



Can non human animals be allowed to enjoy rights?

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ABSTRACT

Non human animals are used and exploited by human beings for different purposes such as, agriculture, carrying goods, circus, medical experiment and in laboratory for research activities where they have to suffer more. But against these cruel activities some thinkers have raised their voice. They are in favour of granting rights to them. They thought that being sentient, non human animals have feelings of pleasure and pain and therefore they are right bearers. They are entitled to enjoy their basic interest such as, avoiding suffering. In this paper I shall try to justify that we ought to allow rights to non human animals, particularly right to life.

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Introduction

Non human animals have a great utility and importance in human lives. They are used in agriculture, carrying goods etc. In addition to these, there are various ways through which human beings use and exploit them. They are used as foods, clothing, entertainment, industries, experiment in scientific research, in circus, keep them in zoos, in farms, in cages also; forgetting that they have lives of their own; they have the feelings of pleasure and pain. They are treated so, because human beings think that the other animals are devoid of reason and thinking power. So these are for fulfilling the desire and purpose of human beings.

But thinkers of different periods beginning from Greek period have been showing their sympathy towards non human animals and pleaded for animal rights. They also extended strong argument for treating lower animals with equal values and respect and granting them right. Now-a-days a large number of animal-lovers are in favour of granting animal rights and in certain countries laws have been enacted in this regard. Thus centering round this issue discussion is going on throughout the universe and herein lies the scope and importance of its further analysis.

Views of different philosophers on Animal rights

Greek Philosophers

It is well known to everybody that one of the important concerns in modern world is animal ethics. The debate is, whether animals are to be treated equal in enjoying rights. But the traces of this debate are found in all the periods of social development beginning from the Greek period.

The Greek materialist philosopher Empedocles and a disciple of Plato, named Eudoxus of Cnidus, who is also known as the first Greek who mathematize planetary orbits, argued in favour of vegetarian diet. He believed the theory of reincarnation of human souls into animals. It was his belief that human souls are immortal and as such after his physical death every human soul takes another birth as other animal. This belief of Eudoxus is more clearly narrated by Porphyry, a neo Platonist and a student of Aristotle, in the record of

Dicaearchus when he said "he not only abstained from animal food but would also not come near butchers and hunters" (Huffman2006).

Similar to Empedocles and Eudoxus, another Greek philosopher and mathematician Protagoras believed that both human and non human souls are reincarnated from one another and thus it is for this reason he urged respect for animals.

Aristotle, on the other hand, believed that in the Great Chain of Being, the rank of non-human animals are far below. His logic is that although there are some similarities between human beings and non human species, but the latter lacked reason (logos), reasoning (logismos), thought (dianoia, nous) and belief (doxa) and thereby they have no personal interest. Thus he is the first person who introduced the science of the classification of living and extinct organisms. But Theophrastus, one of Aristotle's disciples, disagreed with his teacher's view. He believed that animals also bear reasoning capacity and thereby he opposed to kill animals even for eating meat. His logic was that killing of animals is an unjust act. But it is unfortunate to say that the view of Theophrastus did not prevail.

Rene Descartes

Roughly from the mid decades of the 17th century through the 18th century Enlightenment period in Europe, we find reappearance of the interest of animal rights. The philosophers of this period sought to construct an ethics purely on rational and non-religious basis.

The well known French philosopher and mathematician Rene Descartes' attitude towards animals created a stir in the minds of many people of his time. In the twentieth century his ideas about animals remained influential in the world of philosophy. Descartes was not in favour of granting any rights to animals. He drew a line of demarcation between human beings and lower animals with the yardstick of reason. He pointed out that only human beings have minds and the essence of mind is consciousness. Non human animals do not have mind and thus they have no reason, they are automata.

Animals are merely organic creatures and as such they lack of feeling pain. They are like mechanical robots. They have no language and thus they do not deserve any compassion and hence there is nothing wrong to exploit them.

In his book 'The Passions of the Soul' Descartes mentioned that it is passions from which moral actions arise. Passions influence a person's mind to will for doing specific actions. Passions, according to him, include perceptions, sensations or emotions of the mind. As the animals do not bear these, so they are devoid of moral actions and hence they are not moral agents. Thus in Descartes' ethics it is clearly stated that animals would not have equal moral status with that of human beings.

It is evident from the above that Descartes' attitude towards animals was not kind enough. But it is very unfortunate to mention that some scientists of twentieth century adopted Descartes' view. Even in twenty first century more or less the same idea is carrying out by some scientists.

John Locke

The British philosopher John Locke expresses his disagreement with Descartes' attitude towards animals. In his writings 'Some Thoughts Concerning Education (1693)' he argued that it is morally wrong to be cruel unnecessarily with any animals as they have also feelings. Not only adult persons but also children are prohibited by him from tormenting and killing the beasts. His logic is that if the custom of killing and tormenting the animals is allowed to children then gradually their minds will be harden even towards human beings.

Jean- Jacques Rousseau

In the eighteenth century Jean- Jacques Rousseau developed philosophical arguments in favour of animal's rights. His arguments implied that although animals could not be moral agent but they are right bearers. In his preface to the 'Discourse on the Origin of Inequality' we find his expression of deep commitment to animal rights. He claimed that he has succeeded in putting an end to the disputes concerning the question whether animals can take part in natural laws. He believed that animals are unable to recognize natural laws as because they lack of intelligence and liberty. But for this they should not be deprived of natural rights. Like human beings, they are also endowed with sensibility and therefore, they should be allowed to enjoy natural rights. And even toward brutes we are under obligation to allow enjoying their natural rights. They should not be neglected as not having reason and thus at least should not be the subject to ill treatment of human beings.

Kant

In the late eighteenth century the German philosopher Immanuel Kant also clearly explored his view about human attitudes towards animals. In his 'deontological ethics' Kant categorized animals as mere things and thereby considers them as an instrument for rational beings. He is of the opinion that animals lack free will and dignity and thus should not be considered as having equal moral respect with that of rational beings. But in spite of all these, Kant holds that human beings have an indirect duty towards animals. They should not show any cruelty towards animals, otherwise it may lead to bad effects in dealing with humans. Thus Kant firmly believes that cruelty towards animals is wrong as because this is bad for humankind.

Jeremy Bentham

In the last part of eighteenth century the English philosopher Jeremy Bentham also developed a new ethical system known as Utilitarianism. In his ethics he stated that in

addition to rational agents, the sentient agents are also to be considered as part of moral community. Thus he urged upon the issue that human beings must have some duties towards animals, as because like humans, animals are also sentient. Being sentient, they deserve equal consideration on moral ground.

But it is to be noted here that during the early twentieth century the debate on the animal rights amongst philosophers began to diminish. One of the reasons for this diminishing was defending utilitarianism, which is really a philosophical problem. Instead of discussing metaphysical problems, the philosophers of that period began to turn attention on linguistic problem and as a result meta-ethics was born as a sub field of academic philosophy. George Edward Moore, a preeminent meta-ethicist strongly criticized utilitarianism and discarded it by saying that it committed Naturalistic Fallacy.

Peter Singer

In contemporary philosophy Peter Singer presented arguments in favour of animal rights. He is of the opinion that all animals are equal and thus animals should be treated equally as we treat with human beings. He presented his arguments that we do not exploit other people on the ground that they are members of our race or they are equally intelligent like us. Their interests are also not disregarded on the same ground. Thus his logic is that other animals should not be disregarded or exploited on the plea that they are less intelligent than human beings. There are many differences between humans and animals but in sufferings both are equals. Peter singer also mentions the view of preference utilitarianism that interests of human and non human animals should be treated equally on the ground that both possess sentience. Thus from the same consideration also the principle of equality is applicable to both animals and humans. Racists do not believe the principle of equality. They, on the other hand, are in favour of giving greater weight to the interest of the members of their own race. The same is true in speciesists also. If a clash arises there with regard to the interest of the members belonging to two different species, the speciesists will be always in favour of their own species. Human speciesists believe that feeling of pain by human beings are worse because they possess greater awareness of happenings to them.

Peter Singer disagrees with speciesists. His argument is that the moral status of an infant with irreversible brain damage and non human animals are same under preference utilitarianism, so we ought to treat both of them equally. Singer holds the view that equality of consideration is not an assertion of fact; it is on the other hand a prescription. He argues that men and women are equal not on the ground that both the sexes are intelligent. Because once it may come out that either of the sexes is not intelligent then we would have to discard equal consideration. Thus moral equality of men and women is grounded on the issue that both of the sexes feel suffering. Thus moral equality of animals is not considered on the fact of scientific investigation, whether they have intelligence, strength or moral capacity. It is rather considered only on the ground that whether they can suffer like us. Thus he says,

"If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that the suffering be counted equally with the like suffering – in so far as rough comparisons can be made – of any other being. If a being is not capable of suffering, or of experiencing

enjoyment or happiness, there is nothing to be taken into account.”¹

It is evident from the above that Peter Singer was a strong supporter of utilitarianism. The argument which he has given in favour of equal rights for animals created a stir in animal rights movement. In this movement there was a violent section known as ‘Animal Liberation Front’. In order to materialize their mission this front adopted some destructive measures such as, violence, intimidation and even murder. They even targeted the scientists who were involved in using animals in their experiment. The other people who were associated with experimental laboratory, even their families were not free from attack.

Tom Regan

Tom Regan, Professor of North Carolina State University put forwards different arguments in favour of animal rights. In his writings ‘The Case for Animal Rights’ he clearly states that non human animals have life of their own. His argument is that it is because of the possession of certain abilities, human beings enjoy rights. But as these abilities are also possessed by some non human animals, so like human beings, they must also enjoy the same moral rights. Not only this, he also pleaded for having status of ‘moral patients’ to both marginal-case humans, such as infants and some non human animals. In his view, it is only moral agents who bear the ability to discharge moral actions. Moral patients are not in a position to do moral actions as because they lack the ability to formulate moral principles, although the consequences of their actions may be beneficial or harmful. He firmly believes that as animals possess life of their own, so they have intrinsic value and therefore, they should not be treated as means to others ends but ends in themselves. This principle of Regan seems to be similar to that of Kant’s deontological ethics. But whereas Kant applied this principle only to human, Regan extends its application to non human animals that possess life. He says that the same argument which explains the existence of independent value of human beings implies the existence of independent value of other animals equally. Similarly, the same argument which demands that human beings have rights which must be treated with respect also implies that animals too possess similar rights and these must be treated with equal respect.

Regan’s attitudes towards animals differ from that of Peter Singer. The primary concern of Singer is the improvement of treatment with non human animals. He was not totally against the principle of using animals as means. Thus in reply to a hypothetical question he says that if it happens that experimenting on one animal, life of thousand can be cured from a terrible disease then in that case he would not object to use animal as means. In his own language:

“...if one or even a dozen animals had to suffer experiments in order to save thousands, I would think it right and in accordance with equal consideration of interests that they should do so.”²

But Regan, on the other hand, is in favour of total extirpating of using animals as means. He holds the view that we ought to treat both humans and non humans equally. He is not in favour of reforming injustice. He clearly stated that when injustice reaches in its extreme point, its total abolition is necessary. He does not support reformation of slavery, child labour and subjugation of women. Rather he suggests that all

such injustice must be abolished. Reformation of injustice does not lessen it but it allows prolong injustice. In his article ‘The Philosophy of Animal Rights’ he says, “It is not larger, cleaner cages that justice demands in the case of animals used in science, for example, but empty cages: not “traditional” animal agriculture, but a complete end to all commerce in the flesh of dead animals; not “more humane” hunting and trapping, but the total eradication of these barbarous practices.”

Charles Darwin

Charles Darwin was not an advocate of animal ethics but his theory of evolution clearly implied that there is relation between human beings and non human animals. In his writing the theory of evolution by natural selection, Darwin presented a revolutionized theory on the relationship between human and other species. He believes that there is direct kinship between other animals and human beings. Not only that, other animals also possess social life, moral life and mental life of their own. That he was in favour of animal rights is evident from writing in his note book (1837), where he says,

“Animals – whom we have made our slaves we do not like to consider our equals. – Do not slave holders wish to make the black man other kind?” He believes that like human beings other animals also possess mental life and in mental faculties there is no fundamental difference human beings and higher mammals. This argument he presented in his latter writings ‘The Descent of Man’ (1871). He is of the opinion that other animals have the capacity of reason, memory, sympathy and imagination and thus they can make decision. Darwin believes that the attribute terror and deceit are present in both man and animals. He also observes that the attributes courage and timidity vary in different degrees not in kinds amongst the different individuals belonging to the same species. He is of the opinion that animals have the capability to love. In this connection he cites the name of dogs with whom most of the human beings are familiar.

In his book ‘The Expression of Emotions in Man and Animals’ Darwin again challenges Descartes claim that animals are unconscious and thus cannot thought. Their action are done mechanically like a robot. Contrary to this he thought that in mental life both animals and human beings are parallel. Even he believes that in the minds of animals a lot more is going on than that of human beings. Like human beings other animals have feelings of pleasure and pain. They also manifest happiness and misery.

From the above view point of Darwin regarding the status of animals in the world it is evident that he has given an equal status to animals with that of human beings. He strongly opposed any kind of cruelty upon animals.

Friedrich Nietzsche

An existentialist philosopher, Friedrich Nietzsche also expressed his own view on the right of non human animals. Unlike utilitarianism, he extended other ground for which he supports animals’ rights. His argument is that “The sight of blind suffering is the spring of the deepest emotion”.³ He is of the opinion that human beings are animals. That he defends animals’ right is evident from all his writings. Once he wrote: “For man is the cruelest animal. At tragedies, bull fights, and crucifixions hath he hitherto been happiest on the earth; and

¹ Singer, P: Practical Ethics, second edition, pp-57 -58.

² Singer, P: Practical Ethics, second edition, p-67.

³ Quoted from Animal Rights: A Historical Anthology by Andrew Linzey; Paul A B Clerke.

when he invented his hell, behold, that was his heaven on earth".⁴

Animal rights from Religious Point of View

The account of animal rights is found differently in different religions. In the Jewish Torah we find the oldest and most influential account of it. In Genesis 1:28 it is clearly stated that the position of human beings are over and above all other animals. They are allowed to dominate over other animals. Not only is that, the responsibilities to take care of other animals are also entrusted upon human beings (Gen.2:15). At the initial stage, people were not allowed to eat meat and were instructed to be vegetarian. But, subsequently, they were allowed to eat meat in certain special cases. This was allowed particularly after the time of Noah. In Genesis 1:29 it is written as

"Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which is the fruit of a tree yielding seed; to you it shall be for meat."

Moreover, in Genesis 1:30 it is said,

"And to every beast of the earth, and to every fowl of the air, and to everything that creeps on the earth, wherein there is life, I have given every green herb for meat; and it was so."

The Torah also permits to use animals in legitimate purposes such as, for eating and clothing. But it prohibits causing unnecessary suffering on animals, such as, hunting for sports. In Jewish law, animals are granted to share certain rights that are enjoyed by human beings. Animals are allowed to take rest on the *Sabbath* when they are in pain. But we do not find this kind of respect for animals in Christianity and as a result animals were used inhumanly in blood sports for many centuries. But the sympathy towards animals were started once again in the west in eighteenth century when different countries enacted laws granting certain rights to be enjoyed by animals.

The Islamic law known as *Sharira* recognized animal rights. The basis of their recognition is both the Quran and Hadith. There are many references of animals found in Quran where it is stated that animals have souls and they form communities. Not only this, they also communicate with God and worship Him in their own way. Muhammad asked his followers not to do any harm to any animals. On the contrary, animal's rights should be honoured. That animals have legal rights is also admitted by Shariah.

Animal Right from Legal point of View

Richard D. Ryder is of the opinion that Ireland is the first country in Europe which passed legislation in 1635 on the protection of animals. By this law it was prohibited to pull wool from the body of sheep and to plough with the horses. These actions were declared as cruel act on beasts. The Massachusetts Bay Colony in North America passed the first legal code in 1641 to protect domestic animals. The constitution of the colony was based on 'The Body of Liberties' by the Puritan minister, Reverend Nathaniel Ward, an English lawyer and University of Cambridge graduate. In the list of rites, Ward incorporated rite 92 which stated as follows: "No man shall exercise any Tyranny or Cruelty toward any brute Creature which are usually kept for man's use."

The animal rights movement has brought many legal changes in different countries of which notable changes occur in Switzerland. The Swiss parliament has amended its

constitution in 1992 and declared that animals are not things. It recognized animals as beings.

In 1999 New Zealand granted basic rights to five great ape species. At present the use of animals in researches, teaching or testing is forbidden in that country. This is perhaps the greatest success of the animal liberation movement.

Amongst the members of European Union, Germany is the first country which also amended its constitution and guaranteed rights to animals in 2002.

In 2005, experiment on apes was declared banned by the Australian parliament. But it allows experiment on a particular ape on the ground that if the experiment is performed for the interest of the ape itself.

From the year 2009, some countries like Bolivia declared that the use of animals in circuses is an illegal act. This standpoint was also followed by some other countries in Europe. Similarly the use of non human great apes in laboratory for research is also banned or severely restricted in some other countries.

Animal Right in India

It should be noted here that while different countries enacted laws to protect animal rights, India is not lagging behind on this issue. In 2000, Kerala High Court declared that under Article 21 of the Indian Constitution, the animals which are used in circuses have their rights and as such they should exist with dignity. The ruling of the court mentions that if human beings are allowed to enjoy rights then why should not animals. The court further urged upon us to show compassion towards all living beings and said: "It is not only our fundamental duty to show compassion to our animal friends, but also to recognize and protect their rights." Subsequently similar language has been used by other courts in India. Subsequently in 2012, painful treatment on living animals for the purpose of scientific research has been declared ban by the Government of India. It also uplifted the status of all cetaceans into non human person by its declaration made on May 17, 2013.

Critical views

So far I have delineated the problem of animal's rights from the philosophers, religions and legal points of view and found that almost all are in favour of granting rights to non human animals. But there are many others who are against the motion, of which Carl Cohen is the most well known. According to him, right holders must have the capability to make difference between the right and their own interest. Thus he says that it is only moral agents, such as human beings, to whom right should be restricted.

He further maintains that rights are 'claims' and these claims are potential in nature. Thus it will be a 'category mistake' if something is given rights but that cannot make claim of it. In narrating category mistake he says that it is a kind of error of attribution. It occurs when there arises confusions about a type of thing to which something can be attributed. So to ask the question whether animals have rights is same as to ask the question whether cells eat or humans can phagocytize because none but a multi-cellular organisms can perform the complex activity, like eating. But as cells are not multi-cellular organisms so cells cannot perform this activity.

Cohen holds the view that right and obligation are correlated which the animal rights enthusiasts have confused.

⁴The Selected writings of Friedrich Nietzsche, Wilder Publications, 21-04-2008.

Rights are potential claims which can be made by someone against another. But obligations, on the other hand, are duties which one has to perform either towards himself or towards others. Thus rights imply duties but not conversely.

There is a challenge made by the supporters of animal rights that the human infants and mentally handicapped are unable to make any claim; so how can these people deserve rights? Cohen reply is that human infants have potential for making claims. He says that *they have a realizable capability for making claims*, and thus they can have rights. Regarding mentally handicapped people his answer is that they are members of a community, viz., human beings which possess the capability of making claims. So being a part of the community, they deserve similar rights which their community enjoys. Cohen believes that speciesism is a justified differential treatment and it is very much different in kind from that of racism and sexism. His famous declaration is that "I am a speciesist. Speciesism is not merely plausible; it is essential for right conduct." (2001, 284)

R. G. Frey is another critic who put his argument against animal right. Like Peter singer he is also a preference utilitarian; but unlike Singer his conclusion is very different. His argument is based on Interest and Rights. According to him, the utilitarian did not take into account the fact that animal have any interest. He holds the view that interest grows out of desire and to have desire there must be corresponding belief in it. Again, belief requires belief about the belief which ultimately requires expressing capacity that is language. But animals do not have language, belief, desires etc. so they should not be allowed to enjoy rights.

There is another argument in favour of eating non human animals according to that, when non human animals eat each other so what wrong is there to eat them by human beings. Peter Singer claims that this objection might be called the objection of Benjamin Franklin. In his autobiography Benjamin says that he himself was a vegetarian. But one day he observes that his friends cut a fish and prepared for frying and suddenly he noticed that there is a smaller fish in the stomach of the fish which is prepared for frying. This event strikes his mind and then he convinced himself in eating fish, and began to eat.

In reply to this argument Singer says that Benjamin's justification of eating fish testifies that he is more a lover of fried fish than his rational power.

Conclusion

From the above analysis it is clear that some philosophers have adopted extreme views while some others are in middle position in connection with granting rights to non human animals. For example, Regan strongly supports animal rights but Cohen's position is extreme negative. Again, some philosophers like Peter Singer's position are moderate.

Considering all these views I think that both from the ethical and religious point of view it is not just to kill or exploit non human animals as they have all kinds of feelings like pleasure, pain, sufferings etc. Moreover, if it is believed that all things and beings are created by the almighty God then

in that case also we have no right to snatch their lives or exploit them for our enjoyment and benefit. It may be argued by the opponents that if non human animals are not killed then a day will come when they will be over numbered and capture human areas. But this is very weak argument. Nature itself is enough to maintain its own balance for which we, human beings, need not think of it. It is on the contrary that by taking lives of other animals we are disturbing the balance of nature. Understanding this truth, the different countries have enacted laws for preventing cruel and inhuman behavior of human beings upon non human animals. But mere laws of a country cannot save the lives and rights of other animals. To safeguard the rights of them it is necessary to make the people conscious about the negative effects of killing or exploiting other animals and its impact upon human society. Now-a-days there are sufficient alternatives to derive benefits which we have from other animals, so normally it is unjust to use other animals for our benefit. But if it happens that some pet animals become mad or some wild animals entered in human habitation and are disturbing, in that cases we may think otherwise.

Thus in conclusion I should say that like human beings non human animals are also endowed with sensibility. They have the feelings of pleasure and pain. Hence, they should be allowed to enjoy natural rights. Although they are unable to exert all the rights that human beings enjoy, they should at least be allowed to enjoy the right to life.

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