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Review

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personal dilemmas told at the end of the book (pp. 284–290)?

To conclude, as most of the University of Minnesota Press volumes devoted to human-animal relationships and environmental issues do, I believe that the ideas and the purposes behind *Trash Animals* are not only original but unquestionably praiseworthy. We cannot but agree with Nagy and Johnson that “instead of vilifying the creatures that thrive in this increasingly urbanized and polluted environment, it behooves to us to first understand how we have participated in its creation and how we might go about improving our shared world while we can” (p. 25). However, for future explorations on the same subject I would also recommend more editorial accuracy. Our ethical commitment to nonhuman animals should, in fact, begin with paying attention to the ethics of discourse, whether it concerns the terms we use to describe raccoons or editing a book that *homogeneously* fulfills what should be vigorous standards of scholarship.

### Reference

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**Animal Rights Without Liberation.** By Alasdair Cochrane. (New York, NY: Columbia University Press, 2012. 246+viii pp. Paperback. \$29.50. ISBN: 978-0-2311-5827-5.)

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Much of the animal ethics discourse since the 1970s has been dominated by moral

theorizing that can be described as either utilitarian or neo-Kantian. Peter Singer, in his 1975 book, *Animal Liberation*, exposed the immense suffering nonhuman animals are subjected to in research laboratories and factory farms and set off a wave of academic and popular interest in the question of what we owe to other animals. Singer demands, I think rightly, that similar interests are given similar weight in ethical deliberation, regardless of the species of the interest bearer, and identifies the maximization of interest satisfaction as the proper goal of morality. The implications of Singer’s view are as sweeping as they are radical: If the interests of nonhuman animals and our interests are to be given equal consideration, then modern animal agriculture and most animal testing are nothing short of a moral catastrophe of the highest order. Yet, moral philosophers such as Tom Regan (1983) and Gary L. Francione (1995) object that Singer’s utilitarianism does not go far enough, as it prohibits the use of nonhuman animals only if it fails to maximize utility and, hence, does not provide sufficient protection for the individual. They instead call for the total abolition of the exploitation of animals in agriculture, science, and entertainment. Animal rights, as they understand them, require that animals in farms, laboratories, zoos, and circuses be *liberated*.

Alasdair Cochrane, in this well-argued and carefully written book, opens up a conceptual space between these poles that are often falsely assumed to form a dichotomy. He presents a novel theory of animal rights, without liberation and based entirely on the interests of sentient animals. Cochrane argues that the capacity for phenomenal consciousness and well-being is at once necessary and sufficient for the

possession of both moral status and rights (thereby ruling out “lower” animals, plants, species, ecosystems, and nonconscious artifacts as possessors of moral status or rights). Interests, then, are those things the satisfaction of which makes the lives of interest-bearers go better for them, and the frustration of which makes their lives go worse. While all interests are morally significant, not all give rise to moral rights. Following Joseph Raz, Cochrane argues that an animal has a right, if, and only if, that animal has an interest that is sufficient to impose a duty on another. Sentient animals—a subset of all animals that likely includes all vertebrates and only a few invertebrates—have a *prima facie* right not to be killed and not to be made to suffer, as their interest in a continued life and being free from suffering is ordinarily sufficient to impose a duty on another. *Concrete rights*, the author explains, are established by a close examination of the interests of all parties involved in a particular situation. For example, in an extreme survival situation, the interest of nonhuman animals in continued life is not sufficient to impose a duty on a human being not to kill them for food insofar as humans generally have a stronger interest in continued life than other animals. Nonhuman animals, with the possible exception of cetaceans and great apes, do not have a right not to be used or owned, Cochrane says, because they lack autonomy and hence have no intrinsic interest in governing their own lives. He defines autonomy as the capacity to frame, revise, and pursue one’s own conception of the good. While there are good reasons to attribute to sentient animals what Regan calls *preference autonomy*, the capacity to possess and pursue desires, Cochrane claims that, for all animals ex-

cept humans, cetaceans, and great apes, there is no scientific evidence to suggest that they have the higher order capacity to reflect on those desires and change them in relation to their conception of the good. Persons, on the other hand, not only have an instrumental but also an intrinsic interest in governing their own lives. They hence are *necessarily* harmed when their liberty is curtailed.

If (most) nonhuman animals do not have a right not to be used or owned because they lack autonomy, then nonautonomous humans do not have a right not to be used or owned. Cochrane recognizes this rather disconcerting implication of his view, but I think he dismisses it too quickly. He points out that using infants and the seriously mentally disabled in harmless experiments is common scientific practice, and that we regularly restrict the freedom of such humans without controversy. Yet, controversy would be certain if infants or the seriously mentally disabled were regarded as property or put up for display in human zoos, *regardless* of how well they were taken care of. If we believe that human nonpersons have a right not to be treated in such a degrading manner, then so do nonhuman animal nonpersons.

Cochrane devotes most of his book—six out of nine chapters—to working out the implications of his theory for a number of common ways in which humans use other animals. He begins with the use of nonhuman animals in experimentation. He argues that harmful experiments, or experiments that result in death, including those for medical purposes, are immoral. It is true that sometimes important interests of humans (and nonhumans) are at stake, but these interests cannot justify doing harm to nonhuman animals any more than

they can justify doing harm to infants or severely mentally disabled humans whose interests are comparable to the interests of those animals. Experiments that neither cause harm nor result in death, however, are morally permissible, all else being equal. As (most) nonhuman animals have no intrinsic interest in liberty, they have no right not to be used in experimentation. Similarly, they are said not to have a right not to be used in agriculture, whereas they do have a right not to be made to suffer and not to be killed when being so used. Cochrane further addresses the use of animals in entertainment and cultural practices, the genetic engineering of animals, and the difficult relationship between animal rights and environmentalism. Along the way, he responds—more often than not convincingly—to a wide variety of possible objections to his view.

It is important to note that, despite the theoretical differences between Cochrane, Regan, Francione, Singer, and animal advocates of related kinds, they all stand united in their damning indictment of the way in which nonhuman animals are ordinarily treated. Most human use of other

animals, as it currently stands, causes pain or ends in death (or both), violates both neo-Kantian and interest-based animal rights, and fails to maximize utility.

The great accomplishment of Cochrane's book is to show that there is a coherent, intuitively plausible, and useful notion of animal rights that is firmly rooted in the tangible and avoids the unattractive absolutism of Regan-style rights views. Cochrane rejects utilitarian aggregation and provides a framework in which the trivial interests of the many cannot justify disregarding the fundamental interest of the one. Overall, Cochrane's book is an original and accessible contribution to the continuing debate about the proper relationship between human and nonhuman animals that deserves to be read widely.

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