

Tom Regan, *All That Dwell Therein: Essays on Animal Rights and Environmental Ethics* (Berkeley: University of California Press, 1982)

{A Second Opinion}

This is a book of ten essays, more than half previously published in philosophy journals, but it nevertheless forms a coherent whole and pays reading straight through. Each essay is preceded by an introduction written for this volume, which helpfully places the essay in context and cites articles critical of it that have been published. Professor Regan is an extremely precise and lucid writer. He describes his style in one essay as "G.E. Moorish," and this description may to some extent be applied to all the book's most significant philosophical essays. Some of the other essays, which were written for lay audiences, are lighter, and one is even moving in its description of specific animal abuses.

Professor Regan's aim in these essays is to establish the concept of animal rights as the basis of our moral obligation not to inflict unnecessary suffering and death upon animals. He argues that utilitarianism is inadequate for this purpose because it on occasion permits treatment of animals that violates our intuitive notions of morality. Essentially, this is because utilitarianism allows suffering and death to be inflicted on animals whenever the resulting benefits even slightly outweigh the suffering and death. The concept of animal rights, on the other hand, Regan argues, would preclude the infliction of suffering and death on animals except possibly when the resulting benefits vastly outweigh the harm. In addition, the calculations

required by utilitarianism are often difficult, if not impossible, to make.

Regan's essential thesis is that it is reasonable to believe that all humans have certain natural rights, and that, if they do, the grounds upon which they do entail that at least some animals also have these rights. (The term "all humans" should be understood to exclude those who are irreversibly comatose.) Regan employs (and refines) the so-called argument from marginal cases, marginal cases being severely retarded and other "non-paradigmatic" human beings. The argument essentially is that if all humans have certain natural rights, these must stem from something in the nature of all humans. Qualities such as rationality and language are not possessed by all humans, so cannot serve as a basis for natural rights for all humans. Other qualities, such as having interests and having intrinsic worth, are possessed by all humans, so may furnish a foundation for human rights. Now, although animals generally do not have rationality and language, they generally do have interests and intrinsic worth. Therefore, the qualities adequate to furnish a basis for natural rights for humans also establish the same natural rights for animals.

In short, there are no morally relevant differences between the severely retarded and animals. This, of course, leaves us the option to treat the severely retarded the way we currently treat animals (eat them, shoot them for sport, etc.), but Regan is counting on our not embracing this option.

Regan's case for animal rights is presented primarily in two of the essays in this book, "The Moral Basis of Vegetarianism," and "An Examination and Defense of One Argument

Concerning Animal Rights." In the first essay, which was written earlier, Regan argues that meat-eating is wrong because it ordinarily results in the violation of two natural rights that, if possessed by all humans, are also possessed by at least some animals. The first is the equal natural right to be spared undeserved pain, which derives from the fact that all humans and at least some animals have interests. The second is the equal natural right to life, which derives from the fact that all humans and at least some animals have intrinsic worth. Thus, Regan argues, if we agree that, based on their having interests, all humans have a right to be spared undeserved pain, then we must agree that at least some animals, since they also have interests, have the same right. Similarly, if we agree that, based on their intrinsic worth, all humans have a right to life, then we must grant the same right to animals with intrinsic worth.

In the later essay, "An Examination and Defense of One Argument Concerning Animal Rights," Regan drops the qualities of having interests and intrinsic worth as a basis for rights and relies solely upon the quality of having inherent value. He also does not specify the particular rights that derive from having inherent value, except to say that they are basic moral rights. He does, however, suggest that one may be the right not to be made to suffer gratuitously. Presumably another may be the right to life, and, since the right not to be made to suffer gratuitously sounds the same as the right to be spared undeserved suffering, it appears that Regan probably still accepts the two rights for which he argued in the first essay. He has, however, altered their foundation, to which we will return later. In summary, the natural rights Regan asserts and their foundations appear to be as follows:

ESSAY	RIGHT	FOUNDATION
"The Moral Basis of Vegetarianism"	to be spared undeserved suffering to life	having interests intrinsic worth
"An Examination and Defense of One Argument Concerning Animal Rights"	basic moral rights	inherent value

Peter Singer, in *Animal Liberation* and in *Practical Ethics*, also relied upon the argument from marginal cases, but, as a utilitarian, he did not posit rights. Rather, he argued that all sentient humans and animals, on the basis of their sentience, are entitled to have their interests weighed equally when one determines the morality of an act that affects them. Why doesn't Regan use sentience, instead of the more complicated notions of having interests, intrinsic worth, and inherent value, to establish animal rights? In the case of the right to life, sentience clearly does not supply an adequate basis because life can be taken painlessly. Singer in fact concedes that meat-eating is not immoral under some circumstances if an animal is permitted to live a normal life and is killed painlessly.

In the case of the right to be spared undeserved suffering (or not to be made to suffer gratuitously), it seems that sentience might suffice as a foundation. But here we must first consider Regan's use of the concepts he prefers: "interests," "intrinsic worth," and "inherent value." In "The Moral Basis of Vegetarianism," Regan defines interests to include such items as "liking-disliking, loving-hating, hoping-fearing, desiring-avoiding" (p. 14). Here Regan seems

to be on shaky ground. He is lumping together states of mind of varying levels of sophistication, and it is controversial which ones animals possess. Animals' rights, it is hoped, do not depend on the extent to which animals have the states of mind that Regan defines as constituting "interests." Of course, Regan could reduce these states of mind to forms of feeling pleasure and pain, but then he would be equating "having interests" with sentience. Regan, however, apparently does not consider sentience an adequate foundation for the right to be spared undeserved suffering. Perhaps this is because he wants to avoid saying that animals have a right to be spared undeserved pain because it is undeserved and painful. But this seems the only alternative unless he is prepared to prove that animals have relative sophisticated states of consciousness.

As for the foundation, in "The Moral Basis of Vegetarianism," of the right to life, Regan identifies the notion of "intrinsic worth" with existing as an end in oneself. A person is an end in himself if he has "various positive interests, such as desires, goals, hopes, preferences and the like" (p. 30). The right to life derives from the fact that these interests cannot be satisfied if one is

dead. Here again Regan is lumping varying states of consciousness together, and the degree to which animals have these states seems quite controversial. But, here, reducing these states of mind to sentience clearly will not do, because the right Regan is attempting to derive from "intrinsic worth" is the right to life, and lives, as noted, can be taken without the victims' suffering. Therefore, it appears that unless Regan can prove that animals have relatively sophisticated states of consciousness, he has not shown that animals have a right to life.

In "An Examination and Defense of One Argument Concerning Animal Rights," Regan derives basic moral rights from inherent value. For an individual to have inherent value, he says, is to have value logically independent of any other being's happening to take an interest in or otherwise valuing the individual. An individual's inherent value, Regan claims, does not stem from sentience or from having interests; rather, it stems from the fact that certain forms of life are better or worse for the individual whose life it is, as opposed to anyone else. Regan suggests that all humans who are not irreversibly comatose have lives that can be better or worse for them, and therefore have inherent value. If this is the case, then the argument from marginal cases proves that at least some animals also have inherent value.

A problem with this line of reasoning is that to say that an individual has a life that is better or worse for the particular individual seems to be reducible to saying that the individual

is sentient. To say that a non-sentient being, such as a plant or an irreversibly comatose human, has a life that can be better or worse for itself, would be to remove all meaning from the words "for itself." All a plant has is a life, and what distinguishes it from a being that might be said to have a life for itself is that the plant lacks sentience. We therefore are in the same position with "inherent value" as we were with "having interests" and "intrinsic worth." The only state of mind that no reasonable person can deny that most animals have is sentience, and it is difficult, Regan believes, to establish rights based on sentience.

It is difficult to establish rights based on sentience, but it is also difficult to establish rights based on qualities that only humans, or primarily humans, possess. Therefore, whether, if humans have natural rights, then animals have them, may be a moot question. Establishing animals' rights, however, would be very desirable, because of the serious problems with utilitarianism, both in its application and results. It is therefore not intended to denigrate Regan's efforts by noting some of the problems in his attempts to establish animals' rights. This book undoubtedly represents the most significant sustained attempt that has occurred, and if it has not completely succeeded, this may be because its goal is unattainable. At the very least it should provide a valuable focal point for future consideration of the subject, and should take its place alongside Peter Singer's works as the most important and original in the field.