

Point / Counterpoint

POINT

By Tom Regan and
Gary Francione

A Movement's Means Create Its Ends

Many animal advocates hold that there really is no difference between animal welfare and animal rights. Others claim that while there is a difference, advancing animal welfare is a necessary prerequisite to advancing animal rights. Given either assumption, many conscientious activists conclude that we must support welfarist means in our march toward animal rights ends.

We believe these views are mistaken. Not only are the philosophies of animal rights and animal welfare separated by irreconcilable differences, and not only are the practical reforms grounded in animal welfare morally at odds with those sanctioned by the philosophy of animal rights, but also the enactment of animal welfare measures actually impedes the achievement of animal rights.

We emphasize at the outset that we do not intend to be critical of past activities of the movement or of the admirable efforts of individuals to end animal suffering. Rather, we are discussing the *future* direction of the movement as a matter of movement policy, and the campaigns chosen by the movement pursuant to that policy.

Fundamental differences

There are fundamental and profound differences between the philosophy of animal welfare and that of animal rights. Animal rights philosophy rests on the recognition of the moral inviolability of the individual, both human and nonhuman. Just as people of color do not exist as resources for whites, or women for men, so other animals do not exist as resources for human beings. The goal of the animal rights movement is nothing less than the *total* liberation of nonhuman animals from human tyranny.

No one who accepts the philosophy of animal rights would be satisfied with a continuation of our society's rapacious consumption of farm animals, for example, even if these animals were raised in an ecologically sustainable fashion, and were transported and slaughtered "humanely." Animal welfarists, by contrast, are committed to the pursuit of "gentle usage." They believe it morally permissible to use nonhumans for human benefit, but think humans should try to "minimize" suffering. Thus, whereas welfarists seek to *reform* current practices of animal exploitation, while retaining such exploitation in principle, rights advocates oppose all such exploitation in principle and seek to *abolish* all such exploitation in practice.

Recognition of the moral inviolability of individual animals not only helps shape the ends that the animal rights movement seeks, it should also help articulate the morally acceptable means that may be used. And this is important. Many animal rights people who disavow the philosophy of animal welfare believe they can consistently support reformist means to abolition ends. This view is mistaken, we believe, for moral, practical, and conceptual reasons.

Moral concerns

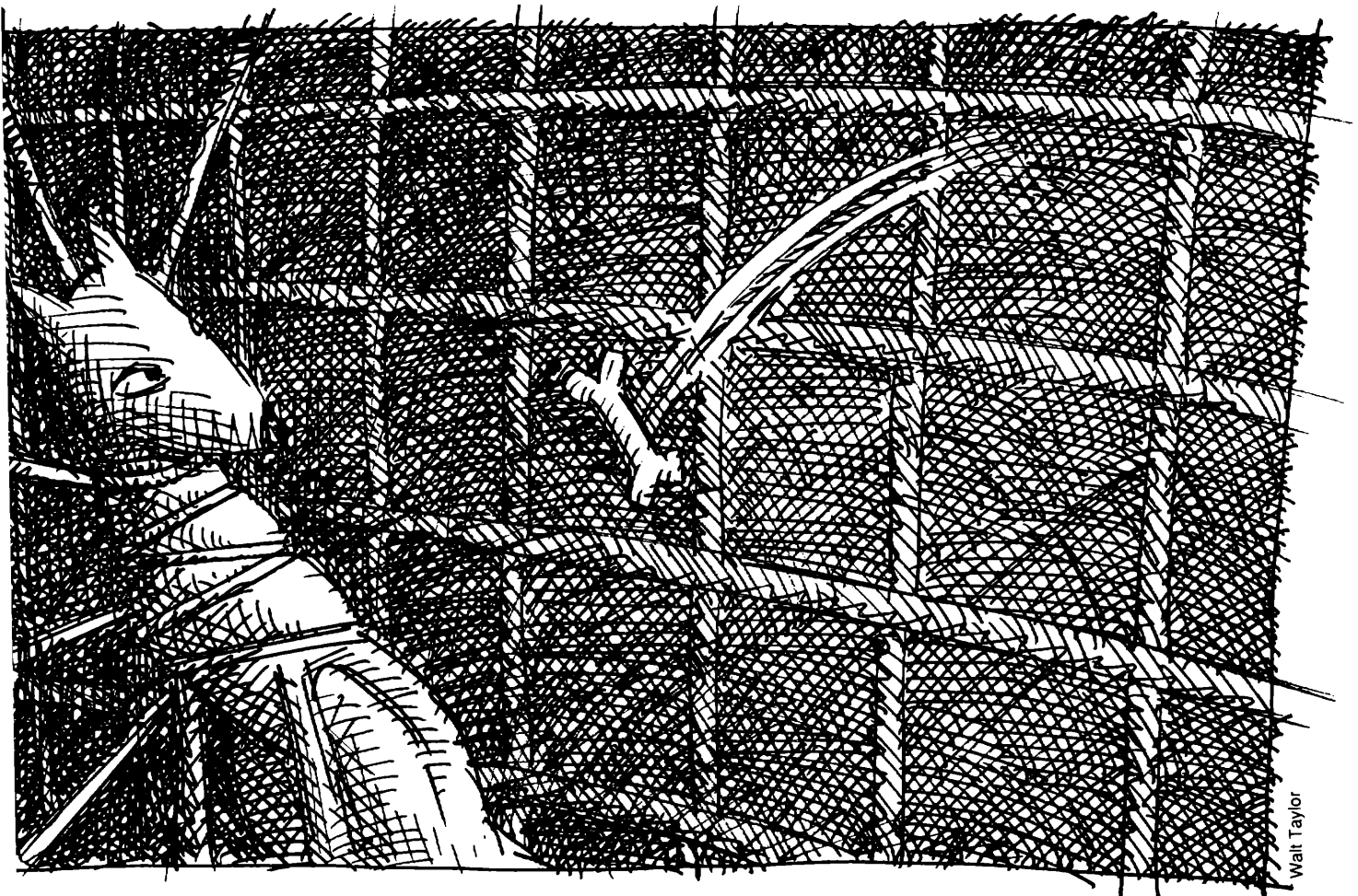
The view that animal welfare means can be used to achieve animal rights ends rests on unsupported, implausible speculation about the future. For example, why should we believe that making "animal model" research more "humane" will persuade people in the future to stop using nonhuman animals in research? Why not draw the *opposite* conclusion—namely, that the "humane" exploitation of nonhuman animals will lead to the *indefinite perpetuation* of such exploitation? By analogy, why think that permitting "gentler" rape or "more humane" slavery would lead to the absolute prohibition against rape and the total abolition of slavery? Clearly, when so much depends upon beliefs about the future, a minimal respect for rationality demands more than a minimal amount of empirical support. The thesis that reformist means will lead to abolitionist ends is entirely lacking in just such support.

More than troubling, a reformist response to animal oppression is morally inconsistent with the philosophy of animal rights. Advocates of this philosophy must reject the idea that the end justifies the means; thus, they must refuse to support the institutionalized exploitation of *some* nonhuman animals *today*, no matter how "humane," in the hope that *other* animals will benefit in the *future*. Since reformist measures *necessarily* authorize such exploitation (this is true by definition), consistent animal rights advocates cannot support them.

Practical concerns

The belief that making animal exploitation more "humane" through legislation now will help end it in the future is mistaken for a second reason: the real world doesn't work that way. For an example we need look no further than the federal Animal Welfare Act. Many of the supporters of the 1985 amendments to the AWA argued that they were simply one step in the struggle to end vivisection.

It is clear in hindsight that these expectations have remained miserably unfulfilled. Rather than hastening the demise of vivisection, the amendments fortified it through explicit Congressional recognition of its legitimacy, and gave vivisection an ostensibly strong law to point to when questioned about abuse of animals in laboratories. For example, in a recent *New England Journal of Medicine* article, vivisectionists, pointing to the AWA and its amendments, state that the public need not be concerned about the treatment of animals because "[t]here are stringent regulations, [which] carry the force of federal law, governing the care and use of animals in medical research." What the authors do not point out—and what the American public does not know—is that the AWA prohibits "unnecessary" animal suffering, but *leaves to the exclusive*



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discretion of vivisectors the determination of what constitutes "necessity."

Moreover, as a result of the amendments, which require that each research facility have an Institutional Animal Care and Use Committee, vivisectors now argue that the committees provide animals protection equivalent to that provided by human experimentation review committees. What the vivisectors do not mention, however, is that human experimentation requires the *informed consent* of the human subject—a crucial concept that cannot be applied in the context of animal experimentation—and that these committees are composed almost exclusively of other vivisectors who for the most part "rubber stamp" what the vivisector wants.

Small wonder, then, that many activists who worked for the 1985 amendments to the AWA now realize that the AWA serves as a most convenient tool in the biomedical industry's bag of public relations tricks.

We should add that animal rights advocates who support animal welfare means are playing into the hands of the biomedical establishment's current strategy of portraying this "temporary" acceptance of animal welfare as proof of the "dishonesty" of the animal rights movement. In a recently published article, Patrick Concannon of Cornell Veterinary School argues that animal rights advocates often support welfarist reforms, but "are not bound by any moral requirement to be truthful about their ultimate goals and intentions." The animal rights movement must be careful to ensure that these untruths do not succeed in creating an impression of the movement as dishonest in any sense.

Conceptual concerns

The belief that animal welfare reforms advance the cause of animal rights is also mistaken conceptually. As long as humans have rights and nonhumans do not, as is the case in the welfarist framework, then nonhumans will virtually always lose when their interests conflict with human interests.

Thus welfare reforms, by their very nature, can only serve to retard the pace at which animal rights goals are achieved.

In order to understand this point, we need to remind ourselves of the nature of rights. In the ordinary course, rights are not subject to violation simply because others will benefit from that violation. For example, under the U.S. Constitution, people enjoy a right to liberty that may not be violated without due process. This right, among others, prevents people from being used in biomedical experiments against their will—even when such use would produce substantial benefits for many other people. The whole purpose of a right is to act as a *barrier* of sorts between the rightholder and everyone else.

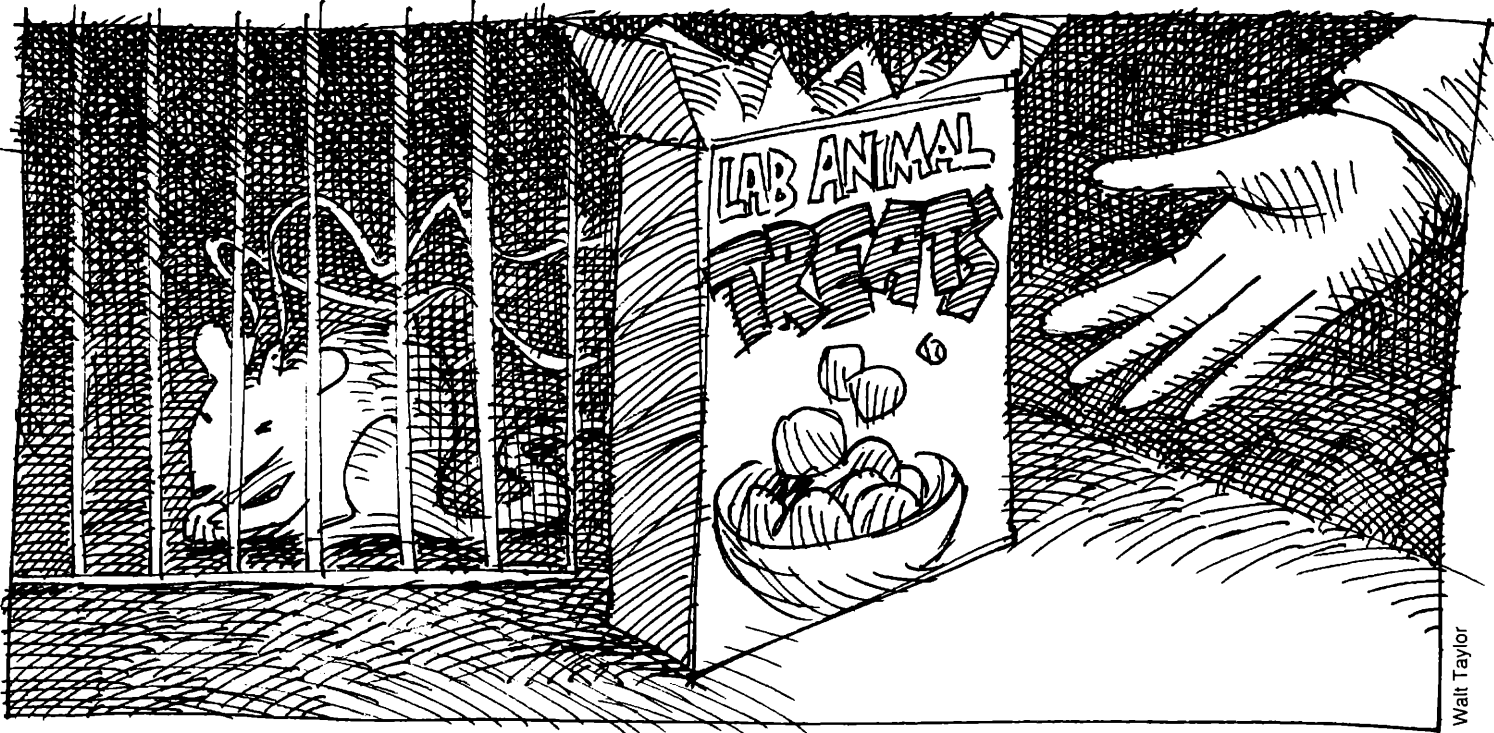
In our society at the present time, and indefinitely into the future under the welfarist framework, only people have rights enforceable by law. Animals are regarded as the *property* of humans, and rather than having rights, animals are almost always regarded as the *object* of the exercise of rights on the part of humans. When we confront a situation in which human and nonhuman interests conflict, we should attempt to balance those interests, but, under the animal welfare framework, we balance two very dissimilar interests: the interest of the nonhuman animal, who is regarded as property and the object of the exercise of human rights (usually property rights), against the interest of the human rightholder. And the animal is almost always bound to lose because by weighing the human right so heavily, a presumption in favor of exploitation is created.

Thus the moral framework established by the animal welfare philosophy guarantees that nonhuman animals will almost always lose when their interests are balanced against the claims of human rights. This moral framework can only serve to impede animal rights.

Animal rights activism

Many animal advocates will agree with us up to this point, but will then make the familiar charge: "We cannot end animal

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exploitation overnight. We must take things one step at a time, and we must be content with the reform of the system. The abolitionist philosophy would have us do nothing, and we need to do something."

This charge rests on a misunderstanding. It is perfectly consistent with the philosophy of animal rights to take a gradual approach to end animal exploitation. It is just that the steps that need to be taken must themselves be abolitionist in nature.

What would such abolitionist steps be like? Here are only a few examples: an end to the Draize, LD50, and all other toxicity and irritancy tests; an end to the use of animals in product testing; an end to the use of animals in maternal deprivation, military, and drug addiction experiments; an end to commercial whaling; an end to the killing of elephants, rhinos, and other "big game"; and an end to the commerce in fur.

As far as the billions of animals used for food are concerned, the abolitionist means is found in education. Those who advocate animal rights must seize the vegan initiative that contemporary society, for a variety of reasons, presents to them. Americans are, in unprecedented numbers, prepared to stop eating nonhuman animals and animal byproducts, and the advocates of animal rights should direct their time and effort to getting those ranks to swell through education and rational persuasion. A "No veal at any meal" campaign, not "Eat happy veal raised in larger social units," is the realistic abolitionist place to begin.

Abolitionist philosophy divisive?

Some activists might object that the demand for abolitionist "purity" will "divide" the animal rights movement and thereby slow its progress. Some have even gone so far as to denigrate the philosophy, which we along with many thousands of grassroots activists espouse, as the "new fundamentalism." This is, in our view, an unfair, harmful perjury of a serious, well-developed philosophy, and represents the type of rhetorical excess activists have learned to expect from image-makers in the employ of the American Medical Association or the American Farm Bureau, but not from persons committed to working to advance the struggle for animal rights. These issues to one side, we believe that a clearer understanding of the two philosophies—animal rights and animal welfare—coupled with the determination to work for abolitionist means to abolitionist ends, does not divide people otherwise united by their commitment to animal rights; rather, it serves to clarify

whether any unity exists in the first place.

The acceptance of our position does not mean that animal advocates—whether adherents of animal rights or animal welfare, or others—must be at constant war with one another, or that those who advocate animal rights should strike a "holier than thou" pose. There is plenty of room for justified humility by everyone, plenty of opportunities for displaying tolerance and patience toward people who are just beginning to think about the issues, and plenty of occasions calling for cooperation among the partisans of conflicting philosophies, from educating the public about how badly other animals are treated, to joining forces on specific actions, such as the Hegin's pigeon shoot, opposition to particularly egregious research, students rights in the classroom, and anti-fur campaigns. But it is our view that animal *rights* organizations should pursue animal *rights* campaigns, and not spend their human and economic resources on projects that seek to promote the welfare but do not vindicate the rights of nonhumans.

The purpose of our remarks is not intended in any way to disparage the efforts of people who perform acts of kindness toward animals. People can clearly help animals even though they do not share the rights perspective. We are talking here about the future direction of the animal rights movement, and although we value those individual acts of kindness that result in the amelioration of animal suffering, the movement simply cannot afford to formulate its philosophies, policies, strategies, and campaigns so that everyone who has any concern for animals will be able to agree on the principles informing and directing the movement. To do so would be to adopt views that are so broad as to be meaningless, and that would frustrate, rather than forward, the achievement of animal rights goals.

There will always be organizations espousing a moderate welfarist message, whose primary aim will be attracting those people who have a genuine concern for animals but who, for whatever reason, do not accept the rights position. Those organizations serve a valuable role in providing a niche for such people, who often evolve to accept a rights approach. Those groups, however, are not animal *rights* organizations, and indeed they often quite explicitly disavow the rights position. Over the past several years, some groups that once advocated animal rights appear to have backed away from that position, claiming that they must have a position that will be comfortable for everyone who wants to help animals. But no organization can be all things to all people; indeed, advocating an approach that everyone can live with is substantially certain to result in a position that will appeal to the lowest common denominator, and that will ensure that animal rights will remain an unattainable ideal.

The larger social context

The philosophy of animal rights views the systematic exploitation of animals as a symptom of a society that tolerates the systematic exploitation of "the other," including those human "others" who lack the economic and other means to resist oppression. Thus, the philosophy of animal rights necessarily calls for human, not only animal, liberation; by contrast, the philosophy of animal welfare neither addresses nor advocates why and how justice for humans is to be achieved.

The philosophy of animal rights is an inclusive philosophy. Rights for nonhumans only make sense if we accept the total inclusion of our human sisters and brothers as full and equal members of the extended human family, without regard to race, sex, economic status, religious persuasion, disability, or sexual

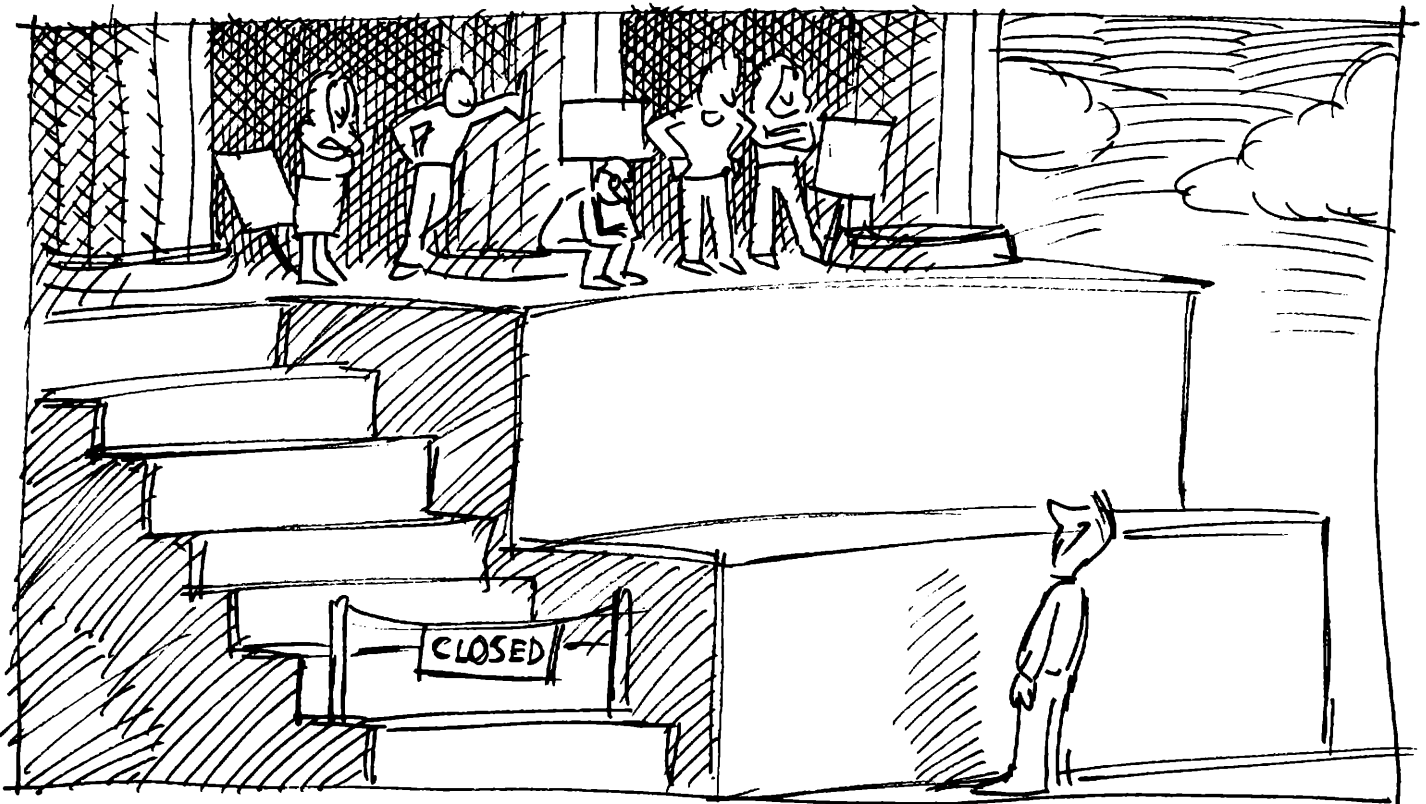
preference. Thus the philosophy of animal rights entails far reaching social change. Animal liberation is human liberation. The philosophy of animal rights illuminates why this is. But it is no less true that human liberation is animal liberation. To believe in and work for our oppressed and exploited brothers and sisters in fur and feather and fin commits animal rights activists to believing in and working for our oppressed brothers and sisters in human flesh. Perhaps our movement has not yet arrived at this degree of inclusion, but in our view, such inclusion is the goal to which our movement must aspire.

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COUNTERPOINT

By Ingrid Newkirk

Total Victory, Like Checkmate, Cannot Be Achieved in One Move



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With only an idea of what the "Point" piece will say (it was not available for me to see), I doubt my commentary can fairly be called a "Counterpoint," because, like Tom and Gary, I hold dear the vision of a world in which other-than-human beings are respected to the fullest.

This is a most unrealistic view, of course, because no one has yet been able to reason, bully, or cajole human beings out of warmongering against one another, or even stealing from, cheating, and undercutting their own friends and relatives. (Take, for example, the pettiness of group rivalries, and the energy wasted arguing over

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