
(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 some-
thing in the nature of all humans.
Qualities such as rationality and lan-
guage are not possessed by all
humans, so cannot serve as a basis
for natural rights for all humans.
Other qualities, such as having inter-
est and having intrinsic worth, are
possessed by all humans, so may fur-
nish 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 qual-
ities adequate to furnish a basis for
natural rights for humans also estab-
lish the same natural rights for ani-
mals.

In short, there are no morally re-
levant 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 embrac-
ing 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 Examina-
tion 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 ani-
mals. 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 ani-
mals with intrinsic worth.

In the later essay, "An Examination
and Defense of One Argument Con-
cerning 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 unde-
served 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 natu-
ral rights Regan asserts and their
foundations appear to be as follows:
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.

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