

Narveson on Egoism And the Rights of Animals

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Jan Narveson has rendered a valuable service with his examination of two recent publications on the general topic of the treatment of animals.¹ Not only has he given us the means for securing a better understanding of many of the most important arguments common to these two volumes; what is more, he has advanced a position which fails to receive any attention in either, and a position which, should it happen to be correct, would fatally undermine perhaps the most basic thesis advanced by those who argue for the rights of animals—the thesis, namely, that we have as much reason for believing that many animals have rights as we have for believing that humans do. Narveson's position is that this thesis can be seen to be false, if, as he thinks may be the case, egoism can give us a "coherent and quite theoretically smooth account of our moral intuitions" (p. 178). In what follows I shall first briefly summarize Narveson's own brief explanation of how he thinks egoism provides us with a theory of morality, including a theory of rights; then I shall indicate why I think he is mistaken and set forth what the implications of correcting his mistake seem to be for the question of whether animals have rights. I

1 Jan Narveson "Animal Rights", pp. 161-78 of this issue. The two books Narveson examines are *Animal Rights and Human Obligations*. Edited by Tom Regan and Peter Singer (Englewood Cliffs, New Jersey: Prentice-Hall) 1976; and *Animal Liberation*. By Peter Singer (New York: Random House) 1975. Hereafter page references to Narveson's essay are given in parentheses in the body of my paper.

shall leave for some other possible occasion the critical examination of the many other important questions Narveson's essay inspires.

On Narveson's version of egoism, which he calls "rational egoism," "every rational being attempts to maximize its utilities, whatever they may be, that is, to satisfy *its* desires, interests, etc." (p. 176). As a consequence of adopting this stance, according to Narveson, the individual rational egoist sees the need to enter into an agreement with other rational egoist on "a set of restrictions on (everyone's) behavior" (*ibid.*), because to do so helps the individual egoist maximize his utilities. Narveson would have us believe that this set of restrictions represents what we presently mean by "morality." Rights, too, have their basis in self-interest, according to Narveson. "[T]o talk of rights," he says (p. 176), "...is to talk of the basis of claims which we have self-interested reason to make and *do* make, to varying degrees." As for why other rational egoists should recognize the claims made by an individual egoist, this is, as one might suspect, because it is supposedly in their rational self-interest to do so: "[T]hey have an interest in our respecting them in their case, an interest which rationally induces them to close the deal, as it were, and commit themselves to paying the price of respecting them in our case" (p. 177).

A consequence of Narveson's position is that beings which are unable to enter into agreements, make self-interested claims and, once having made them, bring appropriate pressure to bear to see that they are acknowledged by others, cannot possibly have rights. Now, since animals, according to Narveson, fail to meet these requirements, they fail to qualify as possessors of rights. More than this, Narveson thinks they fail to be protected by the restrictions which comprise morality. As Narveson states (p. 178), "[T]his perspective" — i.e., rational egoism — "puts animals out of reach of morality without at all denying that they are capable of suffering, etc. Instead, it provides the basis for a frank, and of course heartless, rejection of the *relevance* of their sufferings." And if we ask why, viewed from the perspective of the rational egoist, the suffering of animals is not relevant, the answer is: Because taking their suffering into account, viewing it as relevant, does not help to maximize the egoist's utilities.

Now, there is a familiar objection that can be raised against Narveson's position as it relates to rights. This is that in setting forth conditions that exclude animals as possessors of rights he simultaneously manages to exclude many human beings also. Children and the severely mentally enfeebled, for example, would seem to be excluded, since both seem to lack the sort of "rational equipment" Narveson thinks is necessary for possessing rights. Since, however, these humans, and not just the ones who happen to have the right sort of "rational equipment" have certain rights—e.g., the right

to be spared gratuitous suffering—Narveson’s egoistic basis for rights must be rejected.

Narveson is not unaware that this sort of challenge will be forthcoming—(indeed, he dubs the type of argument of which the preceding is a token, “The Argument from Marginal Cases”)—and he thinks it can be met without abandoning egoism. This he endeavors to show by allowing that morons and children fail to possess rights while insisting that the problems that arise when rights are denied to them are not fatal to egoism. For though they are like animals in that they lack rights, these humans are unlike them, Narveson believes, in that their interests are protected by the “restrictions” which have their basis in the self interest of rational egoists. “[T]here are,” Narveson writes (p. 177),

reasons of a straightforward kind for extending the ambit of morality to infants and morons, etc. We want to extend it to children because most of us want to have our own children protected, etc., and have really nothing to gain from being permitted to invade the children of others; we have an interest in the children of others being properly cared for, because we don’t want them growing up criminals or delinquents, etc. (and we do want them to be interesting and useful people). And we shall want the feeble-minded generally respected because we ourselves might become so, as well as out of respect for their rational relatives who have a sentimental interest in these cases.

How adequate is Narveson’s position? Not very, I think. I shall try to make this clear by concentrating on how morons, or, to speak more precisely, how some morons could fare, given Narveson’s account of rational egoism. What I shall argue is that rational egoism could sanction our treating some morons in flagrantly immoral ways.

One feature of Narveson’s account of egoism is his belief that not all human beings are capable of entering into the sort of agreements the results of which he would have us identify with the rules of morality. A newly born baby, for example, cannot do so. To enter into such agreements requires a degree of physical, mental and emotional maturity which the very young have yet to reach. At what point, exactly, a growing child reaches the requisite degree of maturity, that may well be impossible to say, but it seems safe to assume that a child of one year or less has not reached it.

Now, there are, Narveson thinks, a number of reasons why the interests of a normal child of this age should be protected. These are given in the longish quote above. Here, however, let us ask why the interests of a child of this age should be protected, if the child happens to be very severely and irreversibly mentally enfeebled—a moron. One of the reasons Narveson gives is that “we ourselves might become (mentally enfeebled),” and thus we ourselves will have an interest in insuring that the interests of the mentally enfeebled are protected. But

who is this “we” that Narveson refers to? It can only be the rational egoists, those human beings, in other words, who have reached a level of maturity that enables them to determine what is in their self-interest, all considered, and enter into advantageous agreements. Suppose we grant that it would not be in the self-interest of a rational egoist to reach an agreement whereby his interests would not be protected, if he should happen to become moronic. Then we can ask whether this fact provides us, as rational egoists, with a reason for protecting the interests of morons aged one year or less.

The answer is, no. For no rational egoist *could possibly* be acting in a way that was contrary to his interest in being treated well, if he should end up being moronic, if he entered into the following agreement (and if we assume that the agreements egoists reach are kept): Human beings who, *after* they have reached a level of maturity sufficient to reach agreements based upon one’s self-interest, shall have their interests protected if they subsequently become moronic, whereas this protection shall not be extended to those human beings (e.g., morons of one year or less) who are or become moronic *before* they are sufficiently mature to enter into agreements based upon what’s in their self-interest. To enter into this agreement, as I say, cannot possibly be contrary to the rational egoist’s interest in having *his* interests protected, if *he* should happen to become moronic (and assuming such agreements are honored), since his ability to enter into this agreement insures that *he already is one* of those humans whose interests are to be protected by the terms of the agreement. *He* stands to gain a good deal of insurance, as it were, at very little cost; and the fact that, say, the congenitally moronic stand to lose a great deal need not sway either his reason or his conscience; it need not sway his reason, since there is nothing *logically* inconsistent in protecting the interests of those morons who once were capable of entering into self-interested agreements while failing to protect the interests of those morons who never were able to do this; and it need not sway his conscience since, given that he is an egoist, what he ought to do is just what he is trying to do—namely, reach an agreement that favors the maximizing of *his* utilities. If, then, rational egoism is to provide a basis for protecting the interests of very young morons, the grounds for this protection must be sought in some place other than in the egoist’s interest in seeing that *he* is treated well, that *his* interests are protected, if *he* should happen to become moronic at some later date.

This brings us to Narveson’s second reason—namely, that, as rational egoists, we will have reason to protect the interests of very young morons because their rational relatives will have a “sentimental interest” in their being treated well, and it will be in our self-interest generally to be supportive of whatever is required to show respect for this interest of theirs. Besides, (a point which Narveson does not make

but could have), we would want the interests of morons protected if we happened to be related to them, and, as rational egoists, we could not expect others to do what we are not ourselves willing to do. I shall examine this latter reason simultaneously with my examination of the one Narveson does give.

Now, there is, I believe, an objection that is absolutely fatal to any attempt to ground the protection of the interests of young morons on the "sentimental interests" of others, which is, after all, what Narveson must do, given the failure of his first reason. For this is to make the duty to protect their interests *wholly contingent* upon other beings having and continuing to have a "sentimental interest" toward them. Where this interest is lacking, there an egoistic basis for this duty will be lacking also. And it is a plain, even if it is a regrettable, matter of fact that this interest not only can be lacking but sometimes actually is noteworthy for its absence. Suppose Smith has no interest in the life and well-being of a young moron to whom he happens to be related; say the moron is his son, whom he despises. And suppose Smith would personally gain a great deal if he were to arrange to have his son used as a subject in grossly painful but trivial research. What shred of an argument can the proponent of egoism give as to why Smith should not volunteer his son, or, if it is in my self-interest to help Smith "close the deal," why I should not assist him? Will he say that to be a party to such grossly immoral conduct cannot possibly be in one's self-interest? Then he is naive. The gears of right conduct are not so finely meshed with those of self-interest that we cannot profit personally by doing what is wrong. Will he say that it is human nature to have a "sentimental interest" in the life and well-being of morons to whom one is related and thus that the sort of case imagined never can occur? Then he flies in the face of the harsh realities of human existence. Even in the case of so-called "normal" children, not a few are unwanted, unloved, uncared for; the case of morons is no different. Will he say, then, that, though this much is true, still one can never be certain it will be to one's advantage to permit a moron to be treated wrongly? Then he underestimates human cunning and sagacity. Occasions can and do arise where one can be as certain as one can be in such matters, that treating morons wrongly, or allowing others to do so, will maximize one's utilities. If neither Smith nor I have any "sentimental interest" toward his son; and assuming that to permit his mistreatment would be to our advantage; and recognizing, as I have argued above, that Narveson's first reason fails to provide a rational basis for protecting the interests of young morons; then it follows, given the tenets of Narveson's version of egoism, that neither Smith nor I have a duty to protect the interests of his son.

Perhaps it will be objected that no moral theory can itself insure that people will do what is right and avoid doing what is wrong and,

thus, that the preceding does not constitute a serious objection to egoism. However, this would be to misunderstand the force of what I am arguing. Granted, no theory can itself insure that people will do what is right or avoid doing what is wrong; still, any theory must be able to explain why what is wrong *is* wrong *and* concomitantly avoid implying that what is wrong isn't. It is here that Narveson's version of egoism fails: Not only is he unable to explain why something that is wrong, is wrong; worse, he implies that it isn't. In the case of those young morons towards whom no rational relative (or other person, for that matter) has a "sentimental interest" Narveson's position implies that we have no duty to protect their interests. As rational egoists, in other words, it would be fitting of us to reach an agreement whereby the interests of morons whose rational relatives do have a "sentimental interest" will be protected whereas those towards whom no one has a "sentimental interest" will not have their interests protected. No proponent of Narvesonian egoism can find fault with that. It's just that, to use Narveson's own words about animals only now applying them to young morons, "this perspective" —i.e., rational egoism— "puts young morons out of the reach of morality without at all denying that they are capable of suffering, etc. Instead, it provides the basis for a frank, and of course heartless, rejection of the *relevance* of their sufferings." My position is that this is grievously erroneous; that it is wrong not to protect the interests of young morons regardless of whether or not anyone has a "sentimental interest" in them; that this is one of our "moral intuitions" which it is the (or a) task of moral theory to illuminate; and that Narveson fails to do this, for the reasons I have given. That some of us have a "sentimental interest" in the interests of young morons helps to explain why some of us *care* whether their interests are protected; but this is logically quite distinct from its being wrong not to protect them.

But my interest here is not confined merely to exposing what I take to be the deficiencies of egoism, important though this is; I should also like to press on, however briefly, and ask what theory could provide us with an adequate basis for our intuitions concerning how morons ought to be treated or, more particularly, our intuition that it is *prima facie* wrong to cause, or to permit others to cause, young morons gratuitous pain, regardless of whether anyone happens to have a "sentimental interest" in how young morons are treated. It is necessary to ask this question, I believe, not only to insure that we avoid the pitfalls of egoism but also to understand why we are morally bound to protect the interests of many animals, and to ascribe rights to them, if we do the same in the case of young morons.

I have addressed myself to this question at length on another occasion.² Here I shall say merely that the only tenable basis for this intuition is one that begins by insisting upon the intrinsic evil of pain.

It is because pain itself is an evil, not because (or if) others happen to take an interest in minimizing the pain young morons might be made to endure, that provides our theoretical starting point. But it is not where our theory ends, not even if we work the evil of pain into a general utilitarian theory, to the effect that, roughly speaking, what is right is what brings about the greatest possible balance of good over evil, while what is wrong is what brings about anything less than this. The inadequacies of this theory are evident, I think, when we pause to ask whether we think we can justify inflicting gross suffering on some undeserving human beings merely on the grounds that this is the only way to bring about a very slight increase in the amount of good in the world. Perhaps I am mistaken here, but I think that an appeal to our pretheoretical convictions reveals that we would not approve of such treatment, that, in general, and once we have understood that bringing about what is good is not identical with reducing or eliminating what is evil,³ we do not think that doing what is or what causes evil can be justified merely on the grounds that it brings about a very slight increase in the amount of good. But if we ask how, theoretically, we are to account for this conviction; if we ask, in other words, what could possibly provide the theoretical basis for limiting the principle of utility in the way that our pretheoretical convictions seem to require; then the most plausible basis seems to be supplied by the notion of a right. What our pretheoretical convictions seem to point to, in other words, is the need to posit the existence of individual rights as a safeguard against the abuses that would result if the principle of utility were applied without constraint. It is the ascription to individuals of rights that seems best to account for why we think it wrong to treat them in certain ways—e.g., as subjects in grossly painful, trivial research—even if utility would sanction treatment of this kind. And it is the ascription of the relevant rights to morons, young and old alike, not just to those humans who have certain high-level “rational capacities,” that seems best to provide a credible basis for our belief that it would be wrong to treat them in this way also. What makes such treatment wrong is that it violates their right not to be made to suffer gratuitously.

If, however, this much is granted, then we are obliged to ask a nice question of theory—namely, on what grounds can we attribute the

2 See my “The Moral Basis of Vegetarianism” (*The Canadian Journal of Philosophy*) V (1975), pp. 181-214, portions of which are reprinted in *Animal Rights and Human Obligations*, *op. cit.*, pp. 197-205.

3 On this point see p. 200 of “The Moral Basis of Vegetarianism,” *The Canadian Journal of Philosophy*, *op. cit.*

right not to be made to suffer gratuitously to all those human beings to whom we wish to attribute it? Not on the grounds that they are all rational, surely, or that they all are autonomous, or that each has a developed conception of his/her identity, since morons will be found wanting in these capacities. It is, rather, the capacity to suffer itself that seems to provide the only adequate grounds for attributing the right in question to those humans, including morons, to whom we wish to attribute it. It is because, like us, morons can suffer, that they, like us, seem to have as much claim as we do to the right not to be made to do so gratuitously.

The implications of the position I am advancing for the question of animal rights are straightforward. The implications are these: first, that if the only adequate theoretical basis for attributing the right not to be made to suffer gratuitously to humans, including morons, is supplied by the fact that they can suffer and that pain is an evil in itself, then we have just as much reason to attribute this same right to those non-human animals who can suffer and whose pain is likewise evil; and, second, that just as we believe that it is wrong to override this right of humans if or as the consequences of doing so will bring about a very slight increase in the amount of good in the world, so, too, it will be just as wrong to override this right of animals for this reason. Not only, to put the point as simply as I can, do many animals seem to have as much claim to the right in question as do humans; it is also the case that the principles which can legitimately be appealed to as a basis for overriding this right of humans, if humans have it, must be the same ones that must be appealed to if we are justifiably to override the rights of these animals. Thus, if we would object to using morons routinely as subjects in painful, trivial research because it violates *their* right not to be made to suffer gratuitously, we shall have just as much reason to object to the use of animals in such research on the grounds that it violates *theirs*.

It goes without saying, therefore, that if I am right Narveson is wrong in thinking that we can put animals "out of the reach of morality without at all denying that they can suffer." That they can suffer is a fundamental reason not only for insuring that their interests are protected by the "restrictions" on behavior which comprise morality; it also constitutes the basis for thinking that many animals have a right against us not to be made to suffer, whether we have a "sentimental interest" in their well-being or not. At least this is so if, as our pretheoretical convictions seem to require, we recognize a duty to protect the interests of, and ascribe the right in question to, those of us who are morons.⁴

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4 I want to thank Professor Narveson for kindly sending me a copy of his paper prior to its publication in this journal and my colleague Dale Jamieson for his helpful criticisms of an earlier draft of this essay.