

Tom Regan, *The Case for Animal Rights*,
Berkeley and Los Angeles: University of California Press
1983, pp. xvii + 425

The blurb on the dust jacket of Tom Regan's *The Case for Animal Rights* claims that the book "is destined to become a 'modern classic' in the field of ethics, alongside Rawls's *A Theory of Justice* and Nozick's *Anarchy, State and Utopia*." I took this with a large grain of salt, but I lost my scepticism as I read the book and realized that Regan was offering a remarkable, full-blown theory of rights, covering humans and animals. I won't be so bold as to predict that it will have the impact of *A Theory of*

Justice, but it would certainly be a pity if it were read only by those interested in animal rights. *The Case for Animal Rights* is a major contribution to moral philosophy generally and to the animal rights movement in particular, the latter because it is by far the most ambitious work in the field and because philosophers who read it will no longer be able to ignore animal rights, as Rawls did in *A Theory of Justice*.

Regan's theory of rights is not

simple, although it is expressed in eminently precise and lucid language. It makes the case for animal rights without appeal to emotion, and does not discuss specific injustices to animals until the final chapter, after the theory has been delineated. Because of its complexity and strict adherence to reasoned argument, it will not replace Peter Singer's *Animal Liberation* as the best book for introducing non-philosophers to the cause of animal rights (notwithstanding Regan's devastating critique of Singer's utilitarian philosophy).

Here are the bare bones of Regan's case for animal rights. (Regan argues for each step in detail, with counterarguments presented and refuted; what follows are only his major conclusions.) Animals -- at least normal mammals aged one year or more -- are conscious and exhibit perception, memory, desires, beliefs, self-consciousness, intentions, and a sense of the future. Possession of these attributes makes an animal the subject-of-a-life, and Regan postulates that every subject-of-a-life has inherent value. This means that it has a value that is independent of its utility to anyone else and of the quality of its experiences. Although the inherent value of subjects-of-a-life is a postulate, Regan does not adopt it arbitrarily; rather, he defends it on the ground that without it, we could not account for our intuitive beliefs about when it is wrong to harm individuals.

Regan, furthermore, argues that all subjects-of-a-life have equal inherent value. This does not mean, as one might suppose, that, if faced with the choice of saving a drowning human or a drowning dog, one should flip a coin. As will be discussed below, Regan thinks that in most cases we should choose the human. Rather, to have equal inherent value means every individual's inherent

value must be respected by all moral agents regardless of the consequences. This, of course, is contrary to the utilitarian view, which would permit individual interests to be overridden in the interests of the overall good.

The principle that moral agents must respect every individual's inherent value regardless of the consequences is Regan's "respect principle" -- his sole categorical principle. This principle implies that individuals with inherent value have a valid claim, and hence a right, to respectful treatment -- a right that is independent of an individual's voluntary acts and of his position within any institutional arrangement.

From the respect principle Regan derives four other principles: the harm principle, which is the prima facie direct duty not to harm anyone with inherent value; the minimize overriding ("miniride") principle, which is that, special considerations aside, when we must choose between overriding the rights of the innocent many or the innocent few, and each affected individual will be affected in a comparable way, then we should override the rights of the few; the worse-off principle, which is that, special considerations aside, when we must choose between overriding the rights of the innocent many or the innocent few, and the harm faced by the few would make them worse-off than *any* of the many would be if any other option were chosen, we should override the rights of the many; and the liberty principle, which is that, provided all those involved are treated with respect, and assuming that no special considerations obtain, any innocent individual has the right to act to avoid being made worse-off even if doing so harms other innocents.

As an example of the application of

the miniride principle, Regan argues that, if faced with a choice of saving fifty trapped miners or one trapped miner, we have an obligation to save the fifty because the death of all would be a comparable harm, and the miniride principle requires that in such circumstances we save the many. As an example of the application of the worse-off principle, Regan argues that (here I am changing the hypothetical slightly), if faced with a choice of saving the lives of one normal adult human or any number of animals, we should save the human on the ground that a human's death would be an incomparably greater harm to him than the death of any one of the animals would be to it. The reason the human's death would be a greater harm is that "the magnitude of the harm that death is, is a function of the number and variety of opportunities for satisfaction it forecloses" (p. 314). This point raises several questions that Regan does not adequately address.

First, how do we compare the opportunities for flying under one's own power or living underwater with experiences that normal humans have? As Thomas Nagel asked in a famous philosophy article, "What is it like to be a bat?" It sounds as if Regan believes that all subjects-of-a-life have equal inherent value, but some are more equal than others. Admittedly, it is intuitive to conclude that the life of a human is worth more than that of an animal, but to whom is it intuitive? To humans, of course.

Second, who is not a normal human being? Presumably Regan has in mind the severely retarded or senile, but what about a quadriplegic but mentally normal human: should he be saved rather than any number of animals? His variety of opportunities for satisfaction is surely diminished, but how does one weigh the satisfactions foreclosed by a human's physical

handicap against those foreclosed by an animal's natural mental limitations?

Third, doesn't computing potential satisfactions to determine rights smack of utilitarianism, even if aggregating is not permitted? Perhaps what should be computed is the potential life expectancy of each individual, or, to avoid favoring humans and tortoises, the percentage of an individual's life that remains to be lived.

Fourth, even if we compare potential satisfactions that would be foreclosed, are these not in part a function of age? Regan briefly acknowledges that age is significant (p. 303), but provides no guidance for considering it. What if the human is ninety (but not senile) and each animal is young and healthy? This question also arises when the choice is to save one human or fifty humans. Under the miniride principle, assuming comparable harms, the fifty should be saved. But are the harms comparable if each of the fifty has a life expectancy of six years and the one has a life expectancy of sixty years?

There is one other conclusion that Regan defends too cursorily; it is that the respect principle imposes on all moral agents "the prima facie duty to assist those who are the victims of injustice at the hands of others" (p. 249). The existence of this duty leads Regan to contend that merely to become a vegetarian but not to work to change the opinion of others "is to become part of the problem rather than part of the solution" (p. 353). This is counterintuitive, at least to this reviewer, and might be taken as rhetorical except that *The Case for Animal Rights* contains no other semblance of rhetoric. How much of one's life must be devoted to fighting against injustices committed by others? Utilitarians, of course, face this problem too.

I hope that the questions I have raised will be understood as an invitation to Regan and others to clarify the case for animal rights, and not as questioning the value of Regan's book or even, necessarily, the validity of

the principles he expounds. *The Case for Animal Rights* is beyond question the most important philosophical contribution to animal rights and is a major work in moral philosophy.

Henry Cohen

Legislative Attorney, Congressional Research Service,
Library of Congress.

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represent those of anyone but the author.