

Applying the Social Contract Theory in Opposing Animal Rights

by Stephen C. Sanders

Copyright © 2016. All rights reserved.

The role of ethical judgment based on the supposed “right” action to perform in a given situation has been discussed and explained (whether or not adequately) for as long as there have been philosophers. The importance of this philosophical application has sparked debate on morality in many forms, for instance, if morality is legitimately something that exists or even if, assuming that it does, there can be such things as absolute moral truths. An incredibly prevalent issue in applied ethics is the question as to whether non-human animals have rights equivalent to those that humans possess, or even if they have any rights at all. In this essay, I will attempt to persuade anyone reading that non-human animals should not be considered equivalents of human beings (in terms of our supposed moral duties to non-human animals) since it would be impossible to function as a society in a way that would lead to continuous moral and social progression.¹

A fairly popular moral theory that can back up my viewpoint on the matter is The Social Contract Theory which was first proposed by the seventeenth -century British philosopher named Thomas Hobbes. In essence, the main proposition of the theory explains that we as a society cannot in any way have a peaceful and cooperative social order without the assertion of enforcement of rules. If we allow our state of residence to require us to abide by their rules, which would thus be the state restraining some of our rights, then in return it is the state’s responsibility to protect our remaining rights. The rights that the state prohibits us from having

¹ The source used for stating some of the sentences concerning The Social Contract Theory is: Rachels, Stuart, and James Rachels. 2007. *The Elements of Moral Philosophy: 5th Edition*. New York: McGraw-Hill.

would thus be the society's equivalent of wrongdoing if one of those rules is broken by an individual, whereas the rights that we are still allowed to possess could be considered as being the basic rights of every single individual in that society. What comes from these moral constraints and authorizations is the moral code by which that society should abide; a moral code that is comprised of moral rules that must be followed in order for said society to progress in harmony. Thus, according to The Social Contract Theory, the moral rules by which one should live are solely the rules that we need in order to get the benefits of social living.

The role that these moral rules play is critical to the survival of a particular society. Without any rules whatsoever, a scenario which Hobbes called a "state of nature," a society would descend into inevitable chaos; not because people are bad, but rather because of facts regarding the conditions of human life. First, there is a fact of equality of need. Each of us needs the same essential things in order to survive. Second, there is a fact of scarcity. Unfortunately, everything one needs in order to live does not come in bountiful supply, even if we were to work hard to produce them. Third, there is a fact of the essential equality of human power. There exists no person that is so superior to everyone else that they are capable of prevailing over them indefinitely. Lastly, there is the fact of limited altruism; that is, an individual cares much more about themselves regardless of the situation in which another person is. So, we cannot just presume that if our self-interests become conflicted that they will just give in to yours. Because of all of these facts, it can thus be concocted that if all of these facts are not the case in a particular society, that the society will do as Hobbes concluded and deteriorate indefinitely, descending into a social and political organization practically "freer" than anarchism; a socio-political disorder which practices an abolition of government where each

individual of the general public would have the capacity to act in whatever way they so please,² whether it be in a manner which would benefit society, or an antithetic manner. As previously stated, in order for people to avoid this state of nature, they must agree to some rules to govern their relations with one another, and they must agree to the establishment of the state with the power to enforce these rules. Ergo, according to The Social Contract Theory, morality consists in the set of rules, governing behaviors, that rational people will accept, on the condition that others accept them as well.

By applying The Social Contract Theory to the issue of animal rights, it can be said that, firstly, non-human animals are incapable of consenting to any form of “social contract,” since they are creatures with the inability to express rationality. So, the establishment of any sort of rules of mutual benefit would be fruitless. But, there is more to it than non-human animals simply not being able to enter social contracts; not only are non-human animals incapable of thinking like rational beings, but they are doomed at the hands of a fairly obvious fact: in order for one to be a right holder, they must (i) *know* that they are pursuing a good, and (ii) be *free* to do so. If one cannot know that they are performing a good deed, then they simply cannot concur that what they were doing is protected by their rights. If they don’t know the deed is good, then it could just as likely have been an action not protected by their rights. Also, no one can say that one has a duty to respect another’s rights if they are not free to respect or not respect their rights in return. If one is not free to perform a good that a right of theirs protects, then that individual cannot possess that right. It is by applying these simple facts to the issue that

² Which is different from a necessity to the practice of anarchism, which would be the “organization of society on a voluntary, cooperative basis without the legal right to demand force or compulsion,” as defined by Google Dictionary.

one can conclude that non-human animals are by no means entitled to having rights similar to human beings.

An obvious rebuttal to The Social Contract Theory is that, since one must be rational in order to enter into any social contract, then human infants would be among those that would not be able to since they do not possess skills of rationality. This could also be said about those suffering from mental impairment, since they, too, are incapable of consenting to any social rule. So, since non-human animals are also incapable of following social rules, it would be implied that we hold no moral responsibilities to them and could thus torture them; yet, in cases with similar circumstances (e.g., human infants, the mentally impaired, etc.), it would be our obligation to *not* torture them since they are still humans, which is an issue for The Social Contract Theory; it can explain our duty in one case but fails to explain our duty to the other.

In defending The Social Contract Theory as applied to the illusion of animal rights, I would have to respond by stating that non-human animals do not possess the potential required to think as a rational being. These animals are not at all in control of how they act; they are ruled by evolutionarily acquired actions that they possess that can be performed relative to the situation. In other words, animals act solely on instinct, and because of this, they cannot hold any sort of potential to be able to think rationally. Humans, on the other hand, do indeed act instinctively; but the difference is that humans are completely capable of acting against their instincts. For example, a tiger's natural behavior stems from evolution providing it with the resources, capabilities, and features to roam the land and stalk/attack prey. In any case, they are showcasing this instinct throughout their life, whereas humans showcase instinctual behavior in situations that enforces upon a person to act instantly. However, even when we do act instantly,

we have the capacity to think back to the prior event and contemplate how and why that action was committed, and whether or not it was the correct thing to do. This ability, of course, comes with years of practice to enable one to perform righteously as if the ability to perform the right action has become an unalloyed habit. Human infants cannot do this for the first few years of their lives, but here lies the difference between human infants and non-human animals: One day, they will. In terms of those with mental impairments, they may not be able to think as rationally as those without mental impairments, but the potentiality is still very well present. Therefore, the implication that arises from The Social Contract Theory is indeed a consequence if morality is judged based off of one's capacity to freely consent to have some of their rights taken away by a government who in turn will protect their other rights, but I do not believe that the theory is in nearly as much danger in this regard if one takes into consideration the potentiality of becoming/being rational.

It is understandable to believe that other naturally existing creatures should be targets of our duty to act morally, but animal rights activists have, for many years, made the issue about equating animals' experiences with our own hypothetical experience of a similar scenario (i.e., "I'm sure you would care if you were the one chained up."). It is extremely clear that non-human animals are in no way equally deserving of rights as humans are. However, the torturing of non-human animals as a means to an end should not be considered justified. It has never made sense that one absolutely had to impose long-term pain and suffering onto another creature that will inevitably be slaughtered anyway. I believe that it would be in our best interest to treat animals with respect, even before we slaughter them for use as food (the killing of animals by other animals being a purely natural occurrence; it's just that, since human beings are

clearly more intelligent than animals - in terms of the amount of knowledge we as a species has been able to accumulate, with the added capacity to ponder issues such as the meaning of life and morality - we have been able to invent tools and methods - such as guns and farming - that would enable us to perform certain tasks easier and more efficiently, which is obviously why our methods of killing animals to eat are far different from how other species handle it.). Still, we may not have any moral obligation towards them, but that does not signify that torturing them is necessary. Just because we are much more intelligent than all other species, that does not mean that torture is appropriate treatment of them for the sole reason that they are different. Yet, that does not mean that non-human animals should have equivalent rights to humans, I would just consider it to be common courtesy.