence is true unless one has language.

But why should we think that whenever one has a belief, what one believes is that some sentence is true? Frey’s defense of this claim can be broken down into two steps. First, he suggests (1) that whenever one has a belief, what one believes is that something is true. One reason for his thinking this appears to go back to Davidson’s idea that having beliefs requires having the capacity to distinguish between true and false beliefs. Frey states, “I do not see how the cat can be correctly described as believing that the laces are tied unless it can, as I do, distinguish between the beliefs that the laces are tied and that the laces are untied and regards one but not the other as true.” Frey then suggests (2) that sentences are the only things that can be true or false. He argues, “What is true or false are not states of affairs which reflect or pertain to these beliefs; states of affairs are not true or false (though sentences describing them are) but either are or are not the case, either do or do not obtain.” Also, regarding the example of whether the cat believes that the laces are tied, Frey states, “What exactly is it that cats are being credited with distinguishing as true or false? Reflection on this question, I think, forces one to credit cats with language, in order for there to be something true or false in belief; and it is precisely because cats lack language that we cannot make this move.”

3.4. Reply to Frey

Frey’s argument, however, is mistaken. First of all, it is not clear that sentences are the only things that can be true or false. As Steve Sapontzis points out, the accuracy of this claim

---

75 Frey, p. 89-90.
76 Frey, p. 90.
77 Frey, p. 90.
depends on what theory of truth we find acceptable. One traditional theory of truth is the correspondence theory of truth. According to this theory, it would seem that states of affairs could in fact be true or false, based on whether they correctly correspond to reality (i.e. the actual state of affairs). For example, I believe that the state of affairs that the ball is red is true. In this case, my belief is not that a sentence is true but that a state of affairs (i.e. that the ball is red) is true.\textsuperscript{78}

But even if we allow Frey’s claim that only sentences can be true or false, we need not accept his other claim that whenever one has a belief, one believes that something is true. Though Frey thinks that states of affairs are not true or false, he does admit that they either are the case or are not the case (or that they do obtain or do not obtain). I see no reason why we should not think that when one has a belief, one believes (or can possibly believe) that some state of affairs is the case (or that it does obtain). For example, when I believe that the ball is red, what I believe is that it is the case that the ball is red, where the ball being red is a state of affairs. Similarly, if the cat believes that the laces are tied, what she believes is that it is the case that the laces are tied, where the laces being tied is a state of affairs in the world.

As we saw, Frey suggested, along with Davidson, that having beliefs requires having the capacity to distinguish true beliefs from false beliefs. On the one hand, we could accept this requirement, but then simply point out that distinguishing true from false beliefs does not require thinking in terms of sentences since one can believe that a state of affairs is true or false. On the other hand, we could reject the requirement and argue instead that having beliefs requires only the capacity to distinguish those beliefs that are the case from those that are not the case.

In either case, if beliefs can be about states of affairs in the world and not sentences, then Frey’s argument no longer gives us any reason to think that having beliefs requires having

\textsuperscript{78} Sapontzis, Morals, Reason, and Animals, p. 125-6.
language, for having beliefs about states of affairs does not require having language. The main thing that would seem to be required for having beliefs about states of affairs is having the capacity to be aware of and to think about states of affairs in the world, something of which it is reasonable to think that many animals are capable. Upon introspection, it seems to me that many of our beliefs are not about sentences at all but rather about states of affairs. When I believe that the light will turn on when I flip the light switch, my belief-experience is not one of thinking that the sentence ‘The light will come on’ is true, but rather one of expecting that the light will actually come on, i.e. that it is the case that the light will come on. My belief is about an expected state of affairs in the world. Beliefs like this can be represented as beliefs that certain sentences are true, but this does not mean that this is what our beliefs are actually like to us, i.e. that when we have a belief, we are thinking that a sentence is true.

3.5. Problems in Specifying What Animals Believe & Desire

In addition to the arguments I have just addressed, there is a series of further arguments against attributing desires and beliefs to animals. These arguments all contend that when we attempt to specify the propositional content of animals’ beliefs or desires (i.e. what they believe or desire), we run into some serious problems: either we will find that we are incapable of knowing what animals may believe or desire, or even stronger, we will realize that animals are not capable of believing or desiring anything. I have in mind three such arguments, argued by Davidson, Stephen Stich, and Frey. I will examine and respond to their arguments below.

Let us begin with Davidson’s argument. Davidson’s argument relies upon a basic insight about beliefs that was touched on earlier, namely, that beliefs are things that must be “located within dense networks of related beliefs”. That is, having a belief requires that one has many
other general beliefs or concepts that are related to that belief, i.e. a “background” of related beliefs. This is sometimes referred to as a *holistic* view of beliefs. For example, Davidson suggests that to believe that an object is a tree, one must have “many general beliefs about trees: that they are growing things, that they need soil and water, that they have leaves or needles, that they burn.” Although Davidson doesn’t think there is any “fixed list of things someone with the concept of a tree must believe,” he claims that one cannot have the concept of a tree (i.e. a belief about a tree) unless one has many general beliefs about trees.⁷⁹

Given this understanding of the nature of having beliefs, Davidson thinks that we cannot know what beliefs animals may have. He argues that there is no way to know whether animals have the various background beliefs or concepts that are necessary for having any particular belief we might think to attribute to them. Davidson gives us an example to illustrate this point. He asks us to imagine a dog that sees a cat run up a tree and proceeds to run to the trunk of the tree and bark up it. Davidson wonders whether the dog is capable of believing that the cat ran up the tree. As we saw, having the concept of a tree, according to Davidson, requires that one has many general beliefs about trees. Does a dog understand that trees are growing things, that they need soil and water, that they have leaves or needles, or that they burn? Davidson suggests that it is impossible to know whether a dog has these beliefs about trees. But if we can’t know whether a dog has these background beliefs, we can’t know whether a dog is capable of having the concept of a tree.

Stephen Stich makes a slightly different argument from Davidson. Like Davidson, he thinks that having a belief requires having a background of related beliefs. But whereas Davidson claims merely that we cannot *know* what background beliefs or concepts animals have, Stich argues that animals positively cannot have the background beliefs required for having any

---

belief. To make his point, Stich gives the example of a dog named Fido who sees a person bury a bone in the backyard, and proceeds to go into the backyard and dig at the spot where the bone is buried. Does Fido believe that the bone is buried at that spot in the backyard? According to Stich, Fido is not capable of having this belief, for he is incapable of having the concept of a bone. Stich acknowledges that Fido may be able to recognize many bones, as evidenced by his behavior in the presence of those bones. Nevertheless, he argues that Fido lacks the concept of a bone. For one, he explains, Fido “does not…have any beliefs about the origin and general anatomical function of bones.” In other words, having the concept of a bone requires having a background of general beliefs about bones, including some beliefs that are presumably too abstract for a dog to grasp (e.g. the origin or anatomical function of bones), given a dog’s cognitive limitations. Stich adds that Fido’s lack of the concept of a bone is also evidenced from the fact that Fido would be unable to recognize some atypical bones (e.g. the bones of the middle ear) or to distinguish real bones from very realistic fake bones.  

Stich suggests that the same arguments can be made against any other attribution of a belief to Fido or to any other animal.  By this, I’m assuming he means that having any belief will require having some related beliefs that are beyond the conceptual capacities of animals. Moreover, he seems to be suggesting that it will be evident that animals lack any other concepts from the fact that they are unable to flawlessly recognize when those concepts do or do not apply.

81 Stich, p. 19.  
82 Stich ultimately reaches the strange conclusion that animals can possess beliefs in one sense but not in another sense. They possess beliefs in a “structural” sense, in the sense that beliefs are “functional or psychological states” that interact with desires, perception, and other beliefs in ways that explain animal behavior. But they lack beliefs insofar as beliefs have propositional content. See Stich, p. 24-28.
Frey also thinks that having any belief requires having a background of related beliefs, and like Davidson, he suggests that we cannot know whether animals are capable of having the required background beliefs for any particular belief. But Frey also makes another argument for why we cannot know what animals believe, an argument that appears to be independent of the idea that beliefs are holistic. Frey points out, first of all, that if there is any possibility of knowing what animals believe, this knowledge must stem from our observations of their behavior, since animals are incapable of telling us through language what, if anything, they believe. Their behavior is our only possible source of evidence for knowing what beliefs they have. According to Frey though, an animal’s behavior cannot show that she has any particular belief because that behavior inevitably will be compatible with a number of beliefs that the animal might be said to have (or perhaps with having no beliefs at all). If an animal’s behavior is compatible with her having a number of different beliefs, then her behavior gives us no way of knowing what the animal believes.

Frey provides an example to illustrate his point. He states,

Several months ago, my dog wagged its tail furiously when its master was at the door but also when its lunch was about to be served and when the sun was being eclipsed by the moon. On all three occasions, it barked and jumped about. So far as I could see, its behavior was the same on the last two occasions as it was on the first, and I am not at all clear how, on the basis of that behavior, it can be concluded that it was the belief that its master was at the door which the dog had,
that it was a grasp of the propositional content of this belief and not some other which the dog had.\textsuperscript{83}

In this example, Frey alleges that the dog’s behavior is compatible with not only the belief that ‘Its master is at the door,’ but also the belief that ‘Lunch is about to be served’ and that ‘The sun is being eclipsed by the moon.’ Upon observing the dog’s behavior then, Frey suggests that we have no way of concluding which of these different beliefs the dog might have.

Frey anticipates that it might be objected that if he were to pay careful enough attention, there actually are subtle, observable differences in his dog’s behaviors that differentiate the dog’s possession of these different beliefs. Frey responds, “It is simply implausible to contend that there is always a nice difference in [dogs’] behavior from one occasion…to the next. It is implausible, because, if other dogs are like my dog, the behavioral repertoire of dogs is itself limited; and wagging its tail, barking and jumping back and forth comprise a large part of this repertoire.”\textsuperscript{84}

So far, the arguments I’ve examined have focused on problems with specifying what animals believe. Since having desires requires having certain relevant beliefs, any problems with specifying what animals believe will also impair our ability to specify what animals desire. However, additional problems might be raised with specifying what animals desire. In particular, something resembling Frey’s compatibility argument could also be applied to animal desires. We can imagine Frey arguing that we cannot know the content of animals’ desires because their behavior is compatible with the attribution of various different desires. For

\textsuperscript{83} Frey, p. 115.
\textsuperscript{84} Frey, p. 115. Though I think Frey’s argument here is independent of the holistic view of beliefs, it can be applied to the holistic view of beliefs. For instance, Frey could argue that a dog’s behavior cannot tell us whether she has the background beliefs required for having the concept of a tree, because the dog’s behavior is compatible with her having multiple different beliefs.
example, if Frey’s dog runs “excitedly” to the door when he returns home, how do we know whether the dog’s desire is to receive attention from Frey, to be fed lunch, or something else altogether? In the case of other people, we can usually ask them what they desire. However, since animals lack language, we do not have this luxury with them. So, how do we know if any attribution of a desire to animals is correct?  

3.6. How We Can Specify What Animals Believe

Let me begin to address these arguments by evaluating Frey’s argument. As we saw, Frey argues that animal behavior cannot tell us what animals believe because their behavior is limited and compatible with their having many different beliefs. I think though that Frey seriously oversimplifies animal behavior and underestimates the extent to which it (along with looking at the contexts in which behavior occurs) can give us evidence of animals’ belief content. Among the ways in which we can learn about what animals believe are (1) observing animals’ behavior insofar as it reveals when they perceive their beliefs to be true or false, (2) observing what animals pursue or go for insofar as they act on their desires, and (3) looking at the situational contexts in which these behaviors occur, particularly the perceptual cues that surround and influence their behaviors.

First of all, we can learn about what animals believe by observing their behavior insofar as it reveals when animals perceive their beliefs to be true or false. As we saw earlier, when animals perceive their beliefs to be false, they may exhibit signs of surprise. Additionally, they may also show signs of confusion, unfamiliarity, disappointment, or dissatisfaction. On the other hand, when animals perceive their beliefs to be true, these signs are more likely to be missing.

---

85 In fact, we do not need to “imagine” Frey making this argument, as he has suggested just such an argument to me (or at least raised this as a question) in personal conversation.
from their behavior, and they may show positive signs of their beliefs being satisfied or expectations being met, such as excitement, satisfaction, or familiarity. Thus, we can learn about what animals believe by observing what environmental conditions cause them to express in their behavior that they perceive their beliefs to be true or false. For example, in DeGrazia’s case of the dog chasing the tennis ball, the dog’s surprise or confusion upon not finding the ball that repeatedly she has seen thrown and has chased after suggests that the dog believed that the ball was thrown again. If the ball really had been thrown again, the dog would not have shown surprise but once again would have excitedly picked the ball up and brought it back to the boy for another throw.

Another way in which we can learn about what animals believe is by observing what they pursue insofar as they exhibit goal-oriented, desire behavior. For instance, when the boy throws the ball and the dog runs after the ball, picking it up in her mouth and bringing it back to the boy, this suggests that the dog wants to get the ball and believes that the ball has been thrown to a certain place. If instead of running after the ball, the dog were to run in the opposite direction into the lake for a swim, then this would indicate that the dog wants to swim in the lake and therefore has a belief about swimming in the water. Frey suggests that in any given situation, an animal’s behavior is going to be compatible with a variety of other beliefs, and therefore, that we will never be able to tell which of these beliefs the animal has. However, clearly what an animal pursues helps us narrow down what the animal believes. In the example that Frey gives, does his dog run up to him, jump on him, and exhibit other greeting behavior? This suggests the dog is excited about her companion being home, believing that he is home. Does the dog run outside, look up at the sky, and bark at the moon eclipsing the sun? Then that would suggest the dog has a belief about the moon eclipsing the sun. Or does the dog go towards her empty food bowl and
look up longingly? This would suggest the dog wants food to be given to her, and therefore, has certain beliefs related to having this desire.

Finally, we can make more educated guesses at what animals believe by observing what perceptual cues influence their behavior. Let us go back to Frey’s example in which he claims that his dog’s excited behavior could indicate either that the dog believes her companion is home, or that the moon is eclipsing the sun, or that lunch is being served. Is the moon presently eclipsing the sun? If not, then it is less reasonable to think that the dog believes that the moon is eclipsing the sun. Are there any perceptual cues to indicate that lunch is presently being served (e.g. the sound of a can of dog food being opened)? If not, then we have less reason to think that this is what the dog believes. On the other hand, does the dog hear the sounds of Frey arriving home and entering his house? If so, this would lend greater support to thinking the dog’s belief is about Frey being home.

Still though, it might be wondered whether we can make sense of attributing to dogs a belief about a ball being thrown, about water, or about her human companion being home. Can a dog have the concept of a ball, of water, or of a human being? Davidson, Stich, and Frey have all argued that having the concept of something requires having various background beliefs about that thing. Are animals capable of having the background beliefs required for having any concepts?

In addressing this concern, the first point to make is that it would be absurd to think that in order for animals to have the concept of something, they must know everything there is to know about that thing or that they must have all the beliefs that a human being has about that thing. It would be absurd, for one, because even humans do not share all the same beliefs about any given thing, and there are not many things, if any, that we know everything about. In short,
human concepts are imperfect too. For example, surely I do not know as much about bones as a scientist who studies bones for a living. I do not know the chemical or molecular composition of bones. Nevertheless, I have some concept of bones. Even the scientist who studies bones for a living does not know everything there is to know about bones. Over time, she may learn more about bones—and thus, acquire more beliefs about bones—than she previously knew. Nevertheless, the scientist has some concept of bones, even without knowing everything there is to know about them.

Tom Regan makes an important distinction between two different views about what having concepts entails: the all-or-nothing view and the more-or-less view. According to the all-or-nothing view, in order for two beings to have the same concept of a thing, they must share all the same beliefs about that thing. Under this view, then, if animals do not have all the beliefs about bones that humans have, they do not have the concept of bones. This view is absurd though, for under this view, humans too would fail to share many concepts because, for the most part, humans do not share all the same beliefs about things (e.g. bones, trees). Moreover, as Regan points out, the all-or-nothing view cannot make sense of the commonsense idea that we are capable of learning more about particular concepts (e.g. bones) during our lives. As Regan argues, the rationally preferable alternative is the more-or-less view, according to which “having a given concept is not the you-either-have-it-or-you-lack-it situation the all-or-nothing view entails,” but rather “different groups and different individuals can have the same concept to a greater or lesser degree.”

So, the question we should be asking is not whether animals have the exact same concepts as we do (for not even humans have the exact same concepts), but rather whether animals have our concepts to some degree (and to what degree they have them). For example,

---

86 Regan, The Case for Animal Rights, p. 54.
does a dog have some concept of a tree? Davidson might argue that there is no way to know whether animals have any of the background beliefs required for having any given concept. However, there are good reasons for thinking that animals have various concepts to some degree. For example, it is reasonable to think that a typical dog has the concept of a tree to some degree. It is reasonable, for one, because a dog can distinguish trees from a variety of other things. For example, a dog distinguishes a tree from open space (the dog does not try to run through the tree), and also from a cat (the dog chases the cat but not the tree). More generally, we can observe what things an animal appears to perceive. For instance, the dog perceives that the tree is relatively tall, thin, and that the cat can climb up it. Thus, it is plausible to think that the dog can have the concept of a tree, at the very least, as a ‘tall, thin, hard thing that the cat can climb up.’ Of course, attributing such a concept to a dog implies that the dog also has some concept of ‘tallness,’ ‘hardness,’ ‘cat,’ etc. But these concepts, in turn, can be cashed out in terms of degrees. For instance, the dog may distinguish a cat from other things that are not living, running, small, fast, furry, and tailed.

Additionally, as we saw in response to Frey’s objection, we can potentially learn about what background beliefs animals have by observing the conditions under which animals perceive their beliefs to be true or false, as revealed by their behavior. For example, suppose a dog sees someone bury a bone in the backyard; however, while the dog is not watching, the bone is quickly replaced with a wrench. Does the dog act surprised or disappointed when he is allowed to dig in the spot only to discover the wrench and not the bone? This would suggest the dog perceives differences between the bone and the wrench. This sort of experiment could be repeated between real bones and other items in order to arrive closer at the dog’s concept of a bone.
Can we ever know precisely what animals’ concepts or beliefs are—that is, exactly what background beliefs they have or do not have? Perhaps not, but we need not know the precise content of animals’ concepts or beliefs in order to know that they have certain concepts to some degree and to know very roughly what they believe. As DeGrazia puts it, “In order to assert something meaningful about the content of animal beliefs, it is sufficient to make a very rough attribution. There is no need to establish exactly what animals believe…in order to show that they believe something and approximately what that is.” Even though we may not know exactly what a dog believes about trees, it is evident that a dog has some beliefs about trees, and we may make rough but educated guesses about what some of those beliefs are, based on the dog’s behavior (e.g. what he appears to be aware of, how he appears to distinguish trees from other things) and based also on our knowledge of a dog’s cognitive and conceptual capacities. These same guidelines apply to other animals and our determinations of their beliefs too.

It is unrealistic and unfair to expect precise knowledge of the content of animals’ beliefs, particularly when we often do not know the precise content of other humans’ beliefs or even our own beliefs. People commonly have beliefs about trees, but I cannot claim to know the precise content of anyone’s concept of tree, nor do I necessarily know the precise content of my own concept of tree, at least until I really stop to think about it. One person’s concept of a tree may be more detailed than the next person’s. Nevertheless, this does not mean we are not justified in attributing to other people beliefs about trees until we ask them to verify what their concept of tree is. (Moreover, as we saw earlier on, what a person tells us through language cannot necessarily be accepted at face value as truthful anyhow.) When I myself have a momentary belief about a tree, I’m not sure at all what my own concept of it is, though it is probably very basic, not necessarily including everything that I know about trees if I really stop to think about

87 DeGrazia, p. 157.
them. Once I stop to think about what trees are, my concept of them seems to expand from what it was when I just had the passing belief about a tree.

Two further concerns are expressed by Stich. First, Stich suggests that we are unable to “capture the content” of Fido the dog’s concept of a bone, for example, by observing how he distinguishes bones from other objects. Stich argues that although Fido may treat as a bone any object that has a certain bone-like shape, flavor, smell, texture, hardness, and color, etc., this does not tell us anything about Fido’s concept of a bone because having the concept of a thing possessing a bone-like shape, flavor, texture, etc. requires having “substantial knowledge of geometry, organic chemistry, etc.” In other words, a bone’s shape or flavor is a “theory-laden” property. Stich seems to be suggesting that our own concept of shape, for example, requires having a further background of theoretical beliefs, such as beliefs about geometry, and it is beyond the comprehension of a dog to understand geometry.\footnote{Stich, p. 23-4.}

It is unclear though why having the concept of a certain shape (e.g. a bone shape) requires having beliefs about geometry. Even if a person’s concept of a bone shape entails beliefs about geometry, it does not follow that dogs must have beliefs about geometry in order to have the concept of a bone shape to some degree. Once again, the concept of shape, like any other concept, must be understood in a more-or-less fashion. A scientist who studies bones for a living may have certain beliefs about the organic chemistry of bones. But many humans do not have beliefs about the chemistry of bones, or about geometric theory applied to bones. Nevertheless, they still have the concept (to some degree) of bones. Similarly, a dog can have the concept of a bone shape (to some degree) without having any background beliefs about geometry, just as he can have the concept of a bone, to some degree, without having every belief that I or that a scientist has about bones.
The second concern to address is Stich’s earlier-mentioned point that dogs are not perfect at distinguishing bones. Stich suggests that this shows that dogs do not have the concept of a bone. However, there is no reason to think that dogs must be perfect at distinguishing bones in order to have the concept of a bone. After all, most people are not perfect at distinguishing bones either. Give me something that is not a bone but that is disguised enough to look and feel just like a bone to me, and you are likely to fool me too. (In fact, Fido may be better able to distinguish real bones in some cases, due to his greater familiarity with them and superior smelling capacities.) Nevertheless, this does not mean I do not have the concept of a bone. Examples like this need not involve trickery either. For example, I simply may not know enough about cats to be able to perfectly distinguish all cats. There may be some weird breeds of cats of which I am not aware. Still though, I have some concept of cats. In short, one need not be able to perfectly distinguish a thing in order to have some concept of that thing. (Though, the greater one is able to distinguish a thing, the more one probably has the concept of that thing.)

In summary, then, there are ways of learning about what animals believe, including what background beliefs they have. This does not mean that we will be able to determine exactly what animals’ beliefs or background beliefs are, but we do not need to do this in order to know that animals have beliefs and to roughly approximate what those beliefs are. Nor does it mean that we will always be able to determine, even roughly, what animals believe. There may be many instances in which we have no idea what an animal believes. But just because we cannot know what they believe doesn’t mean they don’t have beliefs. Moreover, it doesn’t mean that we can’t roughly approximate what they believe in many other instances. It should be pointed out too that we do not always know what other humans believe. Behavior is not always revealing, and even when we can ask them, what people tell us is not necessarily accurate.
3.7. How to Specify What Animals Desire

As I have just argued, it is possible in many cases to specify what animals believe. It follows that specifying the content of animals’ beliefs is not an obstacle to specifying what animals desire. Nevertheless, I suggested that other problems might be raised with specifying what animals desire. In particular, it might be argued that, in any given instance, animals’ behavior is compatible with their having a number of different desires; how do we know which desire is the one they actually have? Let me respond now to this concern.

There are multiple strategies for learning about what animals desire. For one, we can observe the satisfaction conditions for their desires. As I have previously suggested, animals typically will behave in certain ways based on whether their desires are satisfied or not (or more precisely, whether they perceive their desires to be satisfied or not). When their desires are satisfied, they will exhibit feelings of satisfaction or pleasure. Moreover, they will desist the behavior that accompanies their pursuit of their goal. For example, a cat that wants to be fed might cry at her human companion or paw at a bag of cat food, but this behavior desists once the cat is fed. On the other hand, when their desires are frustrated or remain unsatisfied, animals will exhibit feelings of frustration or dissatisfaction, and they will persist in the behavior that accompanies the pursuit of their goal. (Figuring out precisely what conditions satisfy their desires may, in some cases, require a kind of experimentation in which we remove or add conditions to observe which ones do or do not satisfy an animal’s desire.)

Even if we are unable to observe the satisfaction conditions for animals’ desires, the content of their desires often can be revealed by observing what animals pursue or “go for” when they act on their desires. It is true that it will not always be clear what animals’ are seeking.
However, there are many cases in which it is fairly obvious what animals seek. For example, a
dog that goes towards its water bowl and starts drinking the water seeks a drink of water. Or
animals that run from vicious predators or from people are clearly frightened and seek to avoid
being captured and harmed.  

Admittedly, there likely will be many cases in which we will not be able to approximate
what animals desire, or we will not be very sure of what they desire, because their behavior will
not be sufficiently revealing to us. However, this does not mean that we cannot approximate
what animals desire in many other cases. Frey’s line of thinking suggests that a creature must be
able to tell us through language what it desires in order for us to have any knowledge of what it
desires. I have described how animals’ behavior frequently allows us to specify approximately
what animals desire. It should be pointed out that often we are able to correctly specify
approximately what other humans desire without requiring them to tell us what they desire. We
do this by observing their behavior in the same ways that we are capable of observing animals’
behavior to learn what they desire. Indeed, persons’ non-linguistic behavior can potentially be
more revealing of what they desire than what they tell us through language. People can lie to us
when they tell us what they desire; and what they truly desire may be revealed only through their
non-linguistic behavior. Also, people can be ignorant of their true desires or motives, and in this
case too, how people act (non-linguistically) can be more revealing of what they desire than what
they sincerely report to us. In short, a person’s non-linguistic actions can sometimes speak more
truly than her words. Acknowledging that language too is fallible in determining what someone

It might be objected that it is questionable whether animals can have any of these desires because it is
questionable whether they are capable of having any of the concepts required for having these desires—for example,
the concept of food, water, or being harmed. However, as I have argued, this objection is misguided. Having a
particular concept requires only that a being possesses that concept to some degree (i.e. possesses some of the
background beliefs for that concept). And many animals are capable of possessing various concepts (e.g. food,
water, being harmed) to some degree.
desires, it is not clear why we should think that the ability to communicate through language guarantees that we will make the correct attribution of desires to people.

4. Animal Behavior & the Scope of Desires

I have argued now that many animals are capable of having desires and that we are capable of specifying the content of their desires in many cases. My argument may seem to prompt a further question. With respect to the animals that are capable of having desires, is every action that animals perform motivated by some desire? Or do animals sometimes perform actions without being motivated by desires? Is it conceivable that they could perform actions that are not motivated by any desires? Or are desires a necessary condition for animals acting?

As I have argued, it is reasonable to attribute desires to animals because it explains or makes sense of their behaviors. Animals are observed pursuing a variety of goals, and in their pursuit of these goals, their behavior frequently suggests that they are conscious of and care about their goals. Insofar as animals not only act in pursuit of goals, but also exhibit consciousness of and care for their goals, reason requires us to attribute desires to animals, to explain this behavior that so closely resembles our own desire behavior. I suppose, then, we must ask whether every one of an animal’s actions or goal pursuits is one that the animal appears to care about. Admittedly, there may be cases in which an animal acts towards a goal but does not display obvious signs of caring about its goal. This may be the case with a lot of relatively mundane actions, such as a cat washing itself or birds flying south. (We must keep in mind though that sometimes a being’s care or concern for its goal becomes experienced and expressed behaviorally when that goal is satisfied or when it is frustrated, especially for prolonged periods
of time.) When animals perform these mundane actions, are they necessarily motivated by some desire?

In cases where animals act towards goals but do not display obvious signs of caring about their goals, we should assume that they are acting on desires unless we have some special reason to think that they are not. I have already established that animals frequently do act on desires. That is, we know that when animals act towards goals, they are, in many cases, motivated by desires. But if some actions performed by animals are motivated and explained by desires, then why wouldn’t actions in general performed by animals be motivated and explained by the presence of desires? Given our knowledge that animals frequently do act on desires, it seems reasonable to generalize and believe that every animal action is motivated by some desire, unless we have some reason to think that some action is not motivated by a desire. In short, the burden of proof is placed on the person who thinks that there are some animal actions that are not motivated by desires.90

It should be noted that if we hold that some action performed by animals is not motivated by some desire, then we must offer some other, better explanation for why the animal performed that action. It should also be noted that even if it turns out that some animal actions are not motivated by desires, it is still the case that many animal actions are motivated by desires. As I have argued, this is evident from the fact not only that animals display goal-oriented behavior, but also that they show care or concern for their goals in various ways.91

---

90 To show that an instance of animal behavior is not motivated by some desire, one could argue (1) that the behavior is not goal-oriented, (2) that the animal does not care about its goal, or (3) that animals are incapable of having propositional attitudes.

91 I should note that there is an ongoing philosophical debate over whether human actions are always motivated by desires. Some philosophers answer this question affirmatively, such as E.J. Bond (see *Reason and Value*) and Michael Smith (see *The Moral Problem*). Other philosophers answer this question negatively, such as Thomas Nagel, Mark Platts, Thomas Scanlon, and Jonathan Dancy. One main argument against the view that human action is always motivated by desires consists in the thought that sometimes we perform actions not because we want to but because we believe that we *have* to—that is, we believe that there is some normative requirement (e.g. a moral
5. Drawing the Line

It has been shown that there is strong evidence in support of the view that many animals are capable of having desires. Moreover, the major arguments that have been launched against the view that animals have desires have been shown unsuccessful. What then is the range of animals that it is plausible to think have desires? Such a determination must be based partly on which animals properly display the behavioral evidence cited for having desires. Additionally, we must ask whether an animal possesses the physiological mechanisms that we have reason to believe are required for having desires.

As I have discussed, the main physiological requirement for having desires seems to be the presence of a complex central nervous system (CNS), the same basic requirement that exists for having the capacity to feel pain and pleasure (a capacity that would seem to be linked evolutionarily to the capacity to have desires). This suggests that all vertebrates meet the physiological requirement for having the capacity to have desires. Again, all vertebrates possess a relatively complex brain and a spinal cord. Additionally, some invertebrates, though lacking spinal cords, have complex CNSs. These include the cephalopods (a group of mollusks including octopi and squid) and crustaceans, such as lobsters, crabs, and shrimps.92

These animals also meet the behavioral standards I have examined for having desires. At the very least, they meet the behavioral standards for having the capacity to feel pain and pleasure. As I have argued, there is reason to think the capacity to feel pain is evolutionarily linked to the capacity to care about one’s pain. Moreover, I have argued that the behavioral

---

92 Peter Singer discusses the question of whether these and other invertebrates are capable of feeling pain. See Animal Liberation (2nd ed.), p. 173-4.
evidence for feeling pain overlaps significantly with the behavioral evidence for caring about one’s pain. These animals also pursue a variety of other goals, and they exhibit many of the behavioral signs indicating that their goals matter to them. Thus, the physiological and the behavioral evidence combined strongly suggest that all vertebrates and at least some invertebrates are capable of having desires.

On the other hand, some invertebrates probably are not capable of having desires. In the case of insects, for example, though I think there is some uncertainty, I am inclined to believe that their physiology is too simple to support the capacity to feel pain and pleasure or to have desires and beliefs. As DeGrazia states, “Insects have extremely primitive CNSs, consisting of a nerve cord, ganglia (bundles of nerve cells found at intervals along the nerve cord), and a “brain” at one end composed of several fused ganglia. The extreme simplicity of their CNSs makes it unlikely that insects are conscious.”

DeGrazia also points out that insects “lack the extensive CNS processing mechanisms that appear to be necessary to feel pain” and he argues that from an evolutionary standpoint, insects, because they have such short life spans and “modest learning needs”, they would “derive little advantage” from feeling pain.

Insect behavior also lacks certain features that we would expect to see from creatures that have desires. On the one hand, we frequently witness insects responding to environmental stimuli. For instance, they run or fly off if you go near them or try to touch them. However, DeGrazia and others have observed that insect behavior “often reveals a stereotyped [or rigid], as opposed to innovative or flexible, quality,” suggesting that their behavior is better explained in terms of stimulus-response mechanisms rather than consciousness and conscious states like pain, desires, and beliefs. DeGrazia also points out how insects do not seek to protect their injured

---

92 DeGrazia, p. 105.
94 DeGrazia, p. 111-12.
body parts, such as by taking weight off of an injured limb. Rather, “They continue normal behavior even after severe injury or loss of body parts.”\textsuperscript{95} This too suggests that insects do not feel pain. More generally, insects do not seem to exhibit any of the behavioral signs of having emotion or caring about their goals that I have discussed (e.g. expressing satisfaction or dissatisfaction upon obtaining or not obtaining their goals, such as through vocalization or facial/bodily expression), nor any of the behavioral signs of having beliefs (e.g. showing surprise).\textsuperscript{96}

6. Conclusion

Whether animals are capable of having desires is significant to the question of whether they have any rights because philosophers have commonly thought that having rights requires having interests and having interests requires having desires. If animals are not capable of having any desires, this could suggest that they are not capable of having any interests, and thus, also not capable of having any rights. In this chapter, I have accepted the idea that having interests requires having desires, but I have argued that many animals are capable of having desires. I have shown that physiological and commonsense behavioral evidence both strongly support the view that many animals have desires. I have also considered a number of arguments which suggest that animals cannot have desires because having desires requires having beliefs or having language, and animals cannot have beliefs or language. I have argued that having desires does not require having language, and that although it may require having beliefs, many animals are perfectly capable of having beliefs.

\textsuperscript{95} DeGrazia, p. 111.
\textsuperscript{96} There are other invertebrate animals that may or may not have desires; they present blurry cases. These include other kinds of mollusks, such as oysters, snails, mussels, and clams; as well as jellyfish.
Whether animals have a right to life requires not only that they have interests, but it requires in particular that one of their interests is an interest to live. Moreover, it may also seem to require that the value of life for animals is great enough in comparison to the value of life for humans. In the next chapter, I will move on to consider the question of whether life has any value for animals, and if it does, whether the value of life for animals is great enough to warrant their having a right to life. I will defend the idea that many animals have a right to life, and therefore, that we have a strong moral duty not to kill animals.
CHAPTER 3
ANIMALS, THE VALUE OF LIFE, AND THE RIGHT TO LIFE: IN DEFENSE OF ANIMALS’ RIGHT TO LIFE

Having a right to life requires that one has an interest to live. To have an interest to live, I have suggested, means that life is something that has value for a being. In the last chapter, we looked at one challenge to the idea that animals have an interest to live. This challenge consisted in the thought that having an interest to live or any interests at all requires having desires, and animals are incapable of having desires (or we are incapable of knowing whether they have desires). I examined a number of different arguments in defense of this claim that animals cannot have desires, and I argued that all of these arguments fail and that there is strong reason to believe that animals are in fact capable of having desires.

But to acknowledge that animals have desires does not yet establish that animals have an interest to live or, therefore, that they have a right to life. The question of whether animals have an interest to live remains unanswered. In this chapter, I propose to complete the task of answering that question. That is, beyond the fact that animals have desires, I will show that they have an interest to live. Moreover, I will defend the idea that, in virtue of their having an interest to live, animals have a right to life. This right, I will argue, is equal in strength to the right to life that we commonly attribute to human beings, meaning in particular that our duty not to kill animals is equal in strength to our duty not to kill other humans.

My argument will have two main parts. First, I will argue that animals have an interest to live. In doing so, I will consider one main challenge. This challenge consists in the thought that, though animals may have some interests, they do not have an interest to live. This challenge differs from the ones considered in the last chapter (e.g. Frey, Davidson, Stich) in that it does not
deny that animals have desires or interests, but rather it denies that they have specifically an
interest to live. One philosopher who makes this challenge is Michael Tooley. I will consider
Tooley’s argument and show why it is mistaken.

Upon showing that animals have an interest to live, my second task will be to defend the
idea that animals have an equal right to life in virtue of their having an interest to live. This task
involves addressing a second main challenge. This challenge consists in the thought that even if
animals have some interest to live, they do not have a right to life because the value of life for
animals is less than the value of life for humans. In response to this challenge, I will argue that
having an equal right to life does not require that the value of life for a being is equal to the value
of life for a human being. I will contend that even if the value of life for animals is normally less
than the value of life for humans, animals have an equal right to life because the value of life for
them is close enough to the value of life for humans.97

Upon arguing that many animals have an equal right to life, I will address the question of
which animals have this right, and I will discuss some of the practical moral requirements that
we have as a result of animals’ right to life.

1. An Interest to Live

Although some philosophers deny that animals have any interests at all, many accept the
thought that animals have some interests. Most commonly perhaps, it is accepted that animals

---

97 As I stated in the Introduction, I will be relying upon a certain assumption in making my argument, namely, that
humans normally have a right to life, and that they have this right in virtue of their having a fundamental interest to
live. In making this assumption, I will be setting aside certain basic objections that might otherwise be raised
against my overall argument. These objections include skepticism about the existence of moral rights in general
(human or nonhuman), and the belief that a being’s possession of a right to life is grounded in something other or
something more than the fact that life has fundamental value for that being (e.g. the ability to enter into a social
contract). Let me also reiterate the point that my argument does not mean to imply that beings have rights to all of
their interests. I do not intend here to defend a general theory of rights, but ultimately I would argue that beings
have rights only to certain kinds of interests. (My thought is that they have rights to fundamental interests that they
have in common with us.)
have an interest to not feel pain or suffer. But do animals also have an interest to live? Is life something that has value for animals? The same question can be phrased in terms of the harm of death. Are animals harmed from death? Is death something that is bad for animals? Some people who accept that animals have some interests are nevertheless reluctant to attribute to animals an interest to live. That is, they deny that death (i.e. being killed) harms animals. Surely it makes sense to think that animals do not possess some of the interests that humans have. For instance, it makes sense to think that animals do not have an interest to get an education in college. Some philosophers have thought that life is another interest that it does not make sense to attribute to animals.

Before we begin to address the question of whether animals have an interest to live, we should first clarify exactly what the question is asking. Frequently, humans and animals alike experience pain and suffering in the process of being killed. For instance, a pig whose throat is slit in a slaughterhouse without being anesthetized would likely experience great pain and suffering as it bled to death. But our question is not whether animals are harmed from the pain or suffering they might experience in the process of being killed. Rather, the question is whether death itself harms animals at all. In other words, if animals could be killed without experiencing any pain or suffering, is there any way in which they would be harmed merely from being killed, from losing their lives?

Those people who believe that animals do not have an interest to live might admit that animals can be harmed from the pain or suffering often caused in the process of being killed, but they deny that being killed in itself harms animals in any way. This belief is significant because it suggests that we do not harm animals at all if we kill them without causing them any pain or
suffering, and in turn, if we can kill animals without causing them any harm, then there appears to be no basis for thinking that we morally wrong them at all in doing so.

We can imagine this line of moral reasoning being applied in slaughterhouses and scientific laboratories. The reasoning would be this: let us continue to kill animals for food and scientific study, but we will anesthetize them and make them unconscious before we kill them, so that they never experience any pain or suffering. According to this line of reasoning, killing animals in this manner would not be harming them at all, and therefore, we would not be wronging them. This line of thinking should be disturbing to anyone who believes that we harm and wrong animals just by killing them, even if we kill them in ways that do not cause them any pain or suffering.

1.1. Tooley’s View

One philosopher that has denied that animals have any interest to live is Michael Tooley. In his book *Abortion and Infanticide*, Tooley asks what requirements there are for having an interest to live. First, he considers the view that having an interest to live requires having a desire to live. This view fits in with a more general principle that having an interest in something requires that one has a desire for that thing. Ultimately, Tooley rejects this view as being too limited, for he recognizes that a being can have an interest in something without having a desire for that thing. For instance, he points out, “It may very well be in my interest to consume adequate quantities of calcium, even if at no time do I have any desire to do so.”

---

98 Tooley usually speaks not in terms of the interest and right to live but rather in terms of the interest and right to continued existence. This is because he thinks that continued existence is what really matters, and that there are ways in which one can cease to exist without losing one’s biological life—for instance, if one’s mind is completely reprogrammed. For simplicity’s sake, I will speak primarily of the interest and right to live. See Tooley, *Abortion and Infanticide*, p. 102.
99 Tooley, p. 118.
Indeed, there are plenty of things that can be in our interests even though we don’t desire them. For example, there are surely a large number of things that are good for our health, but about which we are ignorant (either at an individual level or the human species has yet to acquire this knowledge), and so we have no desire for those things. Therefore, we must leave open the possibility that one can have an interest to live without having any desire to live.

So, if having an interest to live does not require having a desire to live, what does it require? Tooley’s view is that having an interest to live requires either (a) that one has a desire to live or (b) that one’s continued life “will make possible the satisfaction of some desires existing at other times.” Tooley makes clear though that “not just any desires existing at other times will do.” He argues that these desires must “belong to one and the same subject of consciousness” as the one that exists now and whose interest to live is in question. That is, the desires must belong to the same continuing self. Tooley imagines that in some cases, the continued life of a particular biological organism will make possible the satisfaction of desires existing at other times, but not desires that belong to the same continuing self. Rather, those desires will belong to some other subject of consciousness, even though the desires will be “associated” with the same biological organism. In this case, Tooley believes that the organism or self existing now would not have an interest in continued life.  

Tooley’s requirement for having an interest to live raises two further questions: (1) What is required for having a desire to live, and (2) What is required for having desires at other times that belong to the same continuing self? Let us begin with the first question. Tooley points out that having a desire for some particular thing requires that one has the concept of that thing. (This is a point that was made in the last chapter.) Therefore, having a desire to continue to live requires that one possesses certain concepts related to what is desired, i.e. one’s continued life.

---

100 Tooley, p. 120.
More specifically, Tooley argues that having a desire to live requires that one has the concept of oneself as a continuing subject of experiences. This concept involves having the concept of a subject of experiences, having the concept of a thing continuing to exist, and being aware of oneself as a continuing subject of experiences. Tooley explains that all of this can be simplified as stating that having a desire to live requires that one has self-consciousness, so long as self-consciousness is understood to mean having the concept of oneself as a continuing subject of experiences.¹⁰¹

Let us turn to the second question. What is required for having desires at other times that belong to the same continuing self? As Tooley explains, the crucial question here “concerns the conditions under which desires existing at different times can be correctly attributed to a single, continuing subject of consciousness.” Tooley’s view is this: Though a biological organism may have desires at other times during its existence, these desires do not belong to the same subject of consciousness unless the organism, at some time in its existence, has the concept of itself as a continuing self.¹⁰² If the organism never has the concept of itself as a continuing self, then any desires that it possesses at different times will not belong to the same subject of consciousness. Such an organism would essentially consist in a continuing series of new selves. Thus, the present self would not have any stake in the satisfaction of desires belonging to any future self, since any future self would be an entirely different self from the present self. The future desires would no more belong to the present self than the desires of an entirely different organism. Having the concept of oneself as a continuing self is necessary in order to “unify” subjects of consciousness existing at different times.

¹⁰¹ Tooley, p. 104-5.
¹⁰² Tooley, p. 120.
Either way then, Tooley believes that having an interest to live requires that a being, at some time, possesses the concept of itself as a continuing self. Do animals ever possess the concept of themselves as continuing selves? Though Tooley never explicitly argues the point, he seems to assume that animals do not ever have this concept. He suggests that many animals are conscious and that they have some simple desires, but that they are not the sorts of creatures that are capable of conceiving of themselves as continuing selves.\(^{103}\)

It follows from Tooley’s argument that animals do not have an interest to live, or therefore, a right to live. As Tooley explains, this means that killing animals is not intrinsically wrong in any serious way. Moreover, Tooley suggests it means that killing animals is not intrinsically wrong at all, even if done merely for one’s enjoyment. He argues that there is nothing intrinsically wrong with killing an organism “that has enjoyed consciousness, together with momentary desires, and that could do so in the future,” but which is “incapable of enjoying a mental life that is unified over time in any way.” And animals, Tooley suggests, are organisms like this. Again, his reasoning here is that though animals may enjoy desires in the future, those experiences belong to a future subject of consciousness that is not identical to this present subject of consciousness, since animals lack the concept of themselves as continuing selves. Thus, by killing animals, we are not really denying any subjects of consciousness of the possibility for satisfying future desires.

1.2. Why Animals Have an Interest to Live

In what follows, I will explain why Tooley’s argument is mistaken and why many animals do have an interest to live. As we saw, Tooley argues that having an interest to live

---

\(^{103}\) Tooley defines “persons” as those individuals that have a right to life, and he implies that animals are not persons. For example, see Tooley, p. 291.
requires either that a being has a desire to live or that a being will have desires, at other times, whose satisfaction continued life will make possible (and these desires must belong to the same continuing subject of consciousness). So, let us begin by asking whether animals have a desire to live. On the one hand, it might seem that animals’ behavior in life and death situations often shows that they have a desire to live. For example, don’t many animals express great fear when threatened with death? Don’t they seek to avoid or escape threats of death? Don’t they fight to protect their lives and strive to continue existing?

However, the question of whether animals have a desire to live is one that we must approach carefully. When we witness animals’ self-protective behavior in the face of threats to their lives, is it really their continued existence that animals are desiring and thinking about protecting, or is it perhaps only the threat of pain about which animals are concerned? It is not easy to tell. Tooley is correct that having desires requires having a grasp of certain concepts regarding what is desired. Having a desire to live requires having certain concepts related to what is desired, namely, one’s continued life. What are these required concepts? As we saw, Tooley argues that having a desire to live requires having the concept of oneself as a continuing subject of experiences, and he seems to assume that animals cannot have this concept. I do not think it is entirely clear whether animals can or cannot have this concept. On the one hand, I think there is a strong case in support of the view that animals cannot have this concept. It seems reasonable to think that animals have, at best, a limited degree of self-consciousness—that is, a limited awareness of their experiences.

On the other hand, even if animals do not have the level of self-consciousness that humans normally possess, we must keep in mind that concepts can vary in their degree of detail, as was shown in the last chapter. For example, my concept of a tree is probably less detailed
than a biologist’s concept of a tree, and a dog’s concept of a tree is probably less detailed than mine. Similarly, the concept of oneself as a continuing subject of experiences may vary in degree of detail. Given this realization, it is possible that a case could be made that some animals have at least a “minimum concept” of themselves as continuing subjects of experiences. It may be that some animals have some minimal awareness of some of their experiences, and some minimal awareness of their experiences as persisting over time (e.g. memories of painful experiences). If so, then this would support the view that animals’ displays of fear and self-protective behavior in the face of threats to their lives is evidence of their having a desire to live.

Fortunately, we need not decide this matter in order to know whether animals have an interest to live. For having an interest to live does not require having a desire to live. Life can have value for a being as a means to satisfying other desires that that being possesses, even though that being may not be aware of this fact and, consequently, may not have a desire to live. Similarly, if I desire to have good health, I may have an interest in things that promote my health even if I do not have a desire for these things because I am not aware that they promote my health.

The idea that life can have value for a being as a means to satisfying desires other than a desire to live is not strange. Indeed, this seems to be the primary way in which life has value for humans. The reason why we have a desire to live is because we recognize that life is necessary as a means to satisfying other desires that we have. Even if animals do not have a desire to live, this doesn’t negate the possibility that life has value for them as a means to satisfying other desires. They may lack a desire to live simply because they lack awareness of the fact that life is necessary for the satisfaction of other desires they have.
As we saw, Tooley acknowledges that having an interest to live does not require having a desire to live. He admits that a being could also have an interest to live if its continued life would make possible the satisfaction of other desires that it possesses at other times. He emphasizes that these other desires must belong to the same subject of consciousness. Do animals meet this criterion? Tooley argues that in order for desires at other times to belong to the same subject of consciousness, a being must possess, at some point in its existence, the concept of itself as a continuing subject of consciousness. Are animals capable of ever having this concept? This is the same concept that is required for having a desire to live. Therefore, if animals cannot have a desire to live because they cannot possess the concepts required for having a desire to live, then it follows that they cannot meet Tooley’s requirement for having desires at other times that belong to the same subject of consciousness.

However, Tooley’s argument raises two further questions. First, is it true that a being must, at some time, possess the concept of itself as a continuing self in order to have desires at other times that belong to the same continuing self? Perhaps having desires at other times that belong to the same continuing self requires only that those desires belong to the same biological organism. Or perhaps it requires only that there is a strong enough psychological connection between the present self and the future self, and this connection can be achieved without necessarily having the concept of oneself as a continuing subject of experiences. For example, maybe it is enough that the being in question has memories from the past, or that there is psychological continuity between the selves existing at two different times.¹⁰⁴

Once again, however, we need not become embroiled in this difficult question. For Tooley’s argument raises a second, more critical question. Tooley suggests that if one does not

¹⁰⁴ The most important contemporary discussion of competing theories on this issue of personal identity (i.e. what makes it the case that a being at one time is identical to a being at another time) is Derek Parfit’s Reasons and Persons.
have a desire to live, then having an interest to live requires that one will have desires at other times (i.e. in the future) whose satisfaction will be made possible by one’s continued life. But why must a being have desires at other times (i.e. in the future)? In making this argument, Tooley neglects the more simple possibility that a being presently has desires that would be thwarted by death. I suspect that Tooley ignores this possibility because he thinks that having these present desires would guarantee for a being only a momentary interest to live. If present desires are the only basis for a being’s interest to live, then once those desires cease, the being’s interest to live disappears too, and then so does the possibility of having a right to life. Tooley is concerned with what guarantees a being a non-momentary (i.e. enduring, long-term) interest to live, the kind of interest that could provide a basis for a stable, continuing right to life.

But having an enduring, non-momentary interest to live does not require that a being has future desires that would be thwarted by death. For a being can have an enduring interest to live if it continually possesses desires in the present that would be thwarted by death. And indeed, this is, I believe, the basis for animals’ interest to live. Even if animals do not have a desire to live, life still has value for them insofar as it is necessary as a means to the satisfaction of other desires that they have and continue to have during their lives. Let us refer to such desires as a being’s desires in life. A being’s desires in life are its desires whose satisfaction requires the continued life of that being—in other words, desires that would be thwarted by the death of that being. Life has value for animals because it is a basic requirement for the satisfaction of all of their desires in life. Correspondingly, animals can be harmed from death even if they do not desire to live, for death still thwarts all of their desires in life, depriving animals of everything they desire in life, and permanently so.
My argument raises a number of questions. First, is it plausible to think that a being can continually have desires that would be thwarted by death (i.e. continual desires in life)? It might be objected that desires are not things that endure for long periods of time; rather, desires are momentary and fleeting; they come and go. My response is that although some desires are relatively momentary, the nature of other desires is such that they are enduring. We are liable to believe that all desires are merely momentary if we think that one can presently have a desire only if one is presently experiencing that desire. However, this view of desires is shortsighted.

A more enlightened view of desires is that some desires are dispositional in their nature. For instance, consider the desire to live. Do we have a desire to live only when we are currently experiencing a desire to live? If this were true, then we would hardly ever have a desire to live, since it is infrequent that we actually experience a desire to live. One time when we usually do not experience a desire to live is while we are sleeping. Imagine that someone kills you (or attempts to do so) while you are sleeping, without you ever noticing, and then seeks to justify the act by claiming that you did not desire to live because you were not experiencing this desire. The justification would be mistaken. For even when we do not presently experience a desire to live, there is still a sense in which we continue to have a desire to live. We continue to have a desire to live, even when we are sleeping, because this desire is dispositional, meaning that we would likely experience this desire given the appropriate circumstances—for instance, if our life was threatened and we were aware of this fact. Various other desires can be dispositional too. For example, consider the various long-term desires, plans, or goals that many people have, such as a desire to get an education in college, a desire to find romantic love, or a desire to be a good parent to one’s child.105

---
105 Michael Smith defends this view of desires as dispositional. See Smith, The Moral Problem. I have discussed this view in chapter two.
But do animals really have any desires that are dispositional and enduring in this sense, and that would be thwarted by death? It might be thought that they do not, that, at most, they have only fleeting, momentary desires. For animals, it might be argued, do not have long-term, future-oriented projects, plans, or goals in the way that most people do, such as the goal of going to college, finding romantic love, or being a good parent to one’s child. In response, I think it is not clear that animals, particularly the “higher”, more intelligent animals like primates, entirely lack long-term projects. For example, is it so unreasonable to think that some relatively intelligent animals that are parents do have an ongoing goal or concern to be good parents to their offspring?

But even if it is plausible to think that, for the most part at least, animals do not have long-term projects or goals, there is another sense in which many animals have enduring, dispositional desires that would be thwarted by death. Many animals have such desires insofar as they have various enjoyments or likes in life. Among the things that many animals are capable of enjoying are family and other social relationships, forms of play, exploring the environment, environmental comforts (e.g. a warm day, a cool breeze, comfortable shelter), physical activity (e.g. running, swimming), and the pleasures of food, sleep, and sex. What does it mean to enjoy something? To enjoy something entails that one experiences a feeling of satisfaction or mental pleasure (distinct from a purely physical, bodily pleasure) upon having or experiencing that thing. Moreover, it entails that one likes the thing that one enjoys, meaning that one has and experiences a positive feeling or attitude of approval or favorability toward that thing. In this way, one’s enjoyment of a thing entails that one desires that thing. One has a feeling of care toward the thing one enjoys, in such a way that one is disposed or motivated in one’s behavior to
“go for” or continue to obtain or pursue that thing. It is in this sense that a being’s enjoyments count as desires.¹⁰⁶

But how are enjoyments enduring in the sense that is needed for having an enduring interest to live? Aren’t enjoyments experiences that are rather momentary and fleeting? My response is that, at least in many cases, enjoyments should be viewed not just as momentary experiences but rather, like many desires, as dispositional. To have an enjoyment need not mean that one is presently experiencing this feeling of satisfaction and liking, but rather it can also mean there are certain things in life that one has a continuing tendency to experience enjoyment over. For example, if I periodically enjoy making art, but I’m presently not in the mood to do so, it doesn’t make sense to say that I no longer enjoy or like making art, so long as it is something I still enjoy on occasion. Similarly, insofar as animals enjoy forms of play, they have a disposition or continuing tendency to feel enjoyment over playing. It is not as if their experience of enjoyment over playing at one moment just comes out of nowhere (only to disappear back to nowhere), particularly if playing is something they feel enjoyment over on repeated occasions. Rather, it makes more sense to acknowledge that animals have an enduring like of playing, that they have a disposition to enjoy playing.

So, it is in the sense of having various enjoyments that many animals have enduring desires. This is the first step in showing that animals have an interest to live. The second step is to point out that animals’ enjoyments are the sort of desires that cannot be satisfied unless the animals continue to live (i.e. desires in life). It is not difficult to see that this is the case. Animals cannot continue to enjoy the things that they tend to enjoy unless they are able to

¹⁰⁶ The evidence for animals having enjoyments of this sort is the same as the evidence for animals having desires, which I presented and defended in chapter two.
continue living. Death prevents animals from pursuing and enjoying everything that they enjoy in life, and permanently so.

To summarize, then, even if animals do not have a desire to live, many animals have an interest to live insofar as life is necessary as a means to the satisfaction of other desires that they have—their desires in life. Their interest to live is an enduring interest because their desires in life (whose satisfaction requires the animals’ continued life) are dispositional and enduring. Many animals have enduring desires in life, at the very least, insofar as they have enduring, dispositional enjoyments or likes in life.\footnote{One philosophical issue that I have not sought to address, and which pertains to my account of animals’ interest to live, is how we are justified in moving from the claim that beings have certain desires to the claim that the things they desire have value for them. The fact that I desire x doesn’t entail that x has value for me, at least not value in an all things considered sense. There are many things that we desire that are not actually good for us. I have argued that life has value for many animals because they have certain desires in life. Ultimately, some account must be given to explain why we should think that the things that beings desire in life have value for them (and therefore, that life has value for them as a necessary condition for what has value for them). However, I do not think that this problem is unique to my account of the interest to live. Any plausible account of beings’ interests ultimately must find some way to bridge the gap between descriptive facts about beings (e.g. that they have certain desires) and claims about what has value for beings. This includes Tooley’s view, which like my view, appeals to desires that beings possess. Even if I have a desire to live, it still must be asked, why does it follow that life has value for me?}

Understood in this way, it becomes apparent that life not only has value for many animals, but it is likely among the things that have the greatest value of anything for animals. For life is necessary as a means to everything that animals desire in life. This suggests that the value of life for animals is equivalent to the value of everything they desire in life combined, and I have suggested that animals have various desires or enjoyments in life. Indeed, the only way that something could have greater value for a being than its own life is if that thing’s realization (1) does not require the being’s continued life and (2) is worth dying for (from the standpoint of the being’s own welfare). In short, life has \textit{fundamental} value for animals, meaning that it is among the things that have the greatest value of anything for animals, and that it has this value for them because its value is so basic, in the sense that life is necessary for the pursuit of
everything animals desire or enjoy in life. Correspondingly, death is one of the worst possible harms for animals, because it thwarts all of their desires in life, and it does so permanently.¹⁰⁸

Death can harm animals even if they do not experience any suffering or frustration in the process of being killed—for example, even if they are killed painlessly while unconscious under an anesthetic. This is the case because regardless of whether they experience any suffering or frustration, death still typically thwarts animals’ desires or enjoyments in life. Even while unconscious, animals still possess desires in life insofar as these desires are dispositional. Again, the same point may be made with respect to humans. A person who painlessly kills us while we sleep still typically thwarts our desires in life, and thereby harms us. We continue to have various desires in life even while we sleep insofar as those desires are dispositional.

In closing this section, it is worth pointing out that Tooley’s view that animals do not have any interest to live has some pretty counterintuitive implications. In particular, it implies that there is nothing at all intrinsically wrong with killing animals. There might still be something wrong with killing animals in ways that cause them to suffer. (Moreover, it might still be wrong to kill animals if doing so would violate our duties to other humans—for example, if the animal is some family’s companion animal.) However, if animals can be killed painlessly, Tooley’s view implies that there is nothing intrinsically wrong with doing so, regardless of one’s reason for doing so. There may be someone, for example, who likes to go about killing wild animals for no reason other than he takes pleasure in ending animals’ lives. If this person could kill the animals painlessly, then Tooley’s view implies nothing wrong has been done to the

¹⁰⁸ R.G. Frey has asked me whether it is possible that animals might ever lose their interest to live. I can think of two cases in which animals might lose their interest to live, and they mirror ways in which humans too might lose their interest to live. First, animals could lose their interest to live in cases in which they are terminally ill or injured and they are experiencing a great amount of unrelievable suffering. In such cases, animals’ interest to live may be outweighed by a stronger interest to avoid a painful, miserable existence that cannot be alleviated. Second, animals could lose their interest to live if they enter a permanent condition in which they are no longer capable of having desires in life, such as if they were to enter a permanently vegetative state (e.g. after being hit by a car). I believe that these are both cases in which humans could also lose their interest to live.
animals. If we think that there is something intrinsically wrong with wantonly killing animals, even when done painlessly, then we must be skeptical of the view that death in itself does not harm animals whatsoever.

2. The Comparative Value of Life

It has now been shown that animals have an interest to live. However, this does not yet settle the question of whether animals have a right to life. For even if it is admitted that animals have an interest to live, there is another serious objection to consider. According to this objection, animals do not have a right to live because the value of life for animals is less than the value of life for humans. In other words, animals have less to lose from death than humans do. At the very least, the objection contends that, because the value of life for animals is less than the value of life for humans, animals do not have an equal right to life, though they may have some weaker right to life. This would mean that though we may have some duty not to kill animals, this duty is not as strong as our duty not to kill humans. This, in turn, would entail that it is sometimes permissible to kill animals in circumstances in which it would not be permissible to kill humans.

As we saw in chapter one, Joel Feinberg is one philosopher who has defended this view. He argues that animals have, at most, only a very weak right to life because “animal life is not as valuable as human life.” Consequently, Feinberg believes it is permissible to kill animals for most human purposes, including for food and material. Similarly, David DeGrazia suggests that the moral presumption against killing animals is weaker than the presumption against killing humans because death typically harms animals less than humans. (Contrary to Feinberg,

---

110 DeGrazia, Taking Animals Seriously.
however, DeGrazia suggests that most animals’ right to life is strong enough to prohibit our killing them for food and material."

Why should we think that the value of life for animals is less than the value of life for humans? Most philosophers who have written on the value of life for animals have agreed that the value of life for animals is normally less than the value of life for humans (though they have not necessarily agreed on why the value of life is less for animals). Feinberg and DeGrazia both endorse this view. Even Tom Regan and Peter Singer, among the biggest philosopher champions of our obligations to animals, agree that the value of life is normally less for animals.\footnote{See Singer, \textit{Animal Liberation}, 2\textsuperscript{nd} ed., p. 20-1; Singer, “Animals and the Value of Life”, from \textit{Matters of Life and Death}, Beauchamp and Regan (eds.), p. 355-67; and Regan, \textit{The Case for Animal Rights}, p. 324.} One philosopher who has given an extensive argument for this view is R.G. Frey. In what follows, I will examine his argument in defense of the view that the value of life for animals is normally less than the value of life for humans.\footnote{One other fairly in-depth discussion of this issue can be found in Jeff McMahan’s book, \textit{The Ethics of Killing}.}

2.1. \textit{Frey’s Argument from Autonomy}

Why should we think that the value of life for animals is less than the value of life for humans? To answer this question, we must first determine how we should measure the amount of value that life has for a being. According to R.G. Frey, “The value of life is a function of its quality, its quality a function of its richness, and its richness a function of its scope or potentiality for enrichment.”\footnote{Frey, “Autonomy and the Value of Animal Life”, p. 57.} Let us simplify this view and summarize it as holding that the value of life is a function of its richness (or potential for richness). The value of life is greater for beings that have a greater potential for richer lives, and it is lesser for beings that have a lesser potential for richer lives.
What makes one life have a greater potential for richness than another life? According to Frey, one feature that significantly increases the potential richness of a being’s life is having autonomy. What does it mean to have autonomy? Frey explains that autonomy is closely related to other characteristics, including personhood (having the concept of oneself existing over time) and rational agency (the capacity to think and act rationally). He suggests that whether one explains autonomy in terms of personhood or in terms of rational agency, the same basic point is being made: having autonomy entails being able to make one’s own decisions about how one ought to live and then to seek to live according to one’s conception of the good life.\(^\text{114}\)

Frey believes that a life having autonomy is much richer than a life lacking autonomy. He argues that it is only with autonomy that one is able to lead a “rich, full life of self-fulfillment and achievement.”\(^\text{115}\) Human beings are creatures that typically have autonomy. As a result, Frey explains, we are able to participate in various activities in life (as part of our individual conceptions of the good life) that non-autonomous beings are not. Frey explains that these activities may include love, marriage, jobs, hobbies, cultural pursuits, and intellectual development and striving.\(^\text{116}\)

Unlike humans though, Frey believes that most if not all animals do not have autonomy. They are not capable of making their own decisions about how they ought to live or living according to a conception of the good life. As a result, Frey thinks they are not capable of leading a rich, full life of self-fulfillment and achievement like most humans are. He suggests that part of the richness of human lives “involves activities that we have in common with animals.” This includes activities like eating and sex.\(^\text{117}\) However, he argues that animals

\(^{114}\) Frey, p. 51-6.

\(^{115}\) Frey, p. 54.


cannot participate in many other kinds of rich life activities that humans can, and therefore, their lives are considerably less rich than the lives of most humans.

Because most human life is uniquely autonomous and therefore has a greater potentiality for richness than animal life, Frey concludes that the value of life for humans is much greater than the value of life for animals. In making his argument, Frey considers a potential objection from Tom Regan. Regan argues, contrary to Frey, that animals do in fact have a kind of autonomy. According to Regan, there is a kind of autonomy that entails “having preferences and the ability to initiate action with a view to satisfying them”. Regan refers to this kind of autonomy as “preference autonomy.” He argues that many animals have autonomy in this sense.

In response to Regan’s objection, Frey argues that Regan’s notion of preference autonomy “is so impoverished that it does not account for the significance to the value of a life that we take autonomy to have.” Frey argues that what matters for having autonomy is not just having desires but also being able to critically evaluate one’s desires according to some conception of the good life. Simply having desires and being able to satisfy them does not enable one to lead a rich, full life of self-fulfillment and achievement. Being able to lead this kind of life requires autonomy in the stronger, personhood-related sense. Frey argues that humans are not “constrained to live according to some (conception of a) life deemed appropriate for our species”; we are not slaves to our appetites. To the contrary, he insists, we are capable of embracing “different conceptions of how we want to live.” But animals, Frey argues, do not possess autonomy is this stronger sense. In short, Frey believes that Regan’s account of

---

119 Regan, The Case for Animal Rights, p. 84-6.
autonomy fails to capture what makes human lives so rich—the stronger sense of autonomy—and this is something that animals do not have.

2.2. Against the Argument from Autonomy

I believe that it is plausible to think that the value of life for animals is ordinarily less than the value of life for humans, and moreover, that this is the case because human life has a greater potential for richness. However, I do not think that the best explanation for this fact lies in the thought that humans have autonomy whereas animals do not. I do not accept this explanation because I am unconvinced that as humans we are any more autonomous than animals insofar as we are able to critically evaluate our desires, choosing to act on some desires and not act on others.

Frey suggests that as humans we are distinct from animals insofar as we are not “slaves” to our appetites or desires, or to some life “deemed appropriate to our species.” He imagines that we free ourselves from this kind of slavery through our capacity to question our desires and to choose among different conceptions of the good life. However, upon closer inspection, this idea that as humans we make ourselves free (or more free) through our self-reflective abilities begins to look fictitious. Even though we are capable of questioning and evaluating our desires, our decisions to act on some desires and not act on others (or to value some desires and not value others) must stem from somewhere and something in us—from desires or values that we have, from some aspect of our psychological character. Something must ultimately guide our choices. Whatever it is that ultimately guides our choices, it is unclear how we are supposed to be any less “slaves” to this than animals are “slaves” to their desires or impulses. It might be responded that we are also capable of questioning and evaluating this thing that drives us to make our self-
reflective choices. However, this evaluation too must be guided by something ultimately. It becomes apparent that it is impossible not to ultimately make a decision based on something that we are unable to question (or else we would never be able to make any decisions).

Does this mean that humans are not actually autonomous but rather slaves like animals? No, I do not think so. To the contrary, I think we must view both humans and animals as having the capacity for autonomy, but autonomy in a “weaker,” more plausible sense. In the case of both humans and animals, there are some desires that ultimately drive us to make the choices we make and perform the actions we perform, and that go unquestioned. But it need not be the case that humans or animals are slaves to these desires. To be a slave to something implies an opposition, meaning that there is some element of oneself that is constrained, repressed, or held down by the thing to which one is enslaved. When animals are driven unreflectively by their appetites, or when as humans we are ultimately driven unreflectively by desires that we have, it need not be the case that there is some element of the self being enslaved or held down by these desires. Rather, these desires could simply be the self.

2.3. Why Life Has Greater Value for Most Humans than Animals

It is not clear, then, that having autonomy makes the value of life for humans greater than the value of life for animals. However, I believe that it is plausible to think that life typically has greater value for humans than animals. Earlier I argued that life has value for a being insofar as it is autonomous.

---

122 It might be thought that my argument leads to the view that humans are autonomous whenever we do not experience any internal conflict over the desires we choose to act on. However, I do not actually agree with this view. One reason we might disagree with this view is because we imagine the case of a human who experiences no internal conflict over her desires but who acts wantonly (i.e. who acts unreflectively on whatever desires she experiences at the moment). Philosophers such as Harry Frankfurt have argued that the wanton is not autonomous, and Frey’s argument against animals having autonomy seems to echo this. But this is not my argument, for I believe that an animal who acts unreflectively on its desires can be autonomous. The reason why I disagree with the view at hand is because I believe there are many cases in which a person experiences no internal conflict over her desires, even after reflection, but whose desires are the product of cultural conditioning and not representative of her true self, though she may not realize it.
a being possesses “desires in life”—that is, desires whose satisfaction requires the continued life of that being (or in other words, desires that would be thwarted by that being’s death). With this in mind, there are at least a few different factors to consider when gauging the value of life for a being. For one, we must consider the number of desires in life that a being possesses. But also very significant, we must consider the quality of a being’s desires in life. In particular, we must take into account that some desires are deeper or more profound than others. For example, a desire to be a successful musician or to have an intimate friendship has a deeper or more profound quality than a sexual urge or a desire to gorge oneself with food. Deeper desires tend to have the characteristic of being more self-reflective and creative desires. My suggestion is that deeper desires in life count for more when measuring the value of life for a being, meaning that life has greater richness and value when it is necessary for the satisfaction of deeper desires.

It seems plausible to think that most humans are capable of having a greater assortment of deep desires in life than animals. As humans, our deep desires in life include artistic pursuits (e.g. fine art, music, writing, film), intellectual pursuits, moral or spiritual pursuits, cultural pursuits, and various intimate social relationships we have and pursue with others (i.e. friends, family, lovers). All of these pursuits are characterized by some kind of mental depth—some creativity, thoughtfulness, imagination, or emotional depth. Put in a different way, humans typically have creative aspirations or dreams in their lives, aspirations to do certain things with one’s life or to become certain things in one’s life. It is our capacity for these kinds of deep desires or pursuits that especially gives human life its richness and value.

Animals, however, do not seem to be capable of having most of these deep desires or pursuits. One possible exception is the fact that many animals do have social relationships that

---

123 I do not propose here to defend a complete theory of how to measure the value of life for a being. Rather, my goal is merely to sketch enough of such a theory in order to show why it is plausible to think that life ordinarily has greater value for humans than animals.
are important to them. Some animals seem to exhibit deep concern for members of their family or social group, as evidenced, for example, by the emotional intensity with which they protect their family or friends, or the depression they may express when a family member or friend dies or is injured. But even so, it might still be doubted whether animals’ relationships can have as much emotional and imaginative depth and intensity as humans’ relationships can. Putting this issue aside, animals do not seem to be capable of having the other kinds of deep desires or pursuits that humans have, such as artistic, intellectual, moral, or cultural pursuits. That is, they do not seem to have creative aspirations or dreams to do things with their lives or become things in their lives. Having these kinds of desires and pursuits seems to require a level of cognitive capacities that most if not all animals lack, such as a high level of self-consciousness and intelligence (i.e. the ability to understand things, including abstract ideas). (Hence, human lives typically have a greater potential for richness not because only humans have autonomy, but rather because only humans have the requisite level of cognitive capacities. 

Animals, I have argued, do have various enjoyments in life, things that they like experiencing or doing. In addition to their social relationships, these enjoyments include forms of play, exploring the environment, environmental comforts, physical activities, and the pleasures of food, sleep, and sex. (To this extent, I think that Frey may underestimate the variety of enjoyments that many animals are capable of having.) But for the most part, these pursuits do not seem to have the same creative, intellectual, or emotional depth as the deep pursuits that most humans are capable of having. For this reason, it seems plausible to think that although life does have value for animals, it typically has greater value for humans than animals.

2.4. An Issue of Further Justification
I have agreed with Frey’s claim that life typically has greater value for humans than animals and that this is the case because human life typically has a greater potential for richness than animal life. Moreover, I have agreed that human life typically has a greater potential for richness because only humans are capable of having certain deep, reflective, creative pursuits. However, there remains a question that neither Frey’s argument nor my own has answered: Why does having the capacity for deep pursuits (or in Frey terms, autonomous pursuits) make human life richer and greater in quality than animal life? Ultimately, some reason must be given to explain why having the capacity for certain kinds of desires or pursuits makes one life richer or greater in quality than another life. I will not seek to thoroughly address this issue here, for my main object in this chapter is not to show that life has greater value for most humans than animals, but rather to defend the idea that animals have an equal right to life. However, it may be helpful to sketch out a possible line of argument.\textsuperscript{124}

Why should we think that some desires in life—the deeper, more reflective, more creative ones—are higher in quality than others? One way in which we could try to answer this question is to construct an argument akin to John Stuart Mill’s defense of his view that there are higher and lower quality pleasures.\textsuperscript{125} Mill famously claimed, “It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied,” because even if pigs and fools experience more pleasure in their lives, their pleasures are of a low, base quality. To justify this view, Mill argues that all or nearly all people who have experienced both kinds of pleasures will prefer the “higher” pleasures, even if they are lesser in quantity than the

\textsuperscript{124} For an insightful, critical discussion of the different ways in which one might seek to justify the claim that human life is usually of greater quality than animal life, see DeGrazia, \textit{Taking Animals Seriously}, p. 231-57. DeGrazia also discusses other kinds of attempts to show that life has greater value for humans than animals (or that death is a greater harm for humans) as well as arguments for the view that life has equal value for humans and animals. Much of my own discussion of this issue has been influenced by DeGrazia’s discussion.

\textsuperscript{125} Mill, \textit{Utilitarianism}. 
“lower” pleasures (or “attended with a greater amount of discontent”). Mill explains that few humans would choose to live the lives of animals even if as animals they would experience a greater quantity of pleasure; similarly, no intelligent, conscientious human would prefer to live the life of a selfish, base ignoramus, even if as an ignoramus she would experience more pleasure.

Similarly, we might argue that all or nearly all people who have experienced both deep, profound desires in life (e.g. creative or intellectual pursuits) and “shallow” desires in life (e.g. getting drunk) will prefer the deep pursuits. However, this argument, like Mill’s argument, faces some difficulties. For one, there likely will be some people who, though acquainted with both deep and shallow desires, prefer the shallow pursuits. Given such cases, on what grounds can it still be maintained that the deep desires are of higher quality? Recognizing that this is an issue for his view, Mill argued that even when people acquainted with both “high” and “low” pleasures choose the low pleasures, it is often because they have lost their capacity to enjoy the higher pleasures. A similar argument might be employed in the case of experienced persons who prefer shallow pursuits. However, this qualification invites the charge we have now made our view unfalsifiable. Any time that an experienced person prefers shallow pursuits, it can be explained away as someone who has lost the capacity to enjoy deep pursuits. As a result, it is unclear how anything could ever count as evidence against our view.

Another way in which we might try to justify the view that deep desires in life are higher in quality is to take an “objectivist” stance, arguing that, regardless of what sorts of desires or pursuits in life that experienced people prefer, those ones that are characterized by self-reflectivity, creativity, and other kinds of mental depth simply are preferable to those that are not. However, this kind of argument will look unsatisfactory if we think that there should be some
connection between, on the one hand, the kinds of desires, pursuits, and lives that are desirable for us, and on the other, the authority of our personal values, especially when we are informed and experienced.

I will not seek to resolve this issue here. I merely seek to provide a plausible theory of why life has greater value for some beings than others, and to outline the paths that a defense of this theory might take. Suffice it to say, any view which holds that some lives are preferable to others not merely because they possess a greater quantity of some trait such as happiness but because they are of higher quality will face the same difficulties. I am inclined to think that the defense of such a view must ultimately appeal in some way to our personal values or capacities for values, as Mill sought to do. It cannot be a purely objectivist defense that does not appeal to our personal values or capacities in any way. To address the fact that some experienced persons are likely to prefer the “lower” desires or pursuits in life, I think that we must follow Mill and investigate the possibility that a person can lose her capacity to appreciate and prefer deep pursuits in life (e.g. through depression, lack of stimulation, or lack of access), and also that one can have latent, undeveloped capacities to appreciate deep pursuits. However, our resulting theory should be one that is falsifiable.

3. The Value of Life and the Right to Life

3.1. Requirements for Having an Equal Right to Life

According to the objection under consideration, animals do not have a right to life (or at least not an equal right to life) because the value of life for animals is less than the value of life for humans.¹²⁶ I have suggested that it is plausible to think that life typically has less value for

¹²⁶ To be clear, Frey does not endorse this objection. As we saw, he does think that human life typically has greater value than animal life. However, he does not think this is grounds for thinking that animals do not have a right to
animals than humans. Given this admission, it might seem obvious that it is reasonable to think that animals do not have a right to life, or at least not an equal right to life. However, even if it is true that life typically has less value for animals than humans, it does not follow that animals do not have a right to life or even that they do not have an equal right to life. It does not follow because there is another assumption that must be made in order to reach this conclusion, namely, that *having a right to life (or an equal right to life) requires that the value of life for a being is equal to the value of life for humans*. Let us call this assumption the *Equal Value Requirement*.

As it turns out, the Equal Value Requirement is not very plausible. And as with many theses that deny equal moral treatment to animals, its implausibility can be seen by applying the thesis to humans. The Equal Value Requirement denies that animals have an equal right to life because the value of life for animals is less than the value of life for humans. But there is also a strong case to be made that the value of life is not equal for all humans. Life has less value for some humans than other humans. The most obvious example of this is the case of “marginal” or non-paradigmatic humans. Marginal humans are individuals who are human in the biological or genetic sense, but who lack the advanced cognitive capacities that typically distinguish humans from other animals, such as the higher levels of self-consciousness and rationality. These marginal humans include infants, the severely mentally retarded, the severely senile (e.g. those in advanced stages of Alzheimer’s Disease), and the severely insane.¹²⁷

As we saw, Frey thinks that life typically has greater value for humans than animals because human life has a greater potential for richness, and it has this greater potential because only humans have autonomy (which is linked to self-consciousness and rationality) and are

---

¹²⁷ The expression “marginal humans” is attributed originally to Jan Narveson.
capable of participating in a variety of richness-adding activities. But like animals, marginal humans are not capable of partaking in most if not all of the rich activities that Frey mentions, and they do not have the level of self-consciousness or rationality that is required for having autonomy in the advanced sense that Frey endorses. It follows from Frey’s view, then, that the value of life for marginal humans is less than the value of life for other humans, because marginal human life possesses less of a potential for richness. And indeed, Frey freely endorses this result of his view. He admits in a number of places that life has less value for marginal humans than other humans because marginal humans have a lesser quality of life.

As I explained, my own view on why it is plausible to think that life typically has less value for animals than humans is that humans typically possess a greater assortment of deep desires in life than animals. And I argued that having the sorts of deep desires and pursuits in life that I described typically requires having a high level of self-consciousness which most if not all animals lack. But marginal humans also lack the high level of self-consciousness that other humans have. They too are incapable of having the various sorts of deep desires and pursuits in life that other humans have. It follows from this view, then, that life has less value for marginal humans than other humans.

But if the value of life for marginal humans is less than the value of life for other humans, then it follows from the Equal Value Requirement that marginal humans do not have a right to life, or at least not an equal right to life, depending on how the Equal Value Requirement is interpreted. On either interpretation, the result will be morally repugnant to most of us. It is assumed here that humans typically do have a strong right to life. In particular, humans typically have a right not to be killed, not to have their lives taken away from them. If marginal humans do not have a right to life, or if they have only a weak right to life, then it suggests that we do not
have a strong moral duty not to kill them. This, in turn, implies that it is permissible to kill marginal humans for many of the purposes that humans now kill animals, such as for food, material, or scientific experimentation. I suspect that most of us (at least those of us who believe in a human right to life) would find the idea of killing infants or the severely mentally retarded for scientific experiments or food deeply wrong.\textsuperscript{128}

In addition to marginal humans, there may be other human cases that pose the same kind of problem for the Equal Value Requirement. For even aside from marginal humans, it is not clear that the value of life is exactly the same for every single human. If we measure the value of life by looking at the amount of deep desires or deep, rich pursuits in a being’s life, then life will not have the same value for all humans because some humans lead deeper, richer lives than others. Some people lead quite shallow, superficial lives. Take the person whose aims don’t reach far beyond the pleasures of food, drunkenness, sex, money, and material goods. Compare this person to the person who has various deep aspirations of intellectual growth, self-development, and creative self-expression, and who enjoys or seeks rich and emotionally deep relationships with others. If the value of life is less for shallow people than deep people, then the Equal Value Requirement implies that shallow people have no right to life, or at least no equal right to life. Either way, this suggests that we do not have a strong moral duty not to kill people who lead relatively shallow, superficial lives. Once again, this result will be morally repugnant to most of us.

It might be responded though that although the shallow person does not have as many deep, rich pursuits in her life as the deep person, the shallow person is still \textit{capable} of having deep, rich pursuits in her life, just as many as the deep person. It might be thought that so long

\textsuperscript{128} There may be some exceptional cases of marginal humans that some of us will think do not have a right to life and that it is permissible to perform experiments on. In particular, I have in mind the case of humans who are alive but permanently brain-dead.
as a person has this capacity, the value of life for her is equal to the value of life for any other person who has this capacity, even if one person’s capacity is totally unrealized and the other person’s capacity is flourishing. Frey might be seen to endorse just such a view when he claims that the value of a being’s life is a function of its potentiality for richness. But it is not obvious that every person is capable of having just as many deep, rich pursuits as any other person. Nor is it obvious why we should measure the value of life for a being by looking merely at that being’s capacity for having deep, rich pursuits in life, rather than by looking at that being’s actual life and the actual deep, rich pursuits that she has. Given a choice between saving only one of two strangers, I do not think it would be irrelevant to the decision if one person was leading a life of many deep, rich pursuits and the other person was leading a very shallow, superficial life with no deep, rich pursuits.

The value of life, then, is not equal for every human. Despite this fact, however, most people deeply believe that marginal humans (as well as shallower humans) have an equal right to life. In particular, we believe that they have an equal right not to be killed. The thought of killing marginal humans for purposes of food or scientific experimentation is morally outrageous to most of us. If we stick with these moral intuitions, then we must dismiss the Equal Value Requirement as false. Having an equal right to life does not require that the value of life for a being is equal to the value of life for oneself.

If the value of life for marginal humans is less than the value of life for other humans, then why should we think that they have an equal right not to be killed? The answer would seem to be that, regardless of the fact that life has less value for marginal humans than other humans, the value of life for them is close enough to the value of life for other humans, close enough so that they are deserving of the same moral protection from being killed as any other human. In
other words, the difference between the value of life for marginal humans and the value of life for other humans is not enough to justify denying marginal humans of an equal right not to be killed. What this suggests is that having an equal right to life requires not that the value of life for a being is equal to the value of life for ourselves, but only that the value of life for a being meets a certain threshold of value. Marginal humans have an equal right to life because the value of life for them meets this threshold. Again, if we hold that having a right to life equal in strength to our own right to life requires that the value of life for a being is equal to the value of life for us, then we are left with the morally unacceptable result that a significant group of humans will not have an equal right to life.

In order, then, for animals to have an equal right to life, it need not be the case that the value of life for them is equal to the value of life for humans. Rather, it need only be the case that the value of life for animals meets the value threshold for having an equal right to life. Our main question, then, is whether the value of life for animals meets this threshold. That is, is the value of life for animals close enough to the value of life for us to warrant their possession of a right to life that is equal in strength to our own right to life?

3.2. Does the Value of Life for Animals Meet the Threshold?

There is one very clear reason why we should think that the value of life for many animals meets this threshold. It has already been established that most people believe that the value of life for marginal humans meets the threshold for having an equal right to life. So long as we believe this, consistency requires that we conclude that the value of life for many animals also meets this threshold. Consistency requires this because the value of life for many animals is equal to if not greater than the value of life for many marginal humans.
Among the factors that determine the value of life for a being are the quantity and the quality (i.e. the depth) of a being’s desires in life. Earlier I argued that animals have a variety of different desires or enjoyments in life. Among the things they may enjoy are family and other social relationships, forms of play, exploring the environment, environmental comforts, physical activities, and the pleasures of food, sleep, and sex. It is doubtful that most if not all marginal humans are capable of having desires or enjoyments in life beyond these ones. Moreover, it is likely that many marginal humans are capable of even less enjoyments in life than many animals. It is doubtful, for example, that human infants, the severely retarded, and the severely senile are capable of having the variety and depth of social relationships that many animals are (e.g. adult mammals). It is also doubtful that they are capable of appreciating and enjoying their environments in quite the ways that many animals are.

The belief that life has greater value for many animals than many marginal humans is also supported by the fact that many animals possess greater levels of cognitive capacities than many marginal humans. That is, many animals possess a greater degree of intelligence, rationality, and self-consciousness than many marginal humans. For example, most if not all normal, adult, nonhuman mammals have a higher degree of intelligence, rationality, and self-consciousness than human infants, severely mentally retarded humans, and severely senile humans. I have suggested that there is a correlation between the value of life for a being and the level of a being’s cognitive capacities.\(^{129}\) The fact that many animals have greater levels of cognitive capacities than many marginal humans indicates that many animals are capable of having a greater quantity and quality of desires in life than many marginal humans, and therefore, that life has greater richness and value for many animals than many marginal humans.

---
\(^{129}\) I take it that Frey’s view entails such a correlation too. As we saw, Frey believes that life has greater value for most humans than animals because only humans have autonomy. I take it that, in Frey’s view, having autonomy is linked to having advanced cognitive capacities, ones that he thinks most humans have but animals lack.
One difference between marginal humans and animals that may particularly illustrate the
greater cognitive capacities of animals is the fact that normal, adult animals are capable of
leading independent lives, but many marginal humans are not. Normal, adult animals are
capable of fending for themselves in order to meet their basic needs of survival. They procure
food for themselves and often for their families, they build or find shelters, they are capable of
defending themselves and their kin. As Evelyn Pluhar points out, “Even many domesticated
animals, whom humans have bred to be dependent, will revert to ancestral independent traits
when released from human ‘care.’” On the other hand, infants, the severely retarded, and the
severely senile all require much help from other humans in order to survive. In virtue of having
the capacity to lead independent lives, it would also seem that animals are capable of
experiencing more in the world, and thereby enjoying and pursuing more in the world. This too
supports the idea that life has greater value for many animals than many marginal humans.

We must be careful though about linking the capacity to live independently to cognitive
capacities like intelligence and rationality. In the case of marginal humans, their lack of the
capacity to live independently is clearly the result of mental deficiencies. The question we must
answer though is whether animals’ possession of this capacity is the result of their intelligence
and other cognitive capacities, or whether it is merely instinctual or programmed in a way that is
unrelated to intelligence, rational capacities, etc. I will not seek to thoroughly answer this
question here. However, so long as it is reasonable to think that animals possess various
cognitive capacities to some degree (e.g. consciousness, beliefs and desires, the capacity to
understand ideas and to reason), I would think this supports explaining animals’ capacity to lead
independent lives at least partially in terms of their intelligence, rational capacities, etc.

---

130 This difference between animals and marginal humans is pointed out by Evelyn Pluhar (who credits Steve
Sapontzis with also making this point). See Pluhar, *Beyond Prejudice*, p. 82.
3.3. *A Hitch in the Marginal Cases Argument*

So, if we believe that the value of life for marginal humans meets the threshold for having an equal right to life, then consistency requires that we believe that the value of life for many animals also meets this threshold. However, this argument has a hitch. What if we do not believe that the value of life for marginal humans meets the threshold for having an equal right to life? That is, what if we are willing to accept that marginal humans have no right to life, or that they have only a weak right to life, and consequently, that it is permissible to kill them for purposes of, say, scientific experimentation or even food? In this case, is there any reason why we should believe that the value of life for animals meets the threshold? Why should we think that the value of life for animals and marginal humans meets the threshold for having an equal right to life if the value of life for them is less than the value of life for us?

In response to this problem, we must acknowledge, first of all, that having a right to life (or an equal right to life) must be determined according to *some* threshold regarding the value of life for a being. That is, it must be determined according to some threshold that will encompass a variety of beings for who the value of life is not equal. This is the case because the value of life varies among human beings, even among non-marginal humans. If marginal humans were the only case in which the value of life differs for humans, then it would be possible to simply exclude marginal humans from having a right to life and hold that having a right to life requires that the value of life for a being is equal to the value of life for normal, non-marginal humans. However, it is not clear that the value of life is equal even for every non-marginal human. As I have argued, some non-marginal humans lead deeper, richer, more profound lives than others. It might be responded that every non-marginal human has the *capacity* to lead an equally deep,
rich, profound life. But it is not clear that this is actually true. If, then, we are to maintain the idea that non-marginal humans have an equal right to life, it seems we must admit that there is some threshold at which the value of life for a being is enough to have an equal right to life.

Assuming, then, that having a right to life must be determined according to some value threshold, there does not seem to be any special reason for thinking that the threshold excludes rather than includes the lives of animals and marginal humans. Indeed, if we are going to draw the line to exclude the lives of animals and marginal humans, why not draw an even more exclusive line, one that excludes the lives of some non-marginal humans?

In response, it might be objected that the difference between the value of animal and marginal human lives and the value of non-marginal human lives is significantly larger than any difference in the value of life among non-marginal humans. That is, even if some non-marginal humans lead deeper, richer lives than others, the difference is relatively minimal when compared to the difference in richness and value between non-marginal human lives and the lives of animals and marginal humans. It might be thought that this a good reason for drawing a threshold that includes the lives of all non-marginal humans but excludes the lives of animals and marginal humans.

However, it is likely false that there is an especially big chasm between the value of life for non-marginal humans and the value of life for animals and marginal humans. I have already argued that many animals are capable of having a variety of enjoyments in life, including rich social relationships that are important to them. As we saw, even Frey admits that some of the activities that make human lives rich are activities that also make animal lives rich.

Moreover, as I have argued, it is plausible to think that life typically has greater value for non-marginal humans than animals or marginal humans essentially because non-marginal
humans possess a higher level of self-consciousness. In virtue of having this higher level of self-consciousness, non-marginal humans are able to have various deep desires or pursuits that animals (and marginal humans) are not. But having self-consciousness is not an all-or-nothing kind of thing. Rather, self-consciousness comes in degrees. Many animals and marginal humans likely possess at least some, minimal degree of self-consciousness. For example, they likely are aware of their own physical bodies as distinct from the bodies of other animals and the rest of their surrounding environment. If this is correct, then it is natural to think that when comparing the value of life for animals and marginal humans to the value of life for non-marginal humans, there is not a great chasm of value, but rather there is a steady progression in the richness and the value of lives.

So, there is no special reason to think that the threshold for having an equal right to life excludes rather than includes the lives of animals and marginal humans. Therefore, it is arbitrary to draw the threshold in such a way that it includes the lives of all non-marginal humans but excludes the lives of animals and marginal humans.

There is another reason to think that the value of life for marginal humans and animals meets the threshold for having an equal right to life: it is consistent with a principle of compassion and humility. Even if the value of life for animals and marginal humans is less than the value of life for us, life still has significant, fundamental value for these beings. All of their desires or enjoyments in life require their continued life, and are permanently thwarted by death. Therefore, life has the highest and most basic of value for them. With this in mind, a humble, compassionate perspective would allow these beings to have and enjoy their lives, even if their lives are not as rich or valuable as ours. It would allow these beings to have and enjoy their lives no less than we allow non-marginal humans to have their lives and no less than each of us wishes
to have our own lives. To freely take their lives from them for human satisfaction or benefit, just because life does not have quite as much value for them as it does for us, is supremely cruel and arrogant. In short, a humble, compassionate perspective compels us to attribute to animals and marginal humans an equal right to life.

In response, it might be asked, why should we care about this principle of humble compassion? Why should we follow this principle? Why should we have humility in our compassion for other beings? To be clear, the principle of humble compassion is intended as a principle for deciding where to draw the threshold for having an equal right to life—that is, how much the value of life for a being must be in order to meet this threshold. It is not intended as an argument to show that beings have rights in the first place (i.e. an argument against utilitarianism or other competing moral theories); it is already assumed that some beings have a right to life, and that they have this right on the basis of having an interest to live. The question that remains is a question of how to distribute the right to life: how much must the value of life for a being be in order to have the right to life? The principle of humble compassion is a principle for answering this question.

That being said, I am unsure whether there is any straightforward argument to show why we should accept the principle of humble compassion. The question is not so much why we ought to be compassionate toward others, but rather, why we ought to be humble in our compassion, such that we extend to others an equal right to life despite the fact that life has less value for them than us. It is possible that all that can be said is that each of us possesses the capacity for humility and compassion, that it is intrinsically good to live according to these
virtues (i.e. to show compassion and respect for others even if they have less cognitive capacities than us), and therefore, that we ought to try to do so.\textsuperscript{131}

4. Applying the Right to Life

I have argued in defense of the idea that many animals possess a right to life, a right that is equal in strength to the human right to life. But which animals exactly have this right to life? And what practical moral requirements are placed on humans in virtue of animals’ right to life? That is, exactly what duties do we have to animals in virtue of their right to life? I will now aim to answer these questions.

4.1 Drawing the Line

Which animals have a right to life? To answer this question, we must review the requirements for having a right to life. I have argued that having a right to life requires (1) that life has value for a being (i.e. that a being has an interest to live), and moreover, (2) that the value of life for a being meets the value threshold for having a right to life. What, then, is required for having an interest to live? As I have argued, having an interest to live requires only that a being possesses desires in life, which includes enjoyments in life. So, which animals have desires in life? In chapter two, I argued that all vertebrates and at least a few invertebrates (e.g. the cephalopods) are capable of having desires. On the one hand, it might be thought that this does not necessarily tell us which animals have desires in life, since it is conceivable that a being could have desires without having desires in life. A being’s desires could be limited to desires

\textsuperscript{131} In the spirit of Aristotelian virtue ethics, it could be argued that being humble and compassionate are necessary for living well or flourishing as a human being. I am inclined to think this is correct. However, it raises a number of further questions that I am not prepared to answer here, including (1) why should we think that acting according to these virtues (or other proposed virtues) is necessary to live well, and (2) why should we care about living well?
that are not thwarted by death, such as a desire not to feel pain. (A being can be killed without ever feeling any pain.) However, any animal that is capable of having desires is also capable of having enjoyments, since enjoyments are a kind of desire and do not require any cognitive capacities beyond what is required for having desires at all. A being’s enjoyments are things that are thwarted by death. It follows then that any being capable of having desires is also capable of having desires in life. This means that all vertebrates and at least a few invertebrates are capable of having desires in life, and therefore, they have an interest to live.

The second requirement for having a right to life states that the value of life for a being must meet the threshold for having a right to life. What is needed for this requirement to be met? The argument from marginal cases provides us with some guidance. According to this argument, the value of life for an animal meets the threshold for having a right to life so long as it is equal to or greater than the value of life for marginal humans whom we believe have a right to life. How exactly do we know whether the value of life for an animal is equal to or greater than the value of life for a marginal human? As I have argued, we must look at the quantity and quality of a being’s desires in life. If the quantity and quality of an animal’s desires in life are equal or superior to the quantity and quality of a marginal human’s desires in life, then we may conclude that the value of life for that animal is equal to or greater than the value of life for that marginal human.

Based on this criterion, we ought to conclude that the value of life for many animals meets the threshold for having a right to life. At the very least, this includes all mammals, reptiles, amphibians, birds, and some fish (e.g. sharks), possibly excluding newborn members of these species. I see no reason to think that marginal humans (e.g. infants, the severely retarded, the severely senile) have desires in life greater in quantity or quality than the desires in life that
these animals have. We can commonly observe these animals engaged in various enjoyments, including forms of play, exploring the environment, environmental comforts, physical activities, and the pleasures of food, sleep, and sex. Many of these animals (e.g. mammals, birds) are also capable of enjoying relationships with others. It is doubtful in the case of many marginal humans that they are capable of having this great of a variety of enjoyments and pursuits. Additionally, the fact that these animals are capable of leading independent lives, whereas marginal humans are not, suggests that they would have a greater quantity if not quality of desires in life, for they are able to experience and do more in the world.

There is possibly a simpler way to go about measuring whether the value of life for an animal is equal to or greater than the value of life for a marginal human. As I suggested earlier, it is reasonable to think there is a correlation between the value of life for a being and the level of a being’s cognitive capacities—that is, the level of a being’s intelligence, rationality, and self-consciousness. It is reasonable because having higher levels of these cognitive capacities makes a being capable of having a greater quantity and quality of desires in life. Given this correlation, we may conclude that the value of life for an animal (i.e. the quantity and quality of its desires in life) is equal to or greater than the value of life for a marginal human if the animal’s cognitive capacities are equal or superior to the cognitive capacities of the marginal human. It seems clear that there are many animals who possess a level of cognitive capacities equal or superior to that of marginal humans. Again, this includes all mammals, and I suspect it also includes reptiles, amphibians, birds, and at least some fish.

There are other animals that may or may not meet the present criterion for having a right to life. These animals include some fish species and various invertebrates, including mollusks (e.g. octopi, squids, snails, oysters, and mussels) and crustaceans (e.g. lobsters, shrimps, crabs).
In the case of fish, it is reasonable to think they are capable of feeling pain and having desires because they are vertebrates and they exhibit pain and desire behavior. This also implies they are capable of having enjoyments. However, aside from larger, more developed fish species such as sharks, it might be wondered whether fish possess cognitive capacities equal or superior to those of marginal humans, or whether the quantity and quality of their desires in life are equal or superior to those of marginal humans. This is a question that I propose to investigate more thoroughly at another time.

In the case of the invertebrates, it is admittedly unclear to me at this time whether we should think these creatures have enjoyments or other desires. DeGrazia makes the case that some invertebrates, the cephalopods, may have desires. It also seems plausible that other invertebrates are capable of feeling pain and having desires, such as lobsters and crabs, which both seem to display pain and desire behavior. On the other hand, I have suggested that it is doubtful that insects are capable of having desires at all. It should be noted that even if some invertebrates are capable of having desires in life, the question still remains whether the quantity and quality of their desires in life are equal or superior to that of marginal humans. These are questions that I propose to investigate more thoroughly at another time.

In addition to the argument from marginal cases, the principle of humble compassion provides us with further guidance in deciding which animals meet the threshold for having a right to life. According to this principle, if life has value for a being, we ought to allow that being to have and enjoy its life even if its life is not as rich or valuable as ours. We ought to do this because it is the humble, compassionate thing to do. The question is where should we draw the threshold for having a right to life according to this principle of humble compassion? That is, how much value must life have for a being in order to fall within the confines of this principle?
So long as life has some value for a being, it is difficult to see how, according to a principle of humble compassion, we could deny a right to life to that being. This principle urges us to be humble and not arrogant in extending our compassion to others. But so long as we are still denying a right to life to some beings for who life has value, it would seem we are not exhibiting humility.

I suppose it is a question of how humble we should be in extending our compassion to others. My inclination is to think that we ought to be as humble and compassionate as we can. Even if life has considerably less value for some being than it has for us, it still has fundamental value for that being. That is, life still has the highest and most basic of value for that being, for it is still a basic requirement for the satisfaction of every desire in life that being possesses; it is still the case that death thwarts every desire in life that being possesses, and does so permanently.

It is likely that most of us will be prepared to draw the threshold low enough so as to include every marginal human for whom life has some value. In my view, this excludes humans who are in a permanent vegetative state. However, so long as a human possesses some desires in life, I think that most of us will want to make sure that this human is included within the threshold for having an equal right to life. But if we are prepared to lower the threshold to include every human for whom life has some value, it would seem rather odd and arbitrary to not also be prepared to draw the threshold low enough to include every animal for whom life has some value.

Imagine that we propose to exclude some of these animals (e.g. goldfish) from the threshold on the grounds that the value of life for them is lower than the value of life for any marginal human (excluding permanent vegetables). But then we discover that there is a class of humans for whom the value of life is equal to these animals. We would likely want to include...
these humans within the threshold. However, it would be arbitrary to suddenly lower the threshold simply because we’ve discovered some human that needs to be included. If we believe that the threshold must be low enough to include every human for whom life has some value, we ought to hold that the threshold must be low enough to include every animal for whom life has some value.

If my suggestion is correct and we ought not to limit our humility and compassion towards others, then we are required to extend an equal right to life to any being for who life has some value. This means we must extend an equal right to life to any animal that possesses desires in life. This includes all vertebrate animals, and possibly some invertebrate animals, if it is plausible to think that they are capable of having desires.

4.2. Practical Moral Requirements

In virtue of the fact that animals have a right to life, we have a strong moral duty to respect their lives. In particular, we have a strong duty not to kill them. This duty is equal in strength to our duty not to kill other humans. This means that there are not circumstances in which it is permissible to kill animals but not permissible to kill humans. More specifically, it means that it is nearly always wrong to kill animals.\textsuperscript{132} This is the sanctity that we attach to human lives insofar as we believe that humans have a strong right to life. We must attach the same sanctity to the lives of animals.

Recognizing that animals have a right to life requires that humans make certain fundamental changes in their lifestyles. There are three changes in particular that should be highlighted. First, we must cease to kill and consume animals for food, whether through

\textsuperscript{132} Two cases in which it could be permissible to kill animals are cases of self-defense and cases in which it is genuinely in the best interests of an animal to die, such as if an animal is suffering greatly from an irreversible illness and whose condition will only continue to deteriorate.
slaughter on farms or hunting in the wild. To kill animals for food is clearly a violation of their right to life, and therefore, is fundamentally wrong. In recognition of the wrongness of killing animals for food, we are required to be vegetarians, to refrain from eating meat. Along with this change, we also must not kill animals for material (e.g. leather) or to use their body parts for any other products. And we ought to adopt a lifestyle that reflects this view that it is wrong to kill animals to use their bodies for material or other products.

Frequently, moral criticisms of animal agriculture focus their critique on the suffering that animals are caused in factory farms, whether through poor living conditions or inhumane methods of slaughter. While these are certainly legitimate and important targets of moral criticism, our moral outrage ought not to be limited to the suffering that animals are caused in these conditions. For just as fundamental of a moral wrong is the fact that animals lives are taken from them, a practice that occurs on both factory farms and more traditional family or free-range farms. It is conceivable that animals could be slaughtered for food in ways that cause them no suffering (e.g. they could be anesthetized) and could be done on farms with impeccable living conditions. However, the absence of animal suffering would not negate the fundamental wrong that is done to animals by killing them for food.

Finally, in virtue of the fact that animals have a right to life, we must cease to kill animals for purposes of scientific experimentation. That is, we must abolish the practice of animal experimentation (i.e. vivisection) insofar as it involves killing animals.\textsuperscript{133} We must abolish this practice even if killing animals through experimentation would help save many human lives by producing treatments and cures for human diseases. In the past, I have been told by people that it is “anti-human” to believe that we ought not experiment on animals to save human lives, and that

\textsuperscript{133} Ultimately, I would argue that we must cease vivisection altogether, even when it does not result in the killing of animals. However, to reach this conclusion, it must be argued that animals possess other rights in addition to a right to life (e.g. a right to not be caused physical injury, a right to freedom). I will reserve this task for another time.
I am placing animal life above human life. This reaction is completely misguided, however. Most of us believe that it would be fundamentally wrong to experiment on and kill a small number of humans in order to save the lives of many humans. But this does not mean that we are placing the lives of some humans above other humans. To the contrary, it means that we are treating humans equally. Every human has the same right to life, even if by killing a few humans we could save many more. Similarly, the fact that we should not experiment on animals to save human lives does not mean that we are placing animal lives above human lives. Rather, it means that we are respecting the equal right of animals not to be killed.

4.3. A Contrasting View

How does my resulting view on animals and the right to life compare with other favorable views on animal rights? In a later chapter, I contrast my view with that of the most prominent philosophical defender of animal rights, Tom Regan. However, let me briefly compare my view to that of another contemporary defender of animals, David DeGrazia. DeGrazia argues in support of what he calls “the principle of equal consideration.” As he explains, this principle “requires giving equal moral weight or importance to relevantly similar interests, no matter who has them.” This principle prohibits “generally devaluing” animals’ interests “relative to ours just because the interests-bearers are animals.” In other words, placing greater moral weight on human interests cannot be justified merely on the grounds that they are human interests; rather, it must be the case that there is something greater at stake for humans.

134 If we wanted to, for example, we could choose to experiment on marginal humans; because they have human physiologies, whereas animals do not, using them as test subjects would be more productive towards producing cures to human diseases than using animals.
135 DeGrazia, Taking Animals Seriously, p. 258.
136 DeGrazia, p. 48.
On the basis of this principle of equal consideration, DeGrazia argues that “there is a presumption against killing sentient animals.”¹³⁷ That is, to some degree, sentient animals have a right to life. However, DeGrazia holds that “the presumption against killing is not equally strong for all animals.”¹³⁸ It is not equally strong for all animals because the harm of death for some animals is greater than for others. Thus, some animals have a stronger right to life than others. In the case of great apes and dolphins, DeGrazia contends that the right to life is “virtually absolute” and equal in strength to the right to life that most humans possess. In the case of other mammals, he suggests that they may very well have a weaker right to life, though he is non-committal. Finally, for the remaining sentient animals, which DeGrazia takes to include fish, herpetofauna (amphibians and reptiles), birds, and possibly some invertebrates, he argues with more certainty that these animals typically have a weaker right to life than most humans.

What practical moral requirements result from DeGrazia’s view? According to DeGrazia, killing sentient animals for food is morally indefensible, except in “the most extreme circumstances.” DeGrazia does not clarify what “extreme” circumstances would justify killing animals for food, but I imagine that he means to suggest that it could be defensible if doing so was necessary for our survival. Notably, DeGrazia does not think it is wrong to kill most invertebrates for food, including lobsters, crabs, and shrimp. Also noteworthy is that DeGrazia doesn’t seem especially confident that it is wrong to kill some sentient animals for food provided that we do not cause them any suffering. For example, he does not seem certain that death

¹³⁷ DeGrazia, p. 264.
¹³⁸ DeGrazia, p. 265.
causes harm to birds, and he suggests that those who “hold that death does not harm birds at all might find no grounds to condemn” killing birds for food in painless ways. ¹³⁹

Finally, DeGrazia insists that “eating meat is not intrinsically wrong.” He argues, “Meat eating is wrong when it is due to the relationship between one’s actions and the causing of unnecessary harm to animals.”¹⁴⁰ Thus, he seems to suggest that eating meat is wrong only if doing so, in some way, causes unnecessary harm to animals. In particular, he suggests that meat eating is wrong only because doing so provides financial support for institutions that harm animals (i.e. by killing them or making them suffer).¹⁴¹ He describes the duty not to eat meat as a duty to “boycott” institutions that inflict harm on animals. Coinciding with this point, DeGrazia reasons that a person who “largely abstains from meat but occasionally makes an exception” might not be acting unethically.

In contrast to DeGrazia’s view, I have argued that all sentient animals have an equal right to life (i.e. to not be killed). This conflicts with DeGrazia’s view that some animals have a weaker right to life. In defense of my view, I argued that having an equal right to life requires that the value of life for a being meets a certain threshold, and that there are good reasons why we should think that the value of life for all sentient animals meets this threshold. First, we should think this because the value of life for many animals is equal to if not greater than the value of life for many marginal humans, and it’s likely that we are not willing to accept that these marginal humans have a weaker right not to be killed. Second, we should think this because it is consistent with a principle of humble compassion.

Because DeGrazia holds that many animals have only a weak right to life, his view would seem to permit certain practices towards animals that my view prohibits. In particular, I have in

¹³⁹ DeGrazia, p. 288.
¹⁴⁰ DeGrazia, p. 281.
mind the practice of animal experimentation. It is not clear what DeGrazia’s position is on the use of animals for scientific experiments. However, it seems consistent with his view that it would be permissible to kill animals through experimentation for purposes of developing medical treatments to save human lives. (If it is not permissible to kill animals to save human lives, then it is not clear in what sense their right to life could be weaker than the human right to life.)

Additionally, it is not clear that DeGrazia’s view provides us with an adequate argument against killing most animals for food. According to DeGrazia, animals other than great apes and dolphins have a weaker right to life. DeGrazia explains that this means that killing these animals is defensible only when doing so is “necessary,” but that the criteria for what counts as necessary killing is not as stringent as it is in the case of humans. However, he does not really provide us with any clear cut way to determine what counts as necessary killing. He suggests that killing these animals for food is indefensible because it is unnecessary for our survival (i.e. we can survive on a vegetarian diet). But why couldn’t it be argued that it is necessary for human enjoyment of the taste of meat, for the flourishing of cultural traditions, or in the case of hunting, for the enjoyment of sport or for a kind of “spiritual” expression? In other words, why shouldn’t we think that the presumption against killing most animals is merely a presumption against killing animals wantonly?

Finally, I take issue with DeGrazia’s suggestion that eating meat is not wrong intrinsically but rather only when doing so provides financial support to the institutions that harm animals by killing them or causing them to suffer. It seems to me that eating meat is typically wrong regardless of whether one is providing support to the people who actually do the killing.

---

142 DeGrazia, p. 265.
143 Mary Anne Warren defends an argument like this. See Warren, Moral Status. I evaluate her view in a later chapter.
It is wrong as a matter of moral principle. When one opts to eat animals that have been killed for the purpose of becoming food (or some other immoral purpose), there is a sense in which one is endorsing this practice. To hold that it is wrong to kill animals for food because they have an equal right to life requires that we reject the practice altogether of killing animals for food, including the end-product: the production of the meat, the dead animal. It requires taking the stance that the meat ought not to be here, it is wrong to exist; we ought to morally reject its existence. The logic behind the moral practice of vegetarianism is not merely that it is a means of boycotting the meat industry; more essentially, it is a matter of moral principle; it is a moral rejection of the practice of killing animals for food.

There may be some exceptional cases in which eating meat is not immoral. It seems to me that if animals have not been *wrongly* killed, but rather have been killed accidentally, killed by other animals, or have died of natural causes, it is not morally wrong per se to eat the remains of the animals. However, I think that we should probably regard this practice as a gruesome or distasteful one, in the same way that we would think it gruesome and distasteful to eat the remains of humans who have died not as the result of wrongful killing. In both cases (the animal and the human cases), it probably should be done only in extreme circumstances, such as if one is stranded in the wilderness and encounters an animal or human whom we are reasonably certain has died not as the result of wrongful killing.¹⁴⁴

¹⁴⁴ There are at least a couple other points on which I disagree with DeGrazia. First, I ultimately believe that we must attribute a right to life to many invertebrates, including lobsters, crabs, and shrimp (though not including insects). Second, contrary to DeGrazia, I do not think that killing animals for food is defensible “in extreme circumstances.” If stranded in the wilderness, for example, I do not think it is defensible to kill another innocent animal or human in order to save oneself. In my view, this would violate the equal right to life that these beings possess.
5. Conclusion

In this chapter, I have defended the idea that many animals have an equal right to life, and moreover, I have sought to illuminate the grounds for their possession of this right. To accomplish this task, I have addressed what I take to be two main objections to the idea that animals have an equal right to life. The first objection contends that animals do not have a right to life because, although they may have some desires and interests, they do not have an interest to live. Upon considering one argument for this view—that of Michael Tooley—I sought to show why this argument is mistaken and why animals do have an interest to live.

The second objection contends that animals do not have a right to life (or at least not an equal one) because life typically has less value for animals than humans. To address this objection, I first considered R.G. Frey’s argument for the view that life typically has less value for animals than humans. Though I disagreed with some points of his argument, I agreed that the conclusion and the main thrust of the argument are plausible. However, I then sought to show why we should think that animals have an equal right to life even if it is true that life typically has less value for them than humans. I argued that having an equal right to life requires not that the value of life for a being is equal to the value of life for us, but rather that the value of life for a being meets a certain threshold of value. I then sought to show why we should think that the value of life for animals meets this threshold. My argument rested partly on a version of what philosophers have come to call the argument from marginal cases.

In the next chapter, I will consider some additional objections that have been raised against the argument from marginal cases. Each of these objections attempts to pick out some characteristic that distinguishes marginal humans from animals, such that it becomes consistent
and defensible to hold that marginal humans have the “full moral status” of other humans (e.g. an equal right to life) while denying that animals have this full moral status too.

CHAPTER 4
ANIMALS, THE RIGHT TO LIFE, AND THE ARGUMENT FROM MARGINAL CASES: A REFUTATION OF ATTEMPTS TO OVERCOME THE AMC

In the last chapter, I argued that having an equal right to life requires not that the value of life for a being is equal to the value of life for humans, but only that the value of life for a being meets a certain threshold. Furthermore, I contended that the value of life for many animals meets this threshold, and therefore, that they qualify for having an equal right to life. To show this, I pointed out that there are certain “marginal” humans for who the value of life is less than it is for other humans, but whom many of us will still believe have an equal right to life. These marginal humans include infants, the severely mentally retarded, the severely senile, and the severely insane. Furthermore, I suggested that the value of life for many animals is equal to if not greater than the value of life for many marginal humans. Therefore, if we believe that the value of life for marginal humans is sufficient for having an equal right to life, then consistency requires that we believe that the value of life for many animals is also sufficient for having an equal right to life.

In the last chapter, I also examined one way in which someone might attempt to overcome this argument, namely, by denying that marginal humans have a right to life like other humans have. However, there is another strategy that might be used to try to refute the argument from marginal cases. This strategy seeks to pick out some quality that distinguishes marginal
humans from animals in a way that justifies attributing an equal right to life to marginal humans but not animals. For unless there is some morally significant distinction between marginal humans and animals, it is seriously inconsistent to accord an equal right to life to marginal humans but not animals, since life does not have greater value for marginal humans than animals. The point of locating some morally significant distinction between marginal humans and animals is to justify attributing an equal right to life to marginal humans but not animals, despite the fact that the value of life for marginal humans is not greater than the value of life for many animals. In effect, then, this strategy would be admitting that the value of life for marginal humans does not meet the threshold for having an equal right to life, but that there are other reasons for according this right to marginal humans, reasons that don’t apply to animals.

A number of different philosophers have argued that there is some significant distinction between marginal humans and animals. But they have had different ideas about what this significant distinction is. In this chapter, I will examine the main ways in which philosophers have sought to morally distinguish marginal humans from animals. I will show why each of these ways fails to justify the view that marginal humans have an equal right to life but animals do not. As a result of this argument, it follows that many animals qualify for having an equal right to life, so long as we believe that marginal humans have such a right.

1. Preliminary Remarks on the AMC

Within the field of animal ethics, philosophers who have sought to extend some kind of moral equality to animals have frequently appealed to a form of argument that has come to be known as the argument from marginal cases (AMC).¹⁴⁵ For example, Peter Singer, a utilitarian,

appeals to this argument as grounds for thinking that many animals are entitled to “equal moral consideration” (i.e. that their suffering ought to be counted equally with the like suffering of humans). Rights theorists, such as Tom Regan, appeal to the argument as grounds for thinking that animals have certain moral rights.

The AMC, used as an argument for animal rights, contends that any plausible criterion that is used to justify granting rights to most humans will inevitably also justify granting rights to many animals. Traditionally, philosophers have argued that animals do not have rights because they lack certain paradigmatic human traits such as moral agency, rationality, autonomy, or self-consciousness. However, the AMC points out that there are many non-paradigmatic or “marginal” humans who lack these qualities too, such as infants, the severely retarded, the severely senile, and the severely insane. So long as we believe that these humans have rights, any plausible criterion that justifies granting rights to these marginal humans will also require us to grant rights to many animals, because whatever qualities marginal humans have that justifies their possession of rights will be qualities that many animals have too.

My appeal to marginal cases differs from the standard appeal in that my appeal aims to show that many animals meet the criterion specifically for having a right to life. The standard appeal aims to show that animals have rights in general, not any specific right. Moreover, the approach usually is not to show that animals meet any particular criterion for rights, but rather just to show that whatever the criterion for rights is, if it includes marginal humans, it must include many animals too. I have identified that an essential criterion for having an equal right to life is that life has value for an entity and that this value meets a certain threshold. The question then becomes whether the value of life for animals meets this threshold. It is here that I have appealed to marginal cases. If we believe that the value of life for marginal humans meets
the threshold for having an equal right to life, then we must hold that the value of life for many animals meets this threshold too.

Some philosophers who deny that animals have rights (or strong rights) have sought to overcome the argument from marginal cases by picking out some morally significant distinction between marginal humans and animals. If there is some morally significant distinction between marginal humans and animals, then it may be justifiable to attribute a right to life (or an equal right to life) to marginal humans but not animals despite the fact that life does not have greater value for marginal humans than animals. I will now consider a number of ways in which philosophers have tried to morally distinguish marginal humans from animals.

2. Membership to the Human Species

One characteristic that might be thought to distinguish marginal humans from animals in a way that is morally significant is the fact that only marginal humans are human beings. That is, only marginal humans belong to the human species. One philosopher who has argued this view is Carl Cohen. According to Cohen, animals do not have rights because animals do not have moral agency, the capacity to reason and act morally. The fact that he picks out moral agency as the crucial prerequisite for having rights is not important here. What is important is that his view is also faced with the problem of marginal humans, since there are many marginal humans who, like animals, do not possess moral agency. In response to the problem of marginal cases, Cohen argues

Human children, like elderly adults [i.e. marginal humans], have rights *because* *they are human*…Rights are not doled out to this individual person or that one by
somehow establishing the presence in them of some special capacity…The capacity for moral judgment that distinguishes humans from animals is not a test to be administered to human beings one by one. Persons who, because of some disability, are unable to perform the full moral functions natural to human beings are not for that reason ejected from the human community…The critical distinction is one of kind. Humans are of such a kind that rights pertain to them as humans.¹⁴⁶

Cohen seems to be arguing that marginal humans, despite the fact that they lack moral agency, have rights because they are still human. What is so special about simply being human? Cohen seems to suggest that being human is special because the human species is one that normally consists of moral agents. Thus, Cohen seems to be arguing that marginal humans have rights because, despite not being moral agents themselves, they belong to a species that normally consists of moral agents.

Again, the fact that Cohen picks out moral agency as the crucial prerequisite for having rights is not important here. His argument can be made to apply to the present context too. That is, it could be argued that despite the fact that the value of life for marginal humans is equal to if not less than the value of life for many animals, only marginal humans have a right to life because only marginal humans belong to the human species. Life normally has a greater value or richness for humans than it has for animals. Cohen could argue that the fact that life doesn’t have a greater value or richness for marginal humans doesn’t negate the fact that they are still human, still part of the human community. Under this view, the fact that life doesn’t have a greater value or richness for marginal humans might be seen as simply an abnormality.

But this response to the problem of marginal cases is seriously inadequate. The argument essentially amounts to the view that marginal humans have a right to life merely because they belong to the human species—that is, simply because they are biologically human. The fact that life has a greater value and richness for other humans (or in Cohen’s case, that other humans are moral agents) is not a characteristic of marginal humans, but rather a characteristic of other humans. Marginal humans merely belong to the same species as other humans for who life has a greater value and richness. The problem with this view is that the characteristic of simply being human is morally arbitrary. That is, it is completely arbitrary to the basic question of how a being morally should be treated, and more specifically, which beings have a right to life. Indeed, as Peter Singer suggests, it is just as arbitrary as a person’s race or sex.\(^\text{147}\) To draw the boundary of the right to life according to whether a being is human is just as arbitrary as it would be to draw that boundary according to a person’s race or sex. It is to admit of an arbitrary species bias that Singer and others have labeled speciesism, analogous to racism and sexism in that it is an attempt to exclude some group from moral treatment based on some arbitrary consideration. For this reason, granting marginal humans a right to life but denying that right to animals cannot be justified on the grounds that only marginal humans are human.

It might be asked how do we know that being human is morally arbitrary? To know that some distinction is morally arbitrary, we must have an idea of what sorts of distinctions are significant to the question of how a being morally should be treated. It seems to me that the critical consideration in determining how we morally should treat others is how our actions affect their interests or welfare. More specifically, the critical consideration in deciding which beings have a right to life is the extent to which they have an interest to live. In some cases, an entity’s species, race, or sex might be relevant to their interests, and thus, relevant to how we morally...

should treat them. For example, only women could have an interest in having an abortion, since
only women can be pregnant, and thus, being a woman is relevant to whether one has a right to
an abortion. Similarly, the characteristic of species could be morally significant if, for example,
it is the case that plants do not have any interests. In both of these cases, the characteristic of sex
or species becomes morally significant only because it affects an entity’s possession of interests.

However, when it comes to the question of which beings have rights at all (and in
particular, a right to life), the fact that marginal humans are human whereas animals are not is
morally arbitrary because this fact has no apparent connection to these beings’ interests or
welfare. Cohen’s argument suggests that we grant rights to marginal humans not because of
some consideration regarding their interests but rather simply because of the fact that they belong
to the human species. This view amounts to an arbitrary and unjustifiable species bias.

In response to my argument, it might be objected that being human is not an arbitrary
distinction in the way that a person’s race or sex is because there is a morally important
difference between humans and animals. This difference is that life has a special value and
richness only for humans (or that only humans are moral agents), whereas there is no such
distinction between different races or sexes of humans. However, this objection is misguided,
for it does not actually point out any difference between being human and not being human. The
whole point of the problem of marginal cases is that life does not have greater value or richness
for some humans (or that some humans are not moral agents). Therefore, the distinction does not
apply to marginal humans. The fact that life has greater value and richness for other humans
does not negate the fact that it does not have this value for marginal humans. All that we are left
with is, again, the claim that marginal humans are distinct from animals in that they are
biologically human. But this distinction is morally arbitrary, and thus, it does not justify granting marginal humans a right to life but denying this right to animals.

3. Potential Persons & Former Persons

Another characteristic that might be thought to distinguish marginal humans from animals in a way that is morally significant is that some marginal humans are either potential persons or former persons. To be a person means that one possesses a certain cluster of traits that include moral agency, rationality, autonomy, and a high level of self-consciousness. Under this definition, most humans are persons, but animals and marginal humans are not. Animals and marginal humans are not persons, for one, because they are not capable of moral agency, at least not to the extent that it is reasonable to hold them morally responsible for their actions. Moreover, they are not capable of the degree of self-consciousness required for being a person.

In the last chapter, I agreed that personhood is relevant to the amount of value that life has for a being. It is plausible to think that life has less value for animals and marginal humans than non-marginal humans because only non-marginal humans are persons (and in particular, I think, because only they have a high level of self-consciousness). However, despite the fact that marginal humans are not actual persons, it might be argued that some of them are either potential persons or former persons. Human infants, for example, are potential persons. That is, they will likely grow to develop all the capacities of persons. More to the point, they will likely develop to become the kind of entities for who life has a greater value and richness. Other marginal humans, it might be argued, are former persons. The severely senile (e.g. those in the advanced stages of Alzheimer’s Disease), for example, once had all the capacities of persons. In other words, they once were the kind of entities for who life has a greater value and richness. It might
be thought, then, that many marginal humans qualify for having a right to life, in a way that animals do not, in virtue of the fact that they are potential or former persons.

There are at least two major problems with the appeal to potential or former personhood. First, it is not clear why a being’s status as a potential or former person is relevant to its moral status right now, i.e. to the question of whether a being possesses a right to life. Even if some marginal humans will likely become persons in the future or have been persons in the past, the fact of the matter is that presently they are not persons. The fact that they will become persons someday or that they used to be persons doesn’t alter the fact that, at present, the value of life for them is equal to if not less than the value of life for many animals. Why should it matter that they will become or that they used to be persons? So long as they are not currently persons, why should we attribute to them the moral status of persons? So long as life currently does not have greater value for marginal humans than animals, why should we think that they have a right to life but that animals do not, or that they have a greater right to life than animals?

Mary Anne Warren raises some possible replies to this problem. First, she argues that there is a practical reason for granting an equal right to life to potential persons. She suggests that we must grant an equal right to life to infants and young children “if we want there to be human beings in the world in the future, and if we want them to have any chance to lead good lives.” In other words, if we freely kill infants and young children for food, sport, medical experiments, etc., then there will be no humans in the world in the future. This response is inadequate, however. Assuming that we do want there to be humans in the future, this goal could be met by having a policy that allows the killing of some infants and young children but not all of them. Warren’s argument can be applied equally to animals. If we want there to be

---

animals in the world in the future, does this mean we must grant them an equal right to life? No, it merely means that we must make sure not to kill all of the animals in the world.

Warren also argues that there are self-interested reasons for granting an equal right to life to former persons, such as humans whose mentally capacities have severely diminished due to disease. According to Warren, “Because all of us are vulnerable to injury, illness, and other human frailties, we have self-interested reasons for supporting social practices that protect human beings who suffer from mental or physical disabilities.”\(^\text{149}\) In other words, each of us should want to make sure that we will not lose our equal right to life should we lose our personhood.

This argument makes some sense, but it also raises a significant question. Why should we care about retaining an equal right to life if we lose our personhood? Is it because we think that our life, even as a non-person, would still be worth living? If so, then how can we consistently deny that the lives of animals are also worth living and worthy of rights protection? In other words, if we think that the value of life for animals does not meet the threshold for having an equal right to life, then how can we think that the value of life for us as non-persons would meet this threshold? Is it just because the life would be ours? If so, then this raises some general objections against egoism. Most notably, it is unacceptably arbitrary to think that no one’s interest to live matters but our own, simply on the basis that it is our interest to live. The mere fact that it is our interest to live, and that others’ interest to live is not ours, does not justify the belief that only our interest to live matters.\(^\text{150}\)

There is a second major problem with the appeal to potential and former personhood. Even if we granted that potential or former personhood has some relevance to a being’s current

\(^{149}\) Warren, p. 166.

\(^{150}\) This argument draws on an argument from James Rachels. See Rachels, “Ethical Egoism,” in *The Elements of Moral Philosophy*. 
moral status, there are many marginal humans who are neither potential nor former persons. Take, for example, severely mentally handicapped humans who have had their handicap since birth or infancy and who will never become persons. These humans are neither potential nor former persons. Therefore, the appeal to potential or former personhood does not give us a way to distinguish these humans from animals, and thus, it also fails to give us a way to justify attributing to these humans a right to life without also attributing this right to many animals. We are left again with the dilemma of either denying that these marginal humans have a right to life or admitting that both these humans and many animals have a right to life.

4. Personal Relationships of Care

One final characteristic that might be thought to distinguish marginal humans from animals in a way that is morally significant is that we simply care more about marginal humans than animals. That is, we have personal, caring relationships with marginal humans that we do not have with most animals. Some philosophers have suggested that we have a natural feeling of kinship with marginal humans (because they are human) that we do not have with animals.

In addition to her arguments regarding potential and former personhood, Mary Anne Warren also appeals to this idea of personal relationships in trying to draw a moral distinction between marginal humans and animals. She argues, “With even a minimal level of sentience, a human being can often love and be loved. Empathy for disabled members of the human community, and for those who care for and about them, requires that they be accorded full moral status.”

Warren’s basic point is that we have feelings of empathy and care for marginal humans who, despite not being persons, are still capable of feeling and having conscious

---

151 Warren, p. 166.
experience (i.e. they are sentient).\textsuperscript{152} These feelings that we have require us to accord marginal humans “full moral status.” By “full moral status”, Warren means that marginal humans have rights equal in strength to the rights of other humans (i.e. persons), including an equal right to life. Warren appears to believe that this caring relationship is something that, for the most part, we do not have (or do not have to as great a degree) with animals, for she makes clear that she thinks that most animals do not have as strong of rights as persons or marginal humans.\textsuperscript{153}

There are a couple of serious problems with the appeal to our personal relationships with marginal humans. First, it suggests that the moral status of marginal humans (e.g. their possession of a right to life) rests on our caring about them, and this is morally troubling. It is morally troubling because it implies that we need not accord marginal humans an equal right to life if we do not care about them. In reply, it might be objected that so long as some person has a caring relationship with a marginal human, we ought to respect that relationship and accord an equal right to life to that marginal human. However, this reply is still problematic, for it implies that marginal humans do not have an equal right to life if no one cares about them—for example, marginal humans who are orphans or whose families don’t care about them. In reply, it might be objected further that there will always be some people who care about the welfare of every marginal human, as a matter of principle. However, even if this is true, we have now strained the meaning of having a “personal relationship” with someone. It will now be open to me (or any other defender of animal rights) to proclaim my concern for the welfare of every animal, and that other people ought to accord all animals an equal right to life out of respect for my feelings of care toward them.

\textsuperscript{152} According to Warren, this does not include all marginal humans. She argues that some marginal humans will permanently lack sentience or conscious experience altogether, and that these humans “cannot really be part of a social community.” This includes the case of anencephalic infants, infants that are basically born brain-dead, though they remain alive biologically for a limited amount of time.

\textsuperscript{153} In my final chapter, I will be focusing on Warren’s view that animals have, at most, only weak rights.
Even in cases where we do care about marginal humans, there is something morally unsatisfactory about the thought that their moral status (e.g. their having an equal right to life) depends on our caring about them. In a sense, it is “slighting” marginal humans, failing to recognize that they have moral worth in themselves, as a result of qualities they possess independently of us, regardless of whether we care about them or whether anyone cares about them.

The appeal to personal relationships of care is objectionable for a more fundamental reason as well. The fact that someone cares about marginal humans in a way that she does not care about animals is not a good reason for according marginal humans a right to life while denying this right to animals. In essence, this argument appears to amount to the claim that a person should care more about marginal humans because she does care more about marginal humans. Such an argument, for one, is a logical fallacy because it derives an “ought” (i.e. what we ought to do) from an “is” (what we are doing) in a way that is not explained or justified. But moreover, the argument is objectionable because it serves as a way to legitimize unjustified moral prejudices that we may have. The argument is analogous to a defense of racism on the grounds that one cares about members of her own race in a way that she does not care about members of other races. It is unacceptable to justify how one ought to treat others by appealing simply to how we already do treat them—that is, to justify the status quo merely by appealing to the status quo. The point of moral, philosophical analysis is not simply to reassert one’s present moral attitudes, but to seek justification for them, and to change them where justification cannot be found.

To seek to draw a moral distinction between marginal humans and animals on the grounds that we care more about marginal humans fails to see the true significance of the
argument from marginal cases. The true significance of this argument—with respect to the right to life—is that it shows us the need to recognize a broader criterion for having an equal right to life. If we care about marginal humans to such an extent that we believe they have an equal right to life, then there must be something about them that motivates our attitudes, some qualities that they possess. Whatever these qualities are, they may be qualities that many animals possess too, and if they are, then consistency requires that we extend an equal right to life to animals too. I have suggested that having an equal right to life is grounded in the idea that life has value for a being, or that the value of life for a being meets a certain threshold. We believe that marginal humans have an equal right to life because we feel that the value of life for them, though less than the value of life for us, meets this threshold. As I have argued, the value of life for many animals is equal to if not greater than the value of life for many marginal humans. Consistency, then, requires that we accord these animals an equal right to life. The AMC reveals our true capacities for humility and compassion with other beings. The fact that we are capable of empathizing with marginal humans to the extent that we believe they have an equal right to life shows that we are capable of doing the same with animals, even if it is true that life has less value for them than it has for us.

5. Conclusion

In the last chapter, I argued that having an equal right to life requires that the value of life for a being meets a certain threshold, and that the value of life for many animals meets this threshold. This is shown, for one, through the argument from marginal cases. Many of us believe that marginal humans have an equal right to life. Yet the value of life for many animals is equal to if not greater than the value of life for marginal humans.
In this chapter, I have sought to refute a number of arguments that try to overcome the AMC by drawing some morally significant distinction between marginal humans and animals. The purpose of these arguments is to show that there are reasons for granting an equal right to life to marginal humans but not animals, despite the fact that the value of life for marginal humans is equal to if not less than the value of life for many animals. I have contended that each of these arguments fails to justify granting an equal right to life to marginal humans but not animals. One common problem for these arguments is that the distinctions they draw between marginal humans and animals are irrelevant to the value of life for a being, and therefore, irrelevant to the question of whether an entity has a right to life.
CHAPTER 5
REGAN, ANIMAL RIGHTS, AND THE INTERESTS CRITERION

In the previous chapter, I argued that many animals have an equal right to life. I maintained that they have this right in virtue of the fact (1) that they have an interest to live (i.e. that life has value for them) and (2) that the value of life for them meets the threshold for having an equal right to life. Other philosophers have endorsed the idea that animals have certain moral rights. The most preeminent contemporary philosopher who has defended the rights of animals is Tom Regan. Through a number of different works, Regan has developed a comprehensive defense of the idea that many animals have rights. He has sought to provide the underlying philosophical foundations for the rights of animals, and he has set forth critiques of a variety of philosophical objections or positions that oppose the animal rights view.154

The main issue that will concern me in this chapter is the criterion for having rights. That is, what characteristics must an entity possess in order to have rights? In his writings, Regan has critiqued the sort of argument that I have employed in defense of an equal animal right to life, namely, my appeal to animals’ possession of an interest to live. According to Regan, the most reasonable criterion for determining whether animals have rights is not whether they possess certain interests, but rather whether they have what he calls “inherent value.” In turn, Regan argues that many animals have inherent value because they are “subjects of a life.” According to Regan, the main problem with appeals to animals’ interests is that, by themselves, they fail to illuminate why animals have rights. In contrast to this, Regan argues that the criteria of inherent value and being the subject of a life do illuminate why animals have rights.

154 I should note that Regan’s ideas have significantly influenced my own beliefs and interest in animal rights. His book, The Case for Animal Rights, along with Peter Singer’s Animal Liberation, were my first exposures to the philosophy of animal ethics.
In this chapter, my primary goal will be to address Regan’s critique of interests as a criterion for having rights. I will show, first of all, that Regan’s criteria of inherent value and being the subject of a life fail to overcome the main problem that he raises for the interests criterion with respect to illuminating why animals have rights. Additionally, I will contend that the interests criterion is actually a superior criterion because the central issues that must be addressed in order to show that animals have certain rights are issues pertaining to their interests. Finally, I will suggest that Regan has not adequately shown why we should believe that animals have an equal right to life, and that this is partly because he has not dealt sufficiently with issues pertaining to animals’ interest to live.

1. Regan’s View

In his article, “One Argument Concerning Animal Rights,” Tom Regan is concerned, among other things, to locate the most reasonable criterion for determining whether an entity possesses moral rights. He begins this task by considering two possible criteria for having rights: (1) having interests and (2) having sentience (i.e. the capacity to feel). But Regan believes that both of these criteria are inadequate, and both for the same reasons. Because I am specifically concerned with defending the criterion of interests, I will focus on Regan’s critique as it applies to this criterion.

According to Regan, there is one primary reason why having interests is not an adequate criterion for having rights: because, by itself, it fails to illuminate why humans or animals have rights. He argues that the interests criterion fails to illuminate why humans or animals have rights because it cannot account for why it is wrong to treat these beings merely as means (i.e. as

---

155 Regan, “One Argument Concerning Animal Rights,” All That Dwell Therein. From this point on, I will abbreviate this article OACAR.
if they have value merely as tools or instruments for some other being’s ends). Regan’s suggestion seems to be that, in order to illuminate why certain beings have rights, a criterion of rights must explain why it is wrong to treat those beings merely as means. I assume that this is because part of what it means for a being to have rights is that it is wrong to treat that being merely as a means.

In Regan’s view, the criterion that best illuminates why humans or animals have rights is what he calls the criterion of “inherent value.” There are a couple features of “inherent value” that are relevant to our discussion here. First, “if any given being…has inherent value, then [that being’s] having value of this kind is logically independent of any other being’s happening to take an interest in or otherwise valuing [that being].” Second, a being’s possession of inherent value “makes it improper (a sign of disrespect) to treat [that being] as though it had value only as a means.”

In his book, *The Case for Animal Rights*, Regan also contrasts inherent value with Utilitarianism. According to Utilitarianism, it is only a being’s experiences (e.g. pleasure or desire satisfaction) that have intrinsic value, and the right thing to do is determined by calculating which actions would produce, on balance, the greatest amount of intrinsically valuable experiences in the world. In Regan’s opinion, this view is unacceptable because it portrays beings (whether humans or animals) as “mere receptacles” of valuable experiences. Regan explains that the inherent value of beings is distinct from the intrinsic value of their experiences. Beings who have inherent value “have value in their own right”; it is not just their

156 Regan, OACAR, p. 136.

157 Regan states, “The criterion of right possession I wish to recommend involves the notion of inherent value. Put most simply the criterion states that a necessary and sufficient condition of having basic moral rights is that one have inherent value (henceforth referred to as the “criterion of inherent value”).” See OACAR, p. 133. Later on, he states, “The most reasonable criterion of right possession…is not that of sentience or having interests, since neither of these by themselves can account for why it is wrong to treat humans who are not irreversibly comatose merely as means; rather, the criterion that most adequately accounts for this is the criterion of inherent value: all those beings (and only those beings) which have inherent value have rights. See OACAR, p. 136.

158 Regan, OACAR , p. 133.
experiences that have value. Because certain beings have inherent value, it is not justifiable to harm them merely on the grounds that doing so would produce the greatest net benefit for all.\(^{159}\) According to Regan, the criterion of inherent value best illuminates why certain beings have rights because it is uniquely able to account for why it is wrong to treat those beings as mere means.

If the criterion for having rights consists in having inherent value, then it must be asked, what is the criterion for having inherent value? Once again, Regan begins this task of answering this question by considering whether having interests or having sentience is an adequate criterion for having inherent value. According to Regan, neither of these criteria are acceptable because neither illuminates why certain beings have inherent value, or why it is wrong to treat these beings merely as means.\(^{160}\) Regan’s point seems to be that having interests (or sentience) may be a descriptive fact about certain beings, but this in itself does not tell us why we should treat such beings in certain respectful ways (e.g. to treat them as if they have rights, to never treat them as mere means). We could agree that humans or animals have certain interests (as many utilitarians and other non-rights theorists would), but this doesn’t tell us why we should value, respect, or attribute rights to them.

So what, then, is the criterion for having inherent value? According to Regan, one satisfactory criterion for having inherent value is what he calls being the “subject of a life.”\(^{161}\) Regan explains that entities are subjects of a life if they possess lives that have value for them (i.e. that can be better or worse for them). He states further that each subject of a life is “the center of his/her own universe of value, living through slices of experience that bode well or ill

\(^{159}\) Regan, *The Case for Animal Rights*, p. 235-6. From this point on, *The Case for Animal Rights* will be abbreviated as *The Case*.
\(^{160}\) Regan, OACAR, p. 134-5.
\(^{161}\) Regan, OACAR, p. 135-6, *The Case* p. 243-5.
for the subject himself or herself.”162 In *The Case*, Regan expands on his notion of subjects of a life. He explains, “To be the subject-of-a-life…involves more than merely being alive and more than merely being conscious.” Regan then goes on to list a number of mental capacities that subjects-of-a-life possess. These capacities include beliefs, desires, perception, memory, “a sense of the future, including their own future,” “an emotional life together with feelings of pleasure and pain,” interests, “the ability to initiate action in pursuit of their desires and goals,” “a psychophysical identity over time,” and “an individual welfare in the sense that their experiential life fares well or ill for them.”163

According to Regan, the subject of a life criterion illuminates why certain beings have inherent value, or why it is wrong to treat certain beings merely as means, something which the interests criterion fails to do.164 Regan argues that treating certain beings merely as means is wrong “because it…fail[s] to acknowledge and respect that they are subjects of a life whose value is logically independent of any other beings taking an interest in it.” He explains further that in treating certain beings merely as means, “one treats them as if their value was logically dependent on their answering to the needs, purposes, and the like, of others, when in fact, they, as the subjects of a more or less good life, have value that is logically independent of their being valued as a means by anyone else.”165

---

162 Regan, OACAR, p. 135.
164 He states, “If we press on and ask what there is about these human beings [i.e. all but the irreversibly comatose] which illuminates the inherent value they are assumed to have…the needed illumination appears to be provided best by noting that all but the irreversibly comatose are the subjects of lives that are better or worse for the humans themselves.” (OACAR, p. 136) In *The Case*, Regan is less concerned to defend the subject of a life criterion against the interests criterion. Rather, in *The Case*, Regan seems primarily concerned with arguing that the subject of a life criterion is superior to a more exclusive criterion for having rights, such as moral agency. His argument, in essence, consists in the thought that the subject of a life criterion is an “intelligible and non-arbitrary” criterion for rights, whereas moral agency is not. However, my concern here is why we should think the subject of a life criterion is superior to the interests criterion.
165 Regan, OACAR, p. 136.
There are a couple other things to note about Regan’s rights criteria of inherent value and being the subject of a life. First, Regan clarifies that although he thinks that being the subject of a life is sufficient for having inherent value (and thus, for having rights), it’s unclear to him whether being the subject of a life is necessary for having inherent value or rights. In other words, Regan wishes to reserve the possibility that there exist entities that are not subjects of a life but which nevertheless have inherent value and rights.

The second thing to note is that Regan’s appeal to the notion of inherent value raises a certain question as to whether it is possible for different entities to have varying degrees of inherent value. In OACAR, Regan holds that inherent value might vary amongst different beings, depending essentially on whether a subject of a life possesses “intellectual virtues” such as moral agency, autonomy, and rationality. He suggests that moral agents are capable of leading lives that have a range of values not obtainable by subjects of a life who are not moral agents, and that this might justify attributing greater inherent value to moral agents.

However, in The Case, Regan explicitly rejects his former position. He insists that there are not varying degrees of inherent value; to the contrary, every entity that has inherent value has it equally. To support this view, Regan argues, first, that all moral agents have inherent value equally. He suggests that the alternative (i.e. that some moral agents have greater inherent value than others) opens the door to a perfectionist theory of justice, according to which “those with less inherent value could \textit{justly} be required to serve the needs and interests of those with more.” Regan believes that “such an interpretation of justice is unacceptable.”

---

\(^{166}\) Regan, \(\text{The Case}\), p. 245-6.

\(^{167}\) Regan makes clear in a footnote that he is rejecting his former position. See chapter seven of \(\text{The Case}\), p. 241, n. 3.

\(^{168}\) Regan, \(\text{The Case}\), p. 236-7.
Of course, not all subjects of a life are moral agents. Regan uses the term “moral patients” to refer to those subjects of a life that are not moral agents (i.e. not capable of moral reasoning). Where in OACAR, Regan suggested that moral patients may have less inherent value than moral agents, he rejects this view in The Case, insisting that “All who have inherent value…have it equally, whether they be moral agents or moral patients.” Regan contends,

[S]ince one cannot suppose that moral agents have varying degrees of inherent value depending on the extent to which they possess some favored virtues [e.g. intellectual virtues]…, without paving the way for the unjust treatment of those who have less by those who have more…one cannot non-arbitrarily maintain that how much inherent value moral patients have depends on the degrees to which they possess the virtues in question…

In essence, Regan is arguing that, because a perfectionist theory of justice (i.e. one that attributes greater moral value to some entities than others based on the degree to which one possesses certain intellectual virtues) is unacceptable in our dealings with other moral agents, it must also be unacceptable with respect to our treatment of moral patients. To endorse a form of perfectionism in our dealings with moral patients but not moral agents would be arbitrary, inconsistent, and therefore, unjustified.

---

170 Regan, The Case, p. 240.
171 In The Case, Regan defends the subject of a life criterion by arguing that it is “intelligible and non-arbitrary,” unlike some other criteria for inherent value and rights that might be put forth. In particular, he is critical of the criteria of moral agency (a criterion that would exclude animals) and simply being alive (a criterion that would include animals but plants as well). For example, he argues that the moral agency criterion is arbitrary because there are non-moral agents (e.g. animals, marginal humans) who are capable of being harmed in ways very similar to moral agents. However, my concern here is why we should think that the subject of a life criterion is superior to the interests criterion. It is not clear from Regan’s argument in The Case why we should think this. Does the interests
2. A Defense of the Interests Criterion

Regan has argued that having interests is not an adequate criterion for having rights. Rather than the interests criterion, Regan believes that the most reasonable criterion for having rights is the criterion of inherent value, and that at least one sufficient criterion for having inherent value is being the subject of a life. However, there are a number of problems with Regan’s arguments against the interests criterion as well as his own proposed criteria of inherent value and being the subject of a life. In what follows, I will explain, contrary to Regan, why the interests criterion is actually the most reasonable criterion for having rights.

Regan’s critique of the interests criterion consists in the thought that it fails to illuminate why certain beings have rights. To some extent, it is true that the interests criterion does not, by itself, entirely illuminate why some beings have rights. As I suggested earlier, it is a purely descriptive claim that humans or animals possess certain interests, such as an interest to live. More precisely, it is a purely descriptive claim from the standpoint of third-person observers, including moral agents whose duties to others are what is at question here. To say that humans or animals have interests is not a purely descriptive point from the standpoint of those beings who are said to have the interests; in addition to being a descriptive point, it is also a normative claim, i.e. a claim about what has value for an entity or what an entity ought to do. If I have an interest to live, this entails that life has value for me, and that I ought to do what promotes my life, other evaluative considerations aside.\(^\text{172}\)

\(^{172}\) criterion fail to qualify as an intelligible and non-arbitrary criterion? Regan does not address this question in The Case. It is only in OACAR that Regan argues against the interests criterion, contending that the subject of a life criterion illuminates why certain beings have inherent value and rights in a way that the interests criterion fails to do.
However, the fact that certain beings have interests doesn’t in itself entail any fact about what others ought to do, i.e. how others ought to treat those beings. We could agree that certain beings have interests, but this in itself doesn’t tell us why we should morally respect those beings (i.e. why we should value what has value for other beings), including why we should attribute rights to them. Ultimately, more argument must be given which details (1) why we should give any kind of moral consideration to others’ interests (i.e. why it should morally matter to us at all that others have interests), and (2) more specifically, why we should think that others’ have rights to their interests (as opposed, for example, to giving a Utilitarian brand of moral consideration to others’ interests). I believe that such arguments exist, but this issue is much too large and complex to try to address here.

What I can argue here is that Regan’s criteria of inherent value and being the subject of a life also fail to illuminate why beings have rights. Let us begin with the criterion of inherent value. The criterion of inherent value is not an illuminating criterion for rights because, by itself, it fails to give us any means of determining which entities have rights. The criterion of inherent value merely pushes back, entirely, the central question of which entities have rights (and in virtue of possessing what criterion). To say that the criterion for rights is having inherent value merely raises the question, what is the criterion for inherent value? We have not gotten any closer to figuring out which entities have rights or why they have them.

In this regard, the criterion of inherent value is actually less illuminating than the interests criterion. The criterion of inherent value does not limit, to any degree, the scope of which entities could have rights. For all we know, anything could have inherent value. In contrast to this, the interests criterion does limit the scope of which entities could have rights: only those

---

point is that aside from these other competing evaluative considerations, I ought to promote my life insofar as I have an interest to live. I credit Tom Regan for asking me to clarify this point.
entities that have interests can have rights. Of course, we still must provide some criterion for having interests (i.e. we must specify what is required for having interests). However, there are probably some entities that most of us can agree do not have their own interests or welfare (e.g. rocks, furniture, clothing), and therefore, the interests criterion already limits the scope of which entities can have rights. Moreover, the interests criterion moves us forward toward deciding which entities have rights insofar as it moves us from a normative concept—the concept of rights—to a descriptive concept—the concept of entities other than ourselves having interests. In contrast to this, the concept of inherent value is a normative concept like the concept of rights and does not move us to a descriptive concept. In a sense, then, it leaves us “stuck” at the normative level.

Regan does provide us with a criterion for having inherent value. He argues that being the subject of a life is a sufficient criterion for having inherent value, though not necessarily a necessary criterion. However, Regan’s appeal to the subject of a life criterion fails to overcome the problem that he raises against the interests criterion. That is, it fails to fully illuminate why certain entities have rights. To be the subject of a life means that entities have lives that can be better or worse for them, and that they possess a variety of basic mental capacities which Regan describes (capacities that enable them to have lives that have value for them). From a third-person standpoint, this (i.e. being the subject of a life) is a purely descriptive point about an entity, just as this is true in the case of having interests. The fact that certain beings are subjects of a life doesn’t, in itself, tell us why we should morally respect those beings, including why we

---

173 This is because “having interests” is still a normative concept (i.e. for an entity to have interests implies that certain things are good for that entity).

174 To be more precise, the concept of interests is normative in a first-person sense but not in a third-person sense. For an entity to have an interest to live implies that life has value for that entity, but it does not in itself entail that anything has value for anyone else (i.e. any third-person observer). In contrast to this, both the concepts of rights and inherent value are normative in a third-person sense. For an entity to have rights or inherent value does entail facts about what others (i.e. moral agents) ought to do.
should attribute rights (or inherent value) to them. Once again, we require further argument to make this connection.\textsuperscript{175}

So, the subject of a life criterion is no better than the interests criterion at illuminating why certain entities have rights (i.e. at overcoming the gap between the purely descriptive and the normative). But not only is the subject of a life criterion no better than the interests criterion, I believe that \textit{the interests criterion is actually superior to the subject of a life criterion when it comes to illuminating, in other ways, why certain entities have rights.}

The interests criterion is superior in this regard, for one, because, assuming that there are such things as moral rights, the central questions that must be addressed in order to show whether certain entities possess certain rights are questions pertaining to the interests of those entities. I will focus my argument in particular on the question of whether animals have an equal right to life, though my argument can also be applied to questions regarding other rights of animals as well as the rights of humans or any other entities. In order to decide whether animals have an equal right to life, we must first ask, do animals have an interest to live? That is, does life have any value for animals? This question is central because if animals have no interest to live, if life has no value at all for them, then it makes no sense to think that they have a right to life. A right is based on a claim that speaks in behalf of a being’s interests or welfare. Without an interest to live, a being has no behalf or welfare to be represented, promoted, or protected by a claim or a right to life.\textsuperscript{176}

\textsuperscript{175} It should be noted that this problem of bridging the gap between the purely descriptive and the normative is not unique to rights theories. A Utilitarian, for example, must likewise explain why another being’s sentience (i.e. capacity to feel) or possession of preferences makes her morally considerable.

\textsuperscript{176} I discussed this point in chapter one, in my discussion of Feinberg and the interest principle. Regan has pointed out to me that, at most, this only shows that having an interest to live is a necessary condition for having a right to life, not a sufficient condition. This is true, but it does not negate my point that the question of having an interest to live is essential to showing whether animals have a right to life. Moreover, Regan’s point is one that I have previously acknowledged in this dissertation. In the introduction, I make clear that my argument is working off of the assumption that most humans have a right to life in virtue of having a fundamental interest to live. In chapter
As I have argued in this dissertation, there is another issue pertaining to animals and the interest to live that is central to deciding whether they have an equal right to life: Is the value of life for animals great enough to warrant their having a right to life? Is it great enough to warrant their having an equal right to life? Even if it is agreed upon that animals have an interest to live, we are confronted with the common belief that life has less value for animals than humans. If it is true that life has less value for animals than humans, then it must be explained why, in spite of this fact, we should think that animals have a right to life, and moreover, a right to life equal in strength to humans’ right to life. In other words, one must somehow address the objection that animals do not have a right to life, or have only a weak right to life, because the value of life for them is less than the value of life for humans.

Does Regan sufficiently address these central questions to showing that animals have an equal right to life? I believe that he has addressed each issue to some extent, but not as deeply (or not with as developed of arguments) as is necessary to really show that animals have an equal right to life. In The Case, Regan never explicitly addresses whether animals have a right to life. However, he does essentially address the issue of whether animals have an interest to live. Regan defends the belief that many animals are capable of being harmed from death. If death harms an entity, then correspondingly, life must benefit that entity, or in other words, life is in the interest of that entity. Regan’s view of the harm of death for animals (or the interest to live) is similar to my own. He argues that death harms animals insofar as it permanently deprives them of all possibilities of satisfying their preferences.\textsuperscript{177}

\textsuperscript{177} Regan, The Case, p. 99-103.

---

\textsuperscript{177} Regan, The Case, p. 99-103.
However, Regan’s argument neglects to detail what sorts of preferences animals have that would be thwarted by death (i.e. what I have called desires in life). Moreover, he does not address Tooley’s line of objection that having an interest to live requires having the concept of oneself as a continuing self. As I discussed in chapter three, Tooley believes that having an interest to live requires either (1) having a desire to live or (2) that one’s continued life will make possible the satisfaction of desires existing at other times, and that these desires must belong to the same continuing self. He argues that both of these possibilities requires having the concept of oneself as a continuing self. He suggests that if animals do not have the concept of themselves as continuing selves, then any desires they possess at different times of their biological existence will not belong to the same continuing subject of consciousness. I argued that having an interest to live does not require having desires at other times that would be thwarted by death, for a being can have ongoing, dispositional desires in life that would be thwarted by death at any given moment. I contended that this is in fact the case for many animals.

In addition to showing that animals have an interest to live, I have suggested that one must address the issue of the comparative value of life for animals in order to sufficiently defend the belief that animals have a right to life as well as an equal right to life. Regan addresses this issue to some extent, in an essay titled, “The Moral Basis of Vegetarianism.” In this essay, Regan does explicitly address the question of whether animals have a right to life. His approach to this question is a “negative” one in that he merely examines possible arguments that might be advanced to show that only humans have a right to life, and then contends that each of these arguments is defective in some way. One possible argument that he considers is that humans

---

178 This essay appears in Regan, All That Dwell Therein. It is originally published in the Canadian Journal of Philosophy 5, 2 (October 1975).
have a right to life because they have various positive interests in terms of desires and goals, the satisfaction of which requires continued life. In response to this argument, Regan contends, first, that animals too have positive interests, whose satisfaction requires continued life. He then addresses the objection that animals have a lesser interest to live. He states,

True, the interests animals have may be of a comparatively low grade, when we compare them to, say, the contemplative interests of Aristotle’s virtuous man.

But the same is true of many human beings: their interests may be largely restricted to food and drink, with occasional bursts of sympathy for a few. Yet we would not say that such a man has less of a right to life than another, assuming that all men have an equal right to life. Neither, then, can we say that animals, because of their “base” interests, have any less of a right to life. 179

Regan’s reasoning appears to be in agreement with my own views. However, he leaves open a number of issues that must be addressed ultimately. For one, we need some basic account of how we should gauge the value of life for a being, and why it is plausible to think that the value of life for some beings (e.g. animals) is less than the value of life for other beings (e.g. mentally normal, adult humans). I have suggested that it is plausible to think that life typically has less value for animals than humans because humans typically possess a greater assortment of “deep” desires in life.

Second, we need to understand why some humans do not have a weaker right to life than other humans despite the fact that life has less value for them. In response to this need, I have suggested that having a right to life (as well as an equal right to life) requires not that the value of

life for beings is equal but rather that the value of life for beings meets a certain threshold of value, a threshold past which every being possesses a right to life and possesses it equally.

Once we have acquired this concept of the threshold, a third issue arises: we need to know why we should think that the value of life for animals meets the threshold for having an equal right to life. Regan suggests that life has less value for some humans than other humans, but that we do not hold that the former humans have less of a right to life. However, it could be responded that the threshold is low enough to include the lives of most humans but not the lives of animals. What should we make of this response? I have argued that the value of life for animals is equal to if not greater than the value of life for many, “marginal” humans (e.g. infants, the severely retarded). If we think that the value of life for those marginal humans meets the threshold, then the value of life for many animals must also meet the threshold.

Finally, one last issue that must be addressed is how we should respond to someone who is willing to accept that the value of life for marginal humans does not meet the threshold. Is there any reason why such a person should believe that the value of life for animals (as well as marginal humans) meets the threshold? I have suggested that there is a reason, and that it consists in a certain principle of humility and compassion.

To my knowledge, Regan has not given a positive argument for animals having an equal right to life. At most, he merely offers a negative argument in which he critiques possible reasons that might be given for thinking that only humans have a right to life. Among other things, a positive argument must point out what it is about animals (i.e. what qualities they have) that makes them qualify for having an equal right to life. It is not clear to me how the subject of a life criterion is supposed to show whether animals possess a right to life (or any other specific right), except by ultimately examining what interests animals have, or correspondingly, what
ways in which animals can be harmed. We may know of certain animals that they are subjects of a life, but how are we supposed to determine whether they possess specific rights like a right to life? It is noteworthy that Regan’s own arguments for attributing “equal inherent value” to animals frequently appeal to the ways in which animals, like humans, are capable of being harmed, suggesting that it is the capacity to be harmed or benefited (i.e. to have interests) that is central to having rights.180

At times, it is not clear how the subject of a life criterion is supposed to be distinct from the interests criterion. In his earlier work, Regan defines subjects of a life as entities that have lives that can fare better or worse for them. But if this is the essence of being the subject of a life, it’s unclear how this differs from what I would describe as having an interest to live. To have an interest to live means that life has value for an entity. It begins to look as if the subject of a life criterion merely collapses into the criterion of having an interest to live, and Regan is misguided to think of his criterion as something distinct from an interests criterion.

In his later work though, Regan defines subjects of a life as beings possessing a certain variety of mental capacities, which I listed above. I think it is plausible to hold that most of these capacities are necessary in order to have an interest to live (and therefore, they are entailed by an interest to live criterion). However, it is not clear whether this is true of all of the capacities. In particular, I wonder whether having “a sense of one’s own future” and “a psychophysical identity” are required for having an interest to live. I will not delve into this issue here. My point here is that if Regan wishes to define subjects of a life through a list of capacities that extend beyond what is required for having an interest to live, then the subject of a life criterion

180 In response to my point in this paragraph, Regan has suggested that the subject of a life criterion is not supposed to show whether animals have specific rights such as the right to life. However, it seems to me that one rights criterion is preferable to another if it is capable of illuminating more, including whether (and why) animals or other entities have specific rights like the right to life, and to do so in a rather straightforward fashion.
becomes distinct from the interest to live criterion. Indeed, it becomes a more restrictive criterion, extending rights to a narrower group of beings than the interest to live criterion.

It is unclear to me whether the subject of a life criterion is actually more restrictive than the interests criterion. However, let us examine Regan’s *application* of the subject of a life criterion to see if it is any more restrictive than my application of the interests criterion. In *The Case*, when faced with the question of which beings qualify as subjects of a life, Regan suggests that the line be drawn to include only mentally normal humans and nonhuman mammals above the age of one. By “mentally normal,” Regan means humans or mammals that are “not very profoundly mentally retarded or otherwise quite markedly mentally impoverished (e.g. permanently comatose).” However, Regan explains that this is a conservative estimate of which beings count as subjects of a life. These individuals, he suggests, are “well beyond the point where anyone could reasonably “draw the line” separating those who have the mental abilities in question from those who lack them.” In other words, he draws this line in order to set aside difficult philosophical issues about whether other animals (i.e. those who are not mentally normal mammals above age one) possess the requisite mental capacities.

Regan eventually recommends that we adopt a policy of “moral caution” in which we give the “benefit of the doubt” to non-mammalian animals that “share relevant anatomical and physiological properties with mammalian animals (for example, a central nervous system),” unless “a convincing case can be made” that an animal is not a subject of a life. With the addition of the benefit of the doubt policy, the door is opened to the possibility of other beings

---

181 To some people, it will seem obvious that an interests criterion is less restrictive, since some people believe that non-conscious but living entities such as individual plants have interests, whereas Regan’s subject of a life criterion explicitly presumes consciousness. However, my own view is that having interests also presumes consciousness (i.e. plants do not have interests) as well as the possession of something like desires. See chapter two.

182 Regan, *The Case*, p. 78.

having rights, such as non-mammalian animals, as well as humans and mammals that are below age one or not mentally normal. However, Regan does not specify precisely which beings ought to be included under the benefit of the doubt policy. Moreover, even if some beings, such as non-mammalian animals, are included as rights-holders under the benefit of the doubt policy, their status as rights-holders does not seem so secure. They are included not because we believe they meet the rights criterion but because we are not sure whether they meet the criterion, and it could turn out that they do not meet it.

In Regan’s more recent book, *Empty Cages*, he suggests that the subject of a life criterion likely includes not only mammals but also birds and fish (i.e. all vertebrate animals). Still, this leaves open whether a number of other animals will meet the criterion for having rights, including any of the invertebrates (e.g. lobsters, octopi, squid), animals (and humans) below the age of one, and any animals that are not “mentally normal.” Admittedly though, figuring out the mental lives of some of these creatures is a difficult matter.

Is, then, Regan’s application of the subject of a life criterion more restrictive than my application of the interests criterion? I have contended that the criterion for having a right to life is, in essence, having an interest to live. Under this criterion, I have argued that the right to life is possessed not only by humans and mammals but by all vertebrate animals as well as some invertebrates, for all of these animals have an interest live. It appears, then, that the scope of animals to which Regan believes we ought to extend rights is roughly the same as the scope that

---

185 I have not sought to address whether there is an age minimum for having an interest to live. However, my initial estimation is that newborn humans and animals below age one possess an interest to live, for based on the behavioral and physiological evidence, they seem to have some likes or enjoyments. It is not clear to me where exactly the line should be drawn in terms of the minimum age at which humans or animals do not yet have an interest to live. Additionally, I would suggest that even severely mentally retarded humans and animals have certain likes or enjoyments, and therefore, have an interest to live. However, I am not aware of evidence which suggests that the permanently comatose (i.e. beings that are brain-dead but still biologically alive) have any interest to live, and so I would suggest that they do not have a right to life.
I advocate. One possible difference lies in the case of certain, more advanced invertebrate animals, though I suspect that Regan might ultimately seek to include some of these animals as rights holders too.

3. Conclusion

In this dissertation, I have argued that animals have an equal right to life in virtue of the fact that they have an interest to live. Tom Regan contends that having interests is not an adequate criterion for having rights because it fails to illuminate why humans or animals have rights, or why it is wrong to treat them as mere means. In this chapter, I have sought to address Regan’s critique of the interests criterion. I suggested, first, that there is one sense in which Regan is correct that the interests criterion does not illuminate why certain beings have rights: the fact that beings have interests does not in itself tell us why we should think they have rights or why it is wrong to treat them merely as means. That is, it does not bridge the gap between purely descriptive facts about a being and how we should treat that being. However, Regan’s criteria of inherent value and being the subject of a life also fail in this regard. Moreover, I have argued that the interests criterion is superior to Regan’s criteria in that the central questions that must be answered to show that animals or humans have specific rights are questions pertaining to their interests.

Despite my differences with Regan’s view, I think that our positions ultimately are fairly compatible. Like Regan, I believe that many animals possess strong moral rights. Moreover, as I have suggested, Regan’s subject of a life criterion may ultimately collapse into an interests criterion. When “subjects of a life” are defined as beings that have lives that can fare better or worse for them, this criterion seems very similar if not identical to the criterion of having an
interest to live. Moreover, Regan’s attempts to show that all subjects of a life have equal inherent value frequently appeal to the ways in which all subjects of a life are capable of being harmed or benefited. This is just another way of saying that they possess interests.\textsuperscript{186}

\begin{flushright}
\textsuperscript{\textsuperscript{186}} In a more thorough analysis of Regan’s views, I would also argue that there are a number of ways in which Regan does not sufficiently defend the view that animals have \textit{equal} rights, a view that both he and I endorse. First, in \textit{The Case}, Regan argues that there are some cases in which it is permissible to kill animals for reasons other than self-defense. For example, he suggests that if five people and a dog are stranded in a boat at sea and all will perish unless one individual is thrown overboard, we ought to kill the dog because the harm of death is less for the dog. Regan argues that this is consistent with his view that animals have “equal inherent value,” but I think he is mistaken. Second, I don’t think that Regan sufficiently addresses whether we have stronger positive duties of assistance to humans than animals (e.g. the duty to save lives), and if we do, how this is consistent with animals having equal rights (e.g. an equal right to life). I will address this issue to some extent in my chapter on predators and the duty to save lives.
\end{flushright}
A CRITIQUE OF WARREN’S WEAK ANIMAL RIGHTS VIEW

In this chapter, I will examine another objection to the view that animals have an equal right to life. In her book, *Moral Status*, Mary Anne Warren defends a comprehensive theory of the moral standing of various entities, including humans and animals. Warren’s view of the moral standing of animals is that animals may have some moral rights, but their rights, for the most part, are much weaker in strength than the rights of humans, who possess rights in the strongest, fullest sense. Subsequently, Warren believes that our duties to animals are far weaker than our duties to humans. This is especially evident from the fact that Warren thinks it is frequently permissible for humans to kill animals for food. Warren’s argument for her view consists primarily in the thought that we have inevitable practical conflicts with animals that make it impossible to grant them equal rights without sacrificing basic human interests. In this paper, I will examine Warren’s view and show why it is mistaken. In particular, I will aim to show that Warren fails to justify the view that animals do not have an equal right to life.

1. Warren’s View

1.1. Warren’s Argument Against Equal Rights

According to Warren, animals do not have rights that are equal in strength to human rights. This includes the belief that animals do not have an equal right to life. At most, Warren thinks that some animals may have some “weak” rights, which may or may not include a weak right to life. If Warren is correct, then it follows that though we have some moral duties to animals, our duties to them are not as strong as our duties to other humans. In particular, it follows that our duty not to kill animals, if indeed we have any such duty, is not as strong as our
duty not to kill humans. This means that there are some situations in which it is morally
permissible to kill animals but in which it is not permissible to kill other humans. Indeed,
Warren believes that in many cases it is permissible for humans to kill animals for food, though
of course it is never permissible to treat other humans in this way. Later on, I will examine more
closely the specific duties that Warren thinks we do and do not have to animals.

Why, according to Warren, should we believe that animals do not have any equal rights,
including an equal right to life? Warren’s argument for her view begins with the premise that
there are some situations in which the vital interests of humans and animals unavoidably conflict,
such that it is impossible to avoid killing (or otherwise harming) animals without sacrificing
human life or health. Warren’s main example of this sort of conflict is the case of rodents who
carry diseases that can harm and kill humans. When these rodents make homes in human
environments, it becomes a serious threat to human well-being. Warren describes the problem:

Rodents of several species habitually live in proximity to humans. In doing so,
they consume and contaminate food, and sometimes spread lethal diseases, such
as bubonic plague—the ‘Black Death’ of the Middle Ages, which is carried by
fleas that live on rats. Rodents also have extraordinarily high reproductive rates.
Thus, while we may be able to tolerate a few rodents in our homes and granaries,
a policy of complete tolerance would often lead to disaster.\textsuperscript{187}

Warren admits that there are sometimes non-lethal means of controlling rodent
populations in human environments, such as through non-lethal traps and releasing the rodents
elsewhere. However, she argues that non-lethal trapping and releasing is not always feasible.

She explains, “The number of animals may be too great, and the task unmanageable.” If Warren’s description is correct, then this is a case in which it is impossible to avoid killing animals without sacrificing vital human interests of health and life.

In these situations in which the vital interests of humans conflict with those of animals, Warren contends that it is morally justifiable to kill (or otherwise harm) animals. It is justifiable to kill them, she thinks, because doing so is necessary to preserve human life and health. Warren suggests that this judgment is a matter of commonsense. She states that no moral theory can be “a serious candidate for general acceptance…if its implementation would severely jeopardize human lives and health.”

But even if it is sometimes justifiable to kill animals in these cases of conflict, it might be denied that this means that animals do not have an equal right to life. In particular, it might be argued that the only reason why it is justifiable to kill animals in these cases is because we must do so for the purpose of *self-defense*—that is, defense of our own life or the lives of other humans. Self-defense can also justify killing humans—for instance, if another human is attacking us and we must kill him in order to save our life. Therefore, if the justification for killing animals in cases of conflict is merely one of self-defense, this would not justify the belief that animals do not have an equal right to life. In short, even if it is sometimes justifiable to kill animals in cases of conflict, it does not yet follow that animals do not have an equal right to life. It must also be shown that *if we had analogous conflicts with humans, it would not be justifiable to kill them.*

In making her argument, Warren considers this possible objection and she argues that killing disease-bearing rodents cannot be justified through self-defense. She states, “Lethal self-
defense against another sentient human being is rarely permissible, unless that individual is engaging (perhaps innocently) in some immediately life-threatening activity.”

Warren believes that disease-bearing rodents do not present a case of immediately life-threatening activity because “Rodents threaten human well-being through their very existence and mode of life: where they live, what they eat, and the pathogenic micro-organisms that they can carry.”

Given an analogous conflict with other humans, Warren argues, it would not be justifiable to kill them. She states,

Comparable considerations would not justify launching a homicidal program against one’s human neighbours. If human neighbours unintentionally endanger our well-being through their mode of life, or the micro-organisms that they harbour, then we ought to discuss the problem with them, seek a mediator, or appeal to legal or moral authorities to enforce the standards of behaviour that have been breached.

In this passage, Warren points to what she believes is a crucial difference between humans and animals: the fact that we are capable of reasoning with other humans in order to resolve our conflicts with them nonviolently, whereas we cannot reason in this way with animals. In Warren’s view, it is not self-defense but rather this fact about animals—the fact that we cannot reason with them to resolve our conflicts nonviolently—that justifies killing them in conflicts like the one we have considered. On the other hand, we are capable of reasoning with

---

190 Warren, p. 117.
191 Warren, p. 117.
192 Warren, p. 117.
other humans, and for this reason, it is not justifiable to kill humans in analogous conflicts. Therefore, Warren concludes, we must accept that animals do not have equal rights.

1.2. Warren on Our Obligations to Animals

Though Warren denies that animals have any equal rights, she does believe that we have some moral obligations to animals. She goes so far as to say that we can speak of animals as having some rights, but that any rights they have are weaker than the rights of humans. In Warren’s view, our obligations to animals are determined primarily by what she calls the Anti-Cruelty Principle. This principle “requires that we take care not to inflict suffering or death upon sentient beings, unless there is no other feasible and morally legitimate way to further important human or ecological needs.”

To properly evaluate the Anti-Cruelty Principle, we must first know more precisely what this principle requires of us in terms of our practices towards animals. One important question that must be answered is whether it is permissible for humans to kill animals for food. In Warren’s view, it is in fact permissible for humans (or at least many of them) to kill animals for food. She argues that many people around the world have important nutritional, cultural, economic, or religious interests in eating meat, or in hunting or rearing animals for food, and that to compel them to abandon these practices “would be to violate their moral rights.”

Warren also addresses the issue of hunting and killing animals for sport. She argues, first of all, that hunting animals for sport is justified “when it is the only way to control introduced animals that are harmful to indigenous plant or animal species, or indigenous animals that have

---

194 Warren, p. 225.
been deprived of their natural predators.”

Additionally, she asserts that “the values that some people find in hunting” may be great enough to justify hunting animals for sport, so long as it is “done in ways that are not cruel” and that are ecologically sustainable.

What are these values that trump the lives of animals? Warren states,

Some hunters say that the experience is important to their spiritual and psychological well-being. For many, hunting is the primary way in which they have learned to enjoy the wilderness, and to feel part of it. For others, it represents an element of their culture that they think it important to retain, even if their subsistence does not depend upon it. Hunting or fishing, like collecting mushrooms or mussels, is for many a relaxing way to obtain food that is much enjoyed.

Warren also discusses human practices of keeping captive or domesticated animals, such as in the case of animal agriculture. She argues that causing “needless pain or suffering” to these animals “is a violation of the Anti-Cruelty principle”, and therefore, that we ought to cease “many practices that are now wide-spread, such as rearing highly sentient animals under conditions of excessive crowding and confinement.”

Finally, it is worth noting that Warren believes that we have stronger duties to certain groups of animals than to others. First, she argues, “we have stronger moral obligations towards animals that are members of our mixed social communities [e.g. domesticated animals] than

---

towards equally sentient animals that do not have social relationships with human beings.” Additionally, she believes, “we are required to accept special obligations towards animals of species that are endangered by human activities, and important to the integrity of ecosystems of which they are part.” Last, she suggests that we have stronger obligations to animals based on how highly sentient and intelligent they are. She states, “Only in the case of such highly sensitive and mentally sophisticated animals as cetaceans [e.g. dolphins], apes, and elephants, is it plausible to hold that it is virtually never morally permissible to treat them in ways that would violate their moral rights if they were human beings.”

2. Criticism of Warren’s View

2.1. A False Analogy

I will now aim to show why Warren’s argument fails to justify her view that animals do not have equal rights, including an equal right to life. As I have suggested, Warren’s view depends upon the thesis that there exist circumstances in which it is justifiable to kill animals but not justifiable to kill humans. Warren has argued that it is justifiable to kill rodents when they endanger human life through the spread of disease and there is no other feasible means of protecting ourselves. The question becomes whether it is justifiable to kill humans in analogous circumstances. As we saw, Warren claims that it is not justifiable to kill humans in analogous circumstances. She argues that if other humans unintentionally endanger our lives through the spread of disease, it is not justifiable to kill them; rather, we ought to use reason with them to resolve our conflict nonviolently.

---

201 Warren, p. 229.
One major problem with Warren’s argument is that in judging that it is not justifiable to kill humans in a conflict analogous to the rodent conflict, Warren fails to imagine a human conflict that is truly analogous to the rodent conflict that she describes. An integral part of the practical circumstances that make up our conflict with rodents is the fact that we are largely unable to communicate and reason with them. To truly imagine ourselves in an analogous conflict with other humans, we must imagine a situation in which it is the case not only that humans, like rodents, endanger our lives through their “very existence and mode of life,” but also that we are unable to communicate and reason with them.

Imagine, for example, a human who jumps to an alternate dimension, and whose very existence in that dimension comes to pose a serious danger to humans in this dimension. This threat is not a most immediate one—people are not going to die at this very moment if nothing is done—but the threat is an ultimate one, meaning that if nothing is done, there will certainly be a disaster. The thing is, we haven’t the faintest idea how to communicate across dimensions, so we can’t exactly tell this person to jump back to our dimension (assuming she could). However, we do possess the means to destroy this dimension altogether, which would kill the person in that dimension but which seems to be our only feasible means of survival. There is no other non-harmful or non-lethal means of overcoming this threat. Here we have a situation more truly analogous to that of the disease-spreading rodents, for, as with the rodents, the practical circumstances include the inability to communicate or reason with the being who endangers us, and it is this person’s “very existence” that threatens our own (i.e. there is no immediate threat). Moreover, although the threat is not an immediate one, it is an ultimate one, and it cannot be overcome through any non-harmful or non-lethal means. Would it be justifiable in this situation to kill this human in order to protect our basic well-being?
As another example, we can imagine a situation in which humans pose some serious but non-immediate threat to our basic well-being (perhaps, like rodents, through the spread of disease by microorganisms) and they simply refuse to reason with us to resolve their conflict with us nonviolently. Moreover, we can imagine that in this situation appeals to moral and legal authorities are also ineffective, and in short, that there is absolutely no way to avert the threat posed to us but through harmful or lethal means. Would it be justifiable in this situation to kill other humans in order to protect our basic well-being?

A conflict with other humans as serious as the case of disease-spreading rodents, with the added circumstance that we are unable to reason with these humans or resolve our conflict in any other non-harmful, non-lethal way, would, I believe, justify harming or killing those humans, no less than it would justify killing rodents in such a conflict. The only alternative would be to accept that, given such a conflict with humans, we must allow ourselves to be seriously harmed if not killed. But as Warren admits in the case of conflicts with animals, this alternative does not seem acceptable. What is acceptable, I believe, is that there can exist these extreme circumstances in which our basic well-being is endangered (immediately or non-immediately) by the actions of another being in a way that, for whatever reason, cannot be overcome through non-harmful or non-lethal means, and that, in these extreme circumstances, it is justifiable to harm or even possibly kill the being that endangers us, because we must do so to protect ourselves from serious harm. It matters not whether this other being is human or an animal. What matters is that our basic well-being is threatened by some being in a way that absolutely cannot be overcome through any other means but to harm or kill that being.

From this conclusion, two important points should be drawn regarding how we really ought to look at the conflict with rodents that Warren describes. First, it is the practical
circumstances of this conflict that are determining our judgments about whether it is justifiable to harm rodents, not any qualities of rodents that make them less worthy of moral treatment. In other words, the reason why it may be justified sometimes to use violence to resolve our conflicts with rodents is not because they have lesser moral worth or standing—not because they deserve less—but rather because, though we might like to, we simply are unable to reason with them.

It is noteworthy that in her defense of the view that animals have no equal rights, Warren never argues that animals are less worthy of or less entitled to moral treatment. Typically, philosophers who defend the view that animals have a lesser moral standing (e.g. that they lack rights or equal rights) will argue that animals have a lesser moral standing because they lack some quality of moral worth. For instance, it is sometimes argued that the possession of rational agency makes humans morally special, and that animals have a lesser moral standing because they lack this quality. Warren, however, never makes such an argument. She does point to animals’ lack of rational agency as a crucial difference between them and humans. However, the significance of this difference is simply that it renders us incapable of nonviolently resolving some of our conflicts with animals without sacrificing our basic well-being. Warren’s argument does not try to show that possessing rational agency makes humans morally more worthy, special, or deserved than animals.

This leads us to the second point, which is that the particular circumstances that justify harming rodents in the example Warren gives are in fact ones of self-defense. As we saw, Warren argues that harming disease-spreading rodents cannot be justified by appeal to self-defense because the rodents do not present us with an immediate life-threat. However, it is not clear that harming others can be justified through self-defense only when the threat they pose to
us is clearly a most immediate one. Let us review the sort of threat we are supposedly considering in both the case of disease-spreading rodents and that of the human who has jumped dimensions. In neither case is the threat clearly an immediate one, for in both cases, it seems that no one will immediately die or be harmed if nothing is done at the present moment to avert the threat. In other words, if it were scientifically feasible to try to reason with the beings that endanger us, there would be time to do so. However, in both cases, the threat is one that will soon cause us serious harm if we do nothing at all. Also, in both cases, the threat is supposed to be one that we absolutely cannot overcome through non-harmful or non-lethal means. Given these assumptions, we are ultimately faced with only two alternatives: (1) we can do nothing and ultimately suffer great harm, or (2) before we are harmed, we can seek to protect our basic well-being by harming our threat (as non-severely as we can without sacrificing our basic well-being). I fail to see how, given only these two alternatives, harming the threatening being cannot be justified through self-defense.\(^{202}\)

To be clear, my suggestion is that it is justifiable to harm rodents that threaten us through disease only if the risk of harm is high and there is no non-harmful means of protecting ourselves. And I argued that given a similar conflict with other humans, it is likewise justifiable to harm them. However, perhaps Warren would object that her point is not that there is absolutely no way of resolving our conflict with rodents nonviolently, but rather that the only available ways of doing this would be such an inconvenience that they are not worth pursuing. For example, Warren might argue that we could successfully live-trap all of the rodents if we

\(^{202}\) In objection to my argument, it might be insisted that, in these cases of conflict, we should wait until the threat is a most immediate one before we seek to harm the threatening being, and only then is it justifiable to harm others through self-defense. In response, I would point out that in our conflicts with disease-bearing rodents, it is not clear that we will always be able identify a moment when we are immediately threatened, since we are not able to see any diseases they may spread. If the risk of eventual harm to us is high, and if there really is no non-harmful means of avoiding this harm, then self-defense may justify as a precaution that we harm rodents that pose a near threat to our basic well-being. An analogous situation could also justify harming other humans.
really put ourselves to the task, or if the rodents are in our house, we could always just move to a different house, but that these options would require us to sacrifice too much, and therefore, that it is justifiable to harm or kill them instead. This would support Warren’s view that animals have no equal rights if in analogous conflicts with humans, in which the only non-harmful ways of resolving the conflict are just as inconvenient, the inconvenient options would be worth pursuing, and it would not be justifiable to harm or kill the threatening humans.

But if this is Warren’s argument, then her argument is fundamentally incomplete. For if there are in fact ways in which we could resolve our conflicts with rodents without harming or killing them, and without endangering our basic well-being, then Warren needs to show why we should not pursue these options. That is, she needs to show why we should not make the sacrifices and endure any inconveniences that these options entail. She has not given us any such argument. If there are not any of these inconvenient options available, then harming the rodents is justified through self-defense: we must harm them in order to protect ourselves from them. However, if there are some options available for conflict resolution that would not entail harming the rodents, and that would not endanger our own life and health, then Warren’s argument loses the force of the assumption that we absolutely must harm the rodents in order to protect our basic well-being. Her conclusion that it is justifiable to harm or kill rodents is no longer uncontroversial. In this case, we need to know why we should think that the inconvenience of not harming animals outweighs the worth of those animals’ lives and well-being.

2.2. A Missing Justification
This brings us to a second major problem with Warren’s view. I have just shown that Warren’s argument does not justify denying equal rights to animals. Consequently, her argument also fails to justify her views regarding our specific duties to animals, namely, that it is permissible in many cases for humans to kill animals for food and sport. As we have seen, Warren’s argument is that we are justified in denying equal rights to animals because doing so is necessary to preserve important human interests. As one example of this, Warren points to the case of rodents that threaten human life through the spread of disease. Likewise, Warren argues that killing animals for food and sport also is necessary to preserve important human interests, and therefore, that it too is justified in many cases. As we saw, these “important human interests” include cultural, spiritual, economic, and enjoyment interests in eating meat, rearing animals for food, subsistence hunting, and hunting animals for sport too.

Warren’s argument is misleading, however, because it misses a crucial distinction between self-defensive and self-offensive killing. As I have argued, Warren’s justification for killing rodents depends on whether the killing is one of self-defense. However, contrary to the case of rodents threatening us with disease, killing animals for food or sport clearly cannot be justified through self-defense, even if it serves important human interests that otherwise would be sacrificed. It cannot be justified through self-defense because in killing animals for food or sport, we are not protecting ourselves from any threat that they pose to us, but rather we are offensively aggressing against them to serve our interests or wants.

So what then is the justification for killing animals for food or sport? It becomes apparent that Warren has not given us any such justification. She argues that killing animals for food and sport serves important human interests. However, serving important human interests does not justify killing other humans who do not pose any threat to us. This is what it means for
humans to have a right to life. So, why does serving important human interests justify the offensive killing of animals? Warren fails to give us any argument to consider. Any argument must point to some difference between humans and animals that justifies the offensive killing of animals.

3. Conclusion

In this chapter, I have sought to show why Warren fails to justify denying equal rights to animals. Warren argues that the activities of animals sometimes conflict with the vital interests of humans, and that in these cases of conflict, it is sometimes justifiable to kill these animals. She contends further that it is not justifiable to kill humans in analogous conflicts. The main example she uses to support her argument is that of rodents that threaten human life through the spread of disease. Among the conclusions that Warren makes from her argument is that it is frequently justifiable to kill animals for food or sport.

In response to Warren’s argument, I have argued that Warren fails to justify denying equal rights to animals because she fails to show that it is not justifiable to kill humans in conflicts analogous to the rodent conflict. A truly analogous conflict with humans would entail that we are unable to reason with them or use any other non-lethal means to avert the threat they pose to us. Given these conditions, there would be cases in which it is justifiable to kill humans who threaten our basic well-being despite the fact that the threat is not a most immediate one. I concluded that any justification that Warren has offered for killing rodents or other animals is only one of self-defense, and pertains not to the actual moral worth or deservedness of animals but rather just to the unfortunate practical circumstances and limitations of our conflicts with them.
Following this argument, I pointed out that Warren fails to provide any real justification for her view that it is justifiable to kill animals for food or sport. Killing animals for food or sport is very unlike Warren’s case of disease-spreading rodents in that the animals killed for food or sport do not pose any sort of threat to us, and thus, it is not a case of self-defense but rather a case of offensive, aggressive killing. Warren simply fails to give us any sort of justification for this kind of killing of animals.
CHAPTER 7

ANIMALS, PREDATORS, THE RIGHT TO LIFE, AND THE DUTY TO SAVE LIVES

If animals have a right to life, then exactly what kinds of duties do we have to them? Clearly, one duty we have to animals in this case is a duty not to kill them. But do we also have a duty to assist animals in preserving their lives when their lives are endangered? And is this duty also equal in strength to our duty to assist humans in preserving their lives? Frequently it is believed that the human right to life entails not only a duty not to kill humans but also a duty to assist humans in preserving their lives. It might seem, then, that if animals have a right to life, it follows that we also have a duty to assist animals in preserving their lives.

This provides the background for a unique objection to the view that animals have an equal right to life. It is a fact of nature that animals routinely die in the wild. They are killed by predators, who depend on killing prey for food in order to survive, or they suffer death from starvation, disease, or the cold. Some philosophers have suggested that if animals truly have a right to life, then we morally ought to intervene in the wild to assist animals in preserving their lives, whether this means protecting animals from their predators or feeding them so that they do not starve to death. But the idea that we ought to save wild animals from their predators or from starvation will probably seem absurd to most of us. Given the absurdity of this idea, it follows, according to the objection, that it is not reasonable to think that animals have a right to life.

In this chapter, I propose to address this question of whether we have a duty to assist wild animals in preserving their lives. I will focus in particular on whether we have a duty to save animals from their predators. I will argue that although we have a general duty to assist animals in preserving their lives, we should not try to intervene in the wild to save animals from
predators, for this would have disastrous ecological consequences. My object will be to show how this belief is entirely consistent with the view that animals have an equal right to life.

1. The Predator Objection

In his article, “Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce,” Mark Sagoff describes the condition of animals in the wild. He states, “Nature ruthlessly limits animal populations by doing violence to virtually every individual before it reaches maturity; these conditions respect animal equality only in the darkest sense.” What is this violence that nature routinely does to animals? Sagoff explains, “The ways in which creatures in nature die are typically violent: predation, starvation, disease, parasitism, cold.”

Following his description of the conditions for animals in the wild, Sagoff suggests that if it is true that animals have basic rights (including a right to life), then we ought to be committed to assisting animals in preserving their lives and relieving them of suffering. Sagoff makes the following argument:

If people have basic rights—and I have no doubt they do—then society has a positive obligation to satisfy those rights. It is not enough for society simply to refrain from violating them. This, surely, is true of the basic rights of animals as well, if we are to give the conception of “right” the same meaning for both people and animals. For example, to allow animals to be killed for food or to permit them to die of disease or starvation when it is within human power to prevent it, does not seem to balance fairly the interests of animals with those of human

---

204 Sagoff, p. 92.
beings. To speak of the rights of animals, of treating them as equals, of liberating them, and at the same time to let nearly all of them perish unnecessarily in the most brutal and horrible ways is not to display humanity but hypocrisy in the extreme.\textsuperscript{205}

In this argument, Sagoff suggests that insofar as humans have a right to life, we are required not only to refrain from killing humans but also to assist humans in preserving their lives. Therefore, if animals also have a right to life, then we are also required to assist in preserving their lives when it is within our power to do so, including the lives of wild animals. To hold that animals have a right to life while also allowing animals in the wild to routinely die is an extreme contradiction.

If we believe that animals have basic rights, what exactly does Sagoff think we should do to help preserve their lives and relieve them of suffering? First, he suggests, “It may not be beyond the reach of science to attempt a broad program of contraceptive care for animals in nature so that fewer will fall victim to an early and horrible death.”\textsuperscript{206} But this is just the beginning of Sagoff’s recommendations. Additionally, he states,

One may modestly propose the conversion of national wilderness areas, especially national parks, into farms in order to replace violent wild areas with more humane and managed environments. Starving deer in the woods might be adopted as pets. They might be fed in kennels; animals that once wandered the wilds in misery might get fat in feedlots instead. Birds that now kill earthworms may repair

\textsuperscript{205} Sagoff, p. 91.
\textsuperscript{206} Sagoff, p. 92.
instead to birdhouses stocked with food, including textured soybean protein that looks and smells like worms. And to protect the brutes from cold, their dens could be heated, or shelters provided for the all too many who will otherwise freeze. 207

Although Sagoff never explicitly states whether he believes that animals have basic rights or not, it starts to become clear that he probably thinks they do not, as his argument begins to look very much like a reductio ad absurdum. That is, the animal rights view is portrayed as one that, when followed consistently, leads to absurd recommendations, and therefore, it ought to be rejected. Regardless of Sagoff’s view on animal rights though, his essential claim is that if we do believe that animals have rights, then we are committed to this consequence. On the other hand, if we are unwilling to accept Sagoff’s proposals for assisting wild animals, then, on his view, we must reject the belief that animals have basic rights.

Carl Cohen is much more explicit in his rejection of the view that animals have rights, on grounds similar to those portrayed above by Sagoff. Cohen asks us to consider a thought experiment in which we witness a lioness hunting a baby zebra for food. Should we intervene and attempt to protect the zebra from the lion? Cohen believes that most of us will agree that we have no duty to intervene to protect animals from their predators, even when it is in our power to do so. On the other hand, Cohen asks us to imagine that the lioness is about to attack a baby human instead. In this case, he believes that most of us will think that we do have a duty to intervene to protect the human, if it is within our power to do so.

Let us assume that our intuitions about these cases are correct. Cohen asks, what explains this difference in what we ought to do in these cases? His answer is that we ought to

207 Sagoff, p. 92-3.
save the human because the human has a right to life, whereas we do not have a duty to save the baby zebra because animals do not have a right to life. Cohen remarks,

If that baby zebra had any rights at all, it certainly had the right to life; of all rights, that one is surely the most fundamental and the one presupposed by all others. So, if in that incident of natural predation, the prey has rights and the predator infringes those rights, we humans ought to intervene in defense of the zebra’s rights, if doing so were within our power.²⁰⁸

The view that animals have a right to life is faced with the following problem then. If animals truly have a right to life, then we ought to try to save wild animals from being killed by predators (or by starvation, disease, etc.). But most of us will agree, it is absurd to think that we ought to intervene in the wild to save wild animals from being killed by predators. Therefore, animals do not have a right to life.

2. An Inadequate Response to the Predator Objection

At first glance, it might seem that there is a fairly simple way to refute the predator objection: an animal right to life does not require us to stop predators from killing animals because, unlike most humans, predators are not moral agents. That is, predators are not capable of reasoning or acting according to moral principles, and therefore, they are not the sort of creatures that it makes sense to hold morally responsible for their actions. Because predators are not moral agents, they are not doing anything morally wrong when they kill other animals for food, and therefore, we are not required to stop them from killing animals. On the other hand, if

humans try to kill animals, we are required to stop them from doing so, because humans are moral agents, and they are doing wrong when they kill animals for food.

Tom Regan is one philosopher who has replied to the predator objection in this way. According to Regan, “the overarching goal of wildlife management…should be to protect wild animals from those who would violate their rights.” Although wild animals can certainly harm one another, they cannot violate one another’s rights since they are not moral agents and, therefore, cannot have duties to respect others’ rights. Expanding on his view, Regan states,

The total amount of suffering animals cause one another in the wild is not the concern of morally enlightened wildlife management. Being neither the accountants nor managers of felicity in nature, wildlife managers should be principally concerned with *letting animals be*, keeping human predators out of their affairs, allowing these “other nations” to carve out their own destiny.\(^\text{209}\)

This response to the predator objection misses the point, however. The point of the objection is captured best by Cohen when he asks whether we would be required to save the life of a *human* who is being attacked by a predator, if doing so was within our power. In this case, it hardly seems acceptable to respond that we are not required to stop the predator from killing the human because the predator is not a moral agent and, therefore, is doing nothing wrong. Whether the predator is morally responsible for her actions is irrelevant. If it is within our power to save the human’s life, then we ought to do so. However, why should we save the human life from the predator but not the animal’s life when doing so would be equally within our power?

According to Cohen, it is because humans have a right to life but animals do not. If animals had a right to life, then we would be required to save their lives from predators too.

In the preface to the second edition of *The Case for Animal Rights*, Regan attempts to address this challenge. He asks us to imagine two cases: one in which a wild animal is threatened by a predator and another case in which the predator is threatening a human child. In Regan’s view, we have a duty to protect the human child but in the case of wild prey, we ought to “let them be.” He argues that there is a crucial difference between wild animals and human children in that wild animals possess a certain “competence” whereas human children do not. Wild animals are capable of “using their natural abilities” to survive on their own in the wild. On the other hand, human children cannot fend for themselves; they are dependent on us for their survival. According to Regan, we “honor the competence” of wild animals by not interfering in their business, and instead letting them be, even in cases in which their lives are threatened by predators. Since human children are not competent though, respect for them requires that we assist them in their survival.

Regan’s argument is faulty though. Although it is true that human children lack a certain competence that wild animals generally possess, most human *adults* are competent. As adults, we generally are capable of caring for ourselves; we do not require others’ help to survive in the ways that children do. Does this mean that if human adults are threatened by predators, we do not have a duty to save them; we ought to just “let them be”? No, even if competent humans are threatened by predators, we ought to try to save them. I think Regan would agree with this. But if we ought to try to save competent humans from predators, then why shouldn’t we try to save animals from predators too, if animals have an equal right to life? In addition to this point, I must admit that it is difficult to see how it is “honoring” or “respecting” wild prey animals to “let

---

them be” when “letting them be” essentially amounts to letting them suffer and die. I think that any “solution” to the predator objection must ultimately admit that it is unfortunate for animals that we must allow them to be killed in the wild.211

3. How to Reply to the Predator Objection

There is a better reply to the predator objection. Contrary to Sagoff and Cohen, the fact that wild animals have a right to life does not require us to intervene in the wild to save animals from predators.212 However, the reason for this is not because predators are not moral agents. To make sense of my reply, let me first make a distinction between our negative and positive duties to others. Our negative duties to others are essentially our duties not to cause harm to others, or not to interfere with others. This includes our duty not to kill others. On the other hand, our positive duties to others are our duties to assist others. Whereas our negative duties essentially require us to leave others alone, our positive duties require us to positively perform certain actions to benefit others. This would include our duty to assist others in preserving their lives, such as by saving them from a predator.

If animals have a right to life, it does not follow that we have a duty to save their lives whenever it is within our power to do so. It does not follow because when deciding what our positive duties are in a given situation, there are a number of different factors that must be taken into consideration, aside from a being’s rights or a being’s interests. For example, one factor that must be taken into account is a comparison of the net amount of good that can be achieved by different choices of action. If I walk by a lake and see a person drowning, and it is within my

211 My point could also be made by focusing on the issue of starvation rather than predation. Do we have a duty to save others from starvation, if doing so is within our power? Probably we ought to save other humans from starvation if we can, but it’s doubtful we have a duty to save wild animals from starvation. Why is this? Sagoff and Cohen would suggest it is because only humans have a right to life.

212 By “predators”, I am referring only to nonhuman animals, not to humans.
power to rescue the person without great risk to myself, then I have a duty to rescue the person. However, imagine that ten other people are drowning together in an adjacent lake, and I am forced to make a choice between either rescuing the ten drowning people or the one drowning person. In this case, it is reasonable to think that I ought to save the ten people, since the loss of ten lives is much greater than the loss of just one life. I do not, then, have a duty in this case to save the one person. Notice, however, that this does not mean that the one person does not have a right to life, particularly a right not to be killed. It is still impermissible to kill the one person, even to save the lives of the ten other people.

Another factor that may be relevant to deciding our positive duties to others is our personal relationships with others. It seems reasonable that in some situations we have positive duties to loved ones that we do not have to strangers, or that a person’s status as our loved one can give her some priority over strangers when determining our positive duties to others. For example, if faced with a situation in which I must choose between saving the life of a loved one or a stranger (or even perhaps ten strangers), it is reasonable to think I should save my loved one. In this case, I do not have a duty to save the stranger. Notice, however, that this does not mean that the stranger does not have a right to life, particularly a right not to be killed. It is still impermissible to kill the stranger, even to save the life of my loved one.

Similar to the above cases, questions regarding our duties to aid animals must take into consideration a number of factors. Among the factors they must take into consideration are the ecological consequences of our actions. If we were to stop predators from killing other wild animals for food, it would likely have disastrous ecological consequences. To begin with, we would in effect be starving predators to death, since they rely on killing other animals as a main source of food. Eventually this would result in the extinction of whole predator species. This, in
turn, would cause prey species to overpopulate their ecosystems, resulting in a series of further, damaging ripple effects on other animal and plant species in those ecosystems. For instance, the overpopulation of a prey species might result in the destruction of a plant species that the animal species eats for food. This, then, could endanger other animal species that also depend on that plant for food.

The decimation of ecosystems should concern us at the very least because current and future humans and animals alike depend on the health of various ecosystems (e.g. forests, swamps, prairies) and the flourishing of biodiversity on this planet for their well-being, in ways that we are just beginning to understand. Among the functions of ecosystems and biodiversity is the cleaning of air and water, pest control, temperature regulation, and the preservation of genetic diversity, which is the basis for all future evolution (i.e. adaptation to changing environments). The decimation of ecosystems and biodiversity would then result in the loss or diminishing of these services that are so vital to the earth’s ecological functioning. Additionally, there are other ways in which ecosystems thrown into chaos could adversely affect human ways of life. For instance, human agriculture could be harmed from animals that have overpopulated and seek food and habitat, or from an increase in insect pests whose predators have died off. Overpopulated animal species could also cause greater disruptions to automobile traffic on roads.

It might be responded that there are additional measures we could take to avoid these bad ecological consequences. For one, instead of causing predators to starve to death, we could feed them with some sort of vegetarian meat-substitute that meets their nutritional needs. Additionally, we could feed contraceptives to wild animals in order to curb any overpopulation.

---

As we saw, Sagoff recommended similar measures to those who believe that animals have basic rights. He also suggested that we could convert wilderness areas into nonviolent, human-managed farms.

However, I don’t think that these proposals, if done on any large scale, would actually keep us from causing serious ecological problems. To the contrary, they would only compound those problems. The running theme behind all of these proposals is that humans ought to step in to “manage” the wild on a large scale, in order to limit the deaths or suffering of animals. However, it seems dangerously naïve to assume that humans are knowledgeable enough to be able to simply take over the job of nature in the wild without causing serious ecological problems. I highly doubt that any of these proposals to manage the wild on a large scale could be done without causing ecological disasters, and for that reason, we must refrain from stepping in and trying to stop the killing and suffering that is part of the wild.214

On the other hand, adopting a policy of protecting humans when they are threatened by predators would not result in ecological disaster, and for this reason, we do typically have a duty to protect human lives from predators. This policy would not result in ecological disaster because humans are not the usual prey for predators. That is, predators do not normally depend on killing humans for food for their survival. This is the case because humans have largely separated themselves from the wild, building their societies outside of the wild. In essence, human society and the wild constitute “different worlds,” and humans are not a part of the world in which wild animals live and seek to survive. It is regrettable that animals must die in the wild through predation. However, animals killing other animals is frequent and normal in the wild, and the stability of ecosystems depends on this relationship. Because humans live apart from the

---

214 There may be some instances in which it is acceptable to try to save wild animals from death or suffering from wild elements. For instance, it may be okay to try to save a wild animal from drowning in a river.
wild, we are able to save humans from predators without jeopardizing the health of ecosystems. But wild animals live in that world, and we are unable to save them without harming predators or causing ecological disasters.

The distinction between the world of human society and world of the wild, and the difference it makes in our positive duties to others, is also apparent when it comes to the matter of our positive duties to domesticated animals. Whereas wild animals exist in the wild, domesticated animals, like humans, live apart from that world. Consequently, we ought to try to save domesticated animals, such as companion animals (e.g. cats, dogs) and farm animals, from being killed by other animals.\footnote{\textit{This shows further that the reason we ought to save humans but not wild animals from predators is not because only humans have a right to life, but rather because, like domesticated animals, humans exist in a world apart from the wild and, therefore, it is possible to save them without disastrous ecological consequences.}}

It is also noteworthy that humans, unlike animals, are capable of controlling their population level. As I argued, if we save wild animals from their predators, it would likely result in the severe overpopulation of many animal species that are normally controlled by their predators. I also suggested that efforts to control population levels of wild species through contraceptives probably would not fare any better ecologically. On the other hand, if we save humans from predators, we are not necessarily faced with the same problem of overpopulation, for humans can understand the ecological impacts of their species and choose to control their population levels. It might be responded that, so far, humans have not done a very good job of

\footnote{\textit{It might be responded that domesticated animal populations are cause for ecological concern too. I agree with this point, but it seems to me that it is more within our power to control domesticated animal populations than wild animal populations, without violating any negative rights (e.g. the right not to be killed) and without causing ecological problems.}}

\footnote{\textit{Similarly, it seems to me that we ought to try to save domesticated animals (e.g. cats and dogs) from starvation, but that it’s questionable whether we are required to do so in the case of wild animals, again for ecological reasons.}}
controlling their population level on this planet. While this may be true, it does not negate the fact that we are capable of doing so, whereas animals are not.

There may be another reason too why we are justified in privileging humans when deciding whose lives we ought to save from predators. I have argued that it would be disastrous ecologically if we tried to stop predators from killing altogether. Presumably though, it is possible to save a limited number of beings from predators without causing an ecological disaster. Which beings should we save? Earlier I suggested that one factor we must take into account when deciding our positive duties to others is a comparison of the amount of good or bad that can be achieved by different courses of action. I have also argued that life has greater value for most humans than animals. This suggests that we ought to save human lives above animal lives because we would be preserving things of greater value. Of course, the exception to this is the case of marginal humans. The value of life for marginal humans, I have argued, is not greater than the value of life for many animals. Therefore, considerations about the value of life for marginal humans would not give us reason to save their lives over animals’ lives.

Because of ecological considerations, then, we do not have a duty to save wild animals from predators. But this does not mean that they do not have a right to life. As we saw, there will be some instances in which we do not have a duty to save the lives of some humans, even when it is within our power to do so. But this does not mean that those humans do not have a right to life, a right not to be killed. Although I may choose to save a loved one over a stranger, or to save many humans over just one, I am not allowed to kill a stranger to save a loved one, or to kill one person to save many. Similarly, although we do not have a duty to save wild animals from predators, wild animals still possess a right to life, a right not to be killed. We are still required not to kill them.

See chapter three.
In making my argument, two additional points should be emphasized. First, the conclusion that we do not have a duty to save wild animals from predators is conditional upon the belief that saving wild animals from predators on any large scale would result in ecological catastrophe. If Sagoff or others can show that there are ways to save wild animals from predators on a large scale without causing ecological catastrophe, then this would suggest that we do have a duty to save wild animals from predators.

Additionally, although I do not believe that we have a duty to save wild animals from predators, I do think that we have some duties to aid animals, both wild and domesticated. For example, if it is within our power to save animals from drowning or other natural accidents, without great risk to ourselves, then we ought to do so. Similarly, we ought to try to save animals from human-caused accidents, such as when animals are struck by cars. We also have a duty to protect animals from intentional killing or harm at the hands of humans.

It might be asked, are our duties to save animal lives equal in strength to our duties to save human lives? Generally, I think that our duties to save animal lives are weaker than our duties to save human lives. For example, if forced to choose between saving a human life or an animal life, we generally ought to choose to save the human life because life has greater value for most humans than animals. It might be argued that this conclusion is inconsistent with the view that animals have an equal right to life. But this argument would be mistaken. Once again, there are a number of factors that must be taken into consideration when deciding our positive duties to others, factors that are not relevant to our negative duties to others. Consider the following cases:
1. If forced to choose between saving a marginal human life or a non-marginal human life, we generally ought to choose to save the life of the non-marginal human. But this does not mean that the marginal human does not have an equal right not to be killed.

2. If forced to choose between saving a loved one’s life or a complete stranger’s life, we ought to choose to save our loved one’s life. But this does not mean that the stranger does not have an equal right not to be killed.

3. If forced to choose between saving ten peoples’ lives or one person’s life, then, other things being equal, we ought to save the lives of the ten people. But this does not mean that the one person does not have an equal right not to be killed.

Similarly, even if it is generally the case that we ought to save human lives over animal lives, it does not follow that animals do not have an equal right not to be killed. It should also be emphasized that there may be cases in which our duty to save human lives would not be stronger than our duty to save animal lives. Since the value of life for marginal humans is equal to if not less than the value of life for many animals, our duty to save the lives of marginal humans may be equal to if not weaker than our duty to save the lives of animals. Even more, imagine we are forced to choose between saving the life of one marginal human or the lives of many animals. It is reasonable in this case to think that we ought to save the lives of the many animals, since we would be preserving a greater amount of value. One final interesting case is a case in which we are forced to choose between saving the life of an animal with whom we have a strong personal relationship or a human who is a complete stranger to us. In this case, it may be justifiable to
save the life of the animal loved one. I do not think it is obvious that we necessarily ought to save the life of the stranger.\textsuperscript{218}

4. Conclusion

In this chapter, I have sought to address one particular objection to the view that animals have a right to life. According to this objection, the predator objection, if animals have a right to life, then we have a duty to save animals from being killed by predators in the wild. However, the objection continues, it is absurd to think we have a duty to stop predators from killing their prey, and therefore, it is absurd to think that animals have a right to life. In response to this objection, I have argued that even if we have no duty to save wild animals from their predators, it does not follow that animals do not have a right to life (i.e. a right not to be killed). For whether we have a duty to save another being’s life in a given situation depends on a number of factors other than whether that being has a right to life. Inevitably, there will be cases in which we must allow some humans to die, even when it is within our power to save them, but this does not mean that those humans do not still have a right not to be killed. Similarly, in the case of predators, we must allow wild animals to be killed because saving them on any large scale would have disastrous ecological consequences, but this does not mean that animals do not still have a right not to be killed. I also suggested that we do have a number of duties to help preserve both domesticated and wild animals’ lives, just not when doing so would result in ecological catastrophe.

\textsuperscript{218} As another challenge to my argument, it might be wondered why we should think that considerations such as personal relationships, the greater amount of good, and ecological consequences are relevant to deciding our positive duties (e.g. the duty to save lives) but not our negative duties (e.g. the duty not to kill). I believe that this amounts to a basic challenge to any rights view, not just an animal rights view. I will not seek to address this challenge here. However, I believe the solution has to do with the morally significant distinction between causing and allowing harm.
CONCLUSION

My primary aim in this dissertation has been to defend the idea that many animals have an equal right to life, a right that is equal in strength to the human right to life. In what follows, I will recap my argument.

In chapter one, I began my dissertation by providing a critique of one prominent contemporary philosopher’s view on whether animals have an equal right to life, namely, the view of Joel Feinberg. According to Feinberg, animals have, at most, only a very weak right to life, such that it is permissible to kill animals for most human purposes. Feinberg’s main argument for this view is that animals do not have a strong right to life because life has considerably less value for them than humans. In response to this argument, I claimed that Feinberg is correct to think that an inquiry into whether animals have a right to life ought to focus on the extent to which animals have an interest to live. However, I suggested that there are three problems with Feinberg’s argument: (1) he does not adequately justify the belief that life has any value for animals (i.e. that animals have any interest to live), (2) he does not adequately justify his belief that life has less value for animals than humans, and (3) even if life has less value for animals than humans, he does not explain why it follows that animals do not have a strong or equal right to life. I proposed that in the rest of my dissertation, I would seek to address each of these issues.

In chapter two, I investigated the question of whether animals are capable of having any interests at all. One common philosophical view is that having interests requires having desires. Following this view, some philosophers have suggested that animals cannot have interests because they cannot have desires. Since I essentially agree that having interests requires having desires, my chief concern in this chapter was to defend the belief that animals are capable of
having desires. I examined multiple different arguments against attributing desires to animals, including the views of Davidson, Frey, and Stich, each of which essentially contends that animals cannot have desires because they lack language. I argued against each of these views, and explained why we should think that many animals have desires.

In chapter three, I began by examining whether animals have an interest to live (i.e. whether life has any value for animals). I considered one argument in favor of the belief that animals do not have an interest to live, namely, the view of Michael Tooley. I argued that Tooley’s view is mistaken, and I explained why many animals have an interest to live. According to my view, they have an interest to live insofar as they possess desires in life (or enjoyments in life), desires of a being that cannot be satisfied without the continued life of that being (i.e. desires of a being that are thwarted by that being’s death). Following this, I sought to address the objection that animals do not have a right to life (or an equal right to life) because the value of life for them is less than the value of life for humans. I suggested, first of all, that it is plausible to think that the value of life for animals is less than the value of life for most humans (though not all humans). However, I also argued that having an equal right to life requires not that the value of life for a being is equal to the value of life for humans, but only that the value of life for a being meets a certain threshold. I contended that the value of life for many animals does meet this threshold for having an equal right to life.

In chapter four, I sought to defend one of the main arguments I used to show that the value of life for many animals meets the threshold for having an equal right to life. This argument is a version of what has come to be known as the argument from marginal cases. In this chapter, I considered attempts to refute the argument from marginal cases by picking out some characteristic that distinguishes marginal humans from animals in a way that justifies
attributing a right to life to marginal humans but not animals. These characteristics included belonging to the human species, potential or former personhood, and that we have personal caring relationships with marginal humans. I argued that each of these attempts fails to pick out a morally significant distinction between marginal humans and animals.

In chapter five, I sought to compare my defense of animals’ equal right to life with Tom Regan’s argument for animal rights. Most centrally, I sought to address Regan’s criticism that the possession of interests is not a sufficient criterion for having rights. Regan argues that the most reasonable criterion for having rights is not the possession of interests but rather the possession of “inherent value” and being the “subject of a life.” In response to Regan, I sought to show how an interests criterion is actually superior to his criterion for rights.

In chapter six, I sought to address another objection to the view that animals have an equal right to life, an objection put forth by Mary Anne Warren. According to this objection, we have inevitable practical conflicts with animals that make it impossible to grant them equal rights without sacrificing basic human interests. For this reason, Warren concludes that animals can have, at most, only a weak right to life. In response to her view, I contend that Warren fails to justify denying an equal right to life to animals because she fails to show that there are any circumstances of conflict in which we would be justified in killing animals but not also justified in killing humans.

In chapter seven, I sought to address one final objection to the view that animals have a right to life: the predator objection. According to this objection, if animals have a right to life, then we ought to try to protect animals from being killed by predators in the wild, but it is absurd to think we ought to do this. In response to this objection, I argued that it is not inconsistent to think that animals have a right to life and that we do not have a duty to save animal lives from
predators, particularly when their right to life is understood as a “negative” right not to be killed. I contended that questions regarding our positive duties to others (e.g. the duty to save lives) must take into consideration a number of different factors other than a being’s rights. As a result, we cannot conclude that a being doesn’t have rights just because we don’t have a duty to assist that being in a given situation. In the case of predators, I argued that we do not have a duty to protect wild animals from predators because doing so would likely have disastrous ecological consequences. However, this does not mean that wild animals (along with domesticated animals) do not still have a right not to be killed. Moreover, I suggested that in many other situations we do have a duty to assist animals in preserving their lives.
BIBLIOGRAPHY


------- “One Argument Concerning Animal Rights,” *All That Dwell Therein*.

------- “What Sorts of Beings Can Have Rights,” *All That Dwell Therein*.


