Penultimate Draft

Encyclopedia of Global Justice

**Animal Rights**

Issues of egalitarianism, sustainable agriculture, ecology, and biomedical research all meet at the nexus of animal welfare concerns. Therefore, with regard to global justice, issues of animal rights and animal welfare are of growing magnitude. The fact that animal welfare overlaps broadly with many other issues of consequence for global justice should be of no surprise given human culture’s longstanding ties to, and preoccupation with, non-human animals. Traditionally the human relationship to non-human animals has been informed by religious doctrine, and typically, with some exceptions, religious milieus have endorsed a human-oriented hierarchy with regard to non-human animals. Philosophy, especially in the West, has tended to enforce such systems. Aristotle argued that animals lack rational souls, and therefore are outside of the sphere of justice. Rene Descartes famously likened non-human animals on the whole to sophisticated automata. Immanuel Kant believed that human beings ought to avoid cruelty to animals, but only as an indirect duty to other human beings, believing that cruelty to non-human animals tended to encourage violence against human beings. A notable exception to this trend is Jean-Jacques Rousseau, who argued that non-human animals are subject to natural law by virtue of sentience. In the nineteenth century, some philosophers began to recognize the more substantial ethical significance of non-human animals. Among them, Arthur Schopenhauer recognized animals as fellow sufferers and acknowledged the duty to treat them compassionately. In 19th century philosophy, the most considered defense of animal welfare begins with the rise of Jeremy Bentham’s utilitarianism. Bentham held that what was morally relevant among human beings was shared by the wider animal kingdom, and specifically that human beings and non-human animals alike are driven by nature to seek pleasure and to flee pain. Bentham denied that one could meaningfully distinguish levels of worth between pleasures, with the consequence that the pleasures of human beings and the pleasures of animals must be considered equally relevant in human moral considerations. Bentham famously argued that it is not whether a being can think that makes it worthy of our moral concern, but whether a being can suffer. In so doing, Bentham began the utilitarian tradition of animal welfare. Several attempts were made in England during the 19th century to introduce animal welfare legislation in parliament. Most attempts were unsuccessful, with the notable exception of the “Act to Prevent the Cruel and Improper Treatment of Cattle” initially proposed by Colonel Richard Martin, and passed in 1822. The legislation, often referred to as “Martin’s Act,” made it a punishable offense to misuse animals defined as cattle under the act. The act was replaced with more expansive acts against animal cruelty in the later part of the 19th century. In 1986, the Animal Scientific Procedures Act was passed in the United Kingdom, ushering in an age of regulation of animal experimentation, and replacing previous animal cruelty legislation.

**The Modern Animal Rights Movement**

The modern animal rights movement is supported by philosophers, legal scholars, and activists around the globe. In its most general sense, the “animal rights” or “animal liberation” movement advocates for the egalitarian moral recognition of non-human animals. Members of the animal rights movement differ philosophically, but tend to agree on the following points:

* Non-human animals have an important moral status independent of human beings.
* The common tendency among human beings to view non-human animals as mere tools for exploitation is morally untenable, and rooted in speciesism.
* A change in human practices regarding the use of non-human animals in research, food production, clothing, and entertainment is necessary for the achievement of a just world.

The animal rights movement is notable for its roots in serious philosophical debate and its component parts of legal scholarship and civil activism.

**Modern Intellectual Foundations of the Animal Rights Movement**

The first rumblings of the modern animal rights movement began in Britain during the late 1960’s and early 1970’s. In 1967, the animal welfare organization Compassion in World Farming was founded by English dairy farmer Peter Roberts. The organization was created to counteract the 1960’s rise and spread of factory farming practices, which entail the rearing and slaughter of large numbers of animals under cruel and inhumane conditions. In 1971, the book *Animals, Men, and Morals* was published. The book was edited by Stanley and Roslind Godlovitch and John Harris. The work brought together a number of writers who explored the maltreatment of non-human animals. One of the contributors to the text was the psychologist Richard Ryder; Ryder is responsible for coining the term “speciesism.” Speciesism can be understood as the attitude or assumption that human beings are innately superior to other sentient species, and thus are owed moral considerations not owed to other species. In 1975, Ryder’s book *Victims of Science* was published. In that book, Ryder identifies and attacks moral abuses associated with animal experimentation.

**Animal Liberation and “Rights-Based” Concerns for Animal Welfare**

As a preference utilitarian, the philosopher Peter Singer posits that all things being equal, morality demands equal consideration of the preferential interests of others, including non-human animals. This view grows out of classical utilitarianism, though as Singer suggests, most approaches to morality allow that suffering is crucially significant. In 1975, Singer’s *Animal Liberation* was published; the work is often referred to as the “bible” of the animal rights movement. Singer argues that in order to ground an egalitarian morality, moral relevance ought to be associated with a being’s capacity to suffer. The capacity to suffer, or “sentience” broadly construed, is the minimum characteristic necessary to endow living beings with interests. Insofar as Singer suggests that most ethical views hold the capacity to suffer to be morally significant, *Animal Liberation* is not argued from an explicitly utilitarian point of view, though it is consistent with utilitarianism. Singer argues that meat eating is unjustifiable, morally speaking. Singer is especially critical of animal husbandry practices that create pain and suffering in animal populations, and that end with traumatic forms of slaughter. Thus, Singer is a harsh and vigorous critic of modern factory farming.

Singer is also critical of animal research as an institution. In *Animal Liberation*, Singer suggests that researchers should consider whether or not any particular experiment could be justified if it were performed on human beings with the mental capacity of a typical non-human, but sentient, test subject. Singer suggests this thought experiment as a test for speciesism, and therefore the failure to take into account equal consideration of interests among all sentient beings. As a consistent utilitarian, Singer does not make use of ‘rights’ as a moral concept, nor does he categorically rule out the possibility that some forms of experimentation on non-human animals may be permissible under specific conditions and given particular consequences. Because of Singer’s utilitarian refusal to categorically condemn all forms of non-human animal experimentation, he has been criticized by “rights-based” non-human animal advocates. Nevertheless, Singer has been among the most successful of animal rights advocates in his efforts to change attitudes and practices impacting animal welfare.

In his book *The Case for Animal Rights* (1985), Tom Regan argues that non-human animals live lives of inherent moral value. Regan argues that human beings ascribe rights to each other, as experiencing subjects of life, regardless of mental capacity. While it is true that non-human animals are incapable of abstract intellectual feats of rationality, it is also the case that many human beings are incapable of acts of high cognitive ability. Yet we do not consider the life of human beings who lack high levels of rational functioning to be less worthy of moral rights. So too, Regan argues, we ought to recognize that non-human animals have moral rights implicitly, as subjects of a lived experience. Thus, according to Regan, human beings and non-human animals have an equal claim to moral rights, by virtue of their status as subjects-of-a-life. Based on these arguments, Regan calls for the complete cessation of non-human animal experimentation, the total abolition of commercial animal agriculture, and the categorical abolition of hunting and trapping.

There have been many other philosophical contributions to animal rights literature. Notable recent works include James Rachels’ *Created from Animals: The Moral Implications of Darwinism* (1990) and David DeGrazia’s *Taking Animals Seriously: Mental Life and Moral Status* (1996). Also of interest is the work of Martha Nussbaum regarding animal rights and the capabilities approach, as argued in her *Frontiers of Justice: Disability, Nationality, Species Membership* (2006).

**Legal Abolitionism Approach**

The Americanlegal scholar Gary L. Francione argues that non-human animals deserve a singular right based on their sentient status; this is the right not to be made into the property of human beings. In *Animals, Property, and the Law* (1995) Francione argues that as long as non-human animals are considered the property or potential property of human beings, “humane” animal welfare laws will carry no significant protection of non-human animals. In his book *Rain Without Thunder: the Ideology of the Animal Rights Movement* (1996), Francione further argues that a distinction must be recognized between “animal rights,” which he associates with an end to the claim that animals are property, and “animal welfare.” According to Francione, animal welfare entails support of more “humane” treatment for non-human animals, but because it is sought within the legal and ideological framework that views non-human animals as human property, it fails to achieve meaningful change. Francione argues that veganism is the most important vehicle for change regarding animal rights, and that any true animal rights approach is an extension of the global peace movement.

**Modern Activism and Advocacy on Behalf of “Non-Human Persons.”**

The modern Animal Rights movement has seen the rise of numerous organizations promoting animal welfare and liberation through activism aimed at legislative change and the reform of abusive commercial practices. Notable in terms of activism is the late Henry Spira, who sought to shame institutions responsible for animal cruelty into changing their practices. In 1974, after attending a course at New York University taught by Peter Singer, Spira founded the animal rights advocacy organization, Animal Rights International. In 1976 Spira and his organization were successful in convincing the Museum of Natural History in New York to end experiments being conducted on cats. Most famously, in 1980 Spira influenced the cosmetic company Revlon to discontinue using the Draize test, which involves dripping cosmetic ingredients into an animal’s eye in order to determine toxicity. Spira’s form of activism has been extremely influential on the practices of other animal rights groups such as People for the Ethical Treatment of Animals.

The campaigns of animal rights organizations and advocates have resulted in meaningful reform especially under European Union legislation. Such reforms include the following: in 1999 the European Union passed legislation banning the use of battery cages for hens; in 2007 a European Union law banning the use of veal crates came into effect; a law banning sow stalls will become effective 2013 across the European Union.

In the United States, the state of California passed a ballot proposition (Proposition 2) in 2008, which is officially known as the “Standards for Confining Farm Animals Initiative.” The proposition, effective 2015, requires that veal calves, egg-laying hens, and pregnant sows be confined in a way that allows for an increased range of movement. Such animals, according to the bill, must have space to lie down, stand up, stretch their legs fully, and freely turn around.

In 2008, Spain passed a rights resolution to extend certain rights (or personhood) to non-human great-apes. Specifically, the Spanish resolution named the right of non-human great apes not to be killed, used in circuses, or experimented upon; Spain’s resolution stems from the efforts of the Great Ape Project (GAP). The Great Ape Project is an advocacy movement consisting of scientists, legal scholars, and philosophers, which campaigns for a United Nations Declaration of Rights for all Great-Apes, consistent with the rights currently recognized for homo sapiens. Prominent thinkers involved in the Great Ape Project include Peter Singer, Jane Goodall, and Richard Dawkins. The movement developed out of an anthology of the same name, edited by Paola Cavalieri and Peter Singer.

Philosophers have also called for a similar reconsideration of the treatment of dolphins. Notably, Thomas White, in his book *In Defense of Dolphins: The New Moral Frontier* (2007) explores the ethical implications of scientific findings regarding a level of intelligence in dolphins exceeding that of non-human primates.

**Lawrence Torcello**

Rochester Institute of Technology

USA

**See Also**

Capabilities Ethics; Climate Change; Deforestation; Ecofeminism; Environmental Protection; Environmental Sustainability; Food; Kant, Immanuel; Justice and Religion—Buddhism; Justice and Religion—Hinduism; Functioning, Wellbeing, and Capabilities Ethics; Global Warming; Nussbaum, Martha; Rousseau Jean-Jacques; Preference Utilitarianism; Singer, Peter; Social Justice Movements; Sustainable Development; Utilitarianism; Vegetarianism,

**Further Reading**

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