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# The Radical Egalitarian Case for Animal Rights

TOM REGAN

*Professor of philosophy at North Carolina State University and a leading animal rights advocate in the United States, Tom Regan is the author of several articles and books on moral philosophy, including The Case for Animal Rights (1983).*

*Regan disagrees with Singer's utilitarian program for animal liberation, for he rejects utilitarianism as lacking a notion of intrinsic worth. Regan's position is that animals and humans all have equal intrinsic value on which their right to life and concern are based. Regan is revolutionary. He calls for not reform but the total abolition of the use of animals in science, the total dissolution of the commercial animal agriculture system, and the total elimination of commercial and sport hunting and trapping. "The fundamental wrong is the system that allows us to view animals as our resources.... Lab animals are not our tasters; we are not their kings."*

I regard myself as an advocate of animal rights—as a part of the animal rights movement. That movement, as I conceive it, is committed to a number of goals, including:

1. the total abolition of the use of animals in science
2. the total dissolution of commercial animal agriculture
3. and the total elimination of commercial and sport hunting and trapping.

There are, I know, people who profess to believe in animal rights who do not avow these goals. Factory farming they say, is wrong—violates animals' rights—but traditional animal agriculture is all right. Toxicity tests of cosmetics on animals violate their rights; but not important medical research—cancer research, for example. The clubbing of baby seals is abhorrent; but not the harvesting of adult seals. I used to think I understood this

reasoning. Not any more. You don't change unjust institutions by tidying them up.

What's wrong—what's fundamentally wrong—with the way animals are treated isn't the details that vary from case to case. It's the whole system. The forlornness of the veal calf is pathetic—heart wrenching; the pulsing pain of the chimp with electrodes planted deep in her brain is repulsive; the slow, torturous death of the raccoon caught in the leg hold trap, agonizing. But what is fundamentally wrong isn't the pain, isn't the suffering, isn't the deprivation. These compound what's wrong. Sometimes—often—they make it much worse. But they are not the fundamental wrong.

*The fundamental wrong is the system that allows us to view animals as our resources, here for us—to be eaten, or surgically manipulated, or put in our cross hairs for sport or money. Once we accept this view of animals—as our resources—the rest is as predictable as it is regrettable. Why worry about their*

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From *In Defense of Animals*, ed. Peter Singer (Oxford: Basil Blackwell, 1985). Reprinted by permission of Blackwell Publishers.

loneliness, their pain, their death? Since animals exist for us, here to benefit us in one way or another, what harms them really doesn't matter—or matters only if it starts to bother us, makes us feel a trifle uneasy when we eat our veal scampi, for example. So, yes, let us get veal calves out of solitary confinement, give them more space, a little straw, a few companions. But let us keep our veal scampi.

But a little straw, more space, and a few companions don't eliminate—don't even touch—the fundamental wrong, the wrong that attaches to our viewing and treating these animals as our resources. A veal calf killed to be eaten after living in close confinement is viewed and treated in this way: but so, too, is another who is raised (as they say) “more humanely.” To right the fundamental wrong of our treatment of farm animals requires more than making rearing methods “more human”—requires something quite different—requires the *total dissolution of commercial animal agriculture*.

How we do this—whether we do this, or as in the case of animals in science, whether and how we abolish their use—these are to a large extent political questions. People must change their beliefs before they change their habits. Enough people, especially those elected to public office, must believe in change—must want it—before we will have laws that protect the rights of animals. This process of change is very complicated, very demanding, very exhausting, calling for the efforts of many hands—in education, publicity, political organization and activity, down to the licking of envelopes and stamps. As a trained and practicing philosopher the sort of contribution I can make is limited, but I like to think, important. The currency of philosophy is ideas—their meaning and rational foundation—not the nuts and bolts of the legislative process say, or the mechanics of community organization. That's what I have been exploring over the past ten years or so in my essays and talks and, more recently, in my book, *The Case for Animal Rights*.<sup>1</sup> I believe the major conclusions I reach in that book are true because they are supported by the weight of the *best arguments*. I believe the idea of animal rights has reason, not just emotion, on its side.

In the space I have at my disposal here I can only sketch, in the barest outlines, some of the main features of the book. Its main themes—and we should not be surprised by this—involve asking and answering deep foundational moral questions, questions about what morality is, how it should be understood, what is the best moral theory all considered. I hope I can convey something of the shape I think this theory is. The attempt to do this will be—to use a word a friendly critic once used to describe my work—cerebral. In fact I was told by this person that my work is “too cerebral.” But this is misleading. My feelings about how animals sometimes are treated are just as deep and just as strong as those of my more volatile compatriots. Philosophers do—to use the jargon of the day—have a right side to their brains. If it's the left side we contribute or mainly should—that's because what talents we have reside there.

How to proceed? We begin by asking how the moral status of animals has been understood by thinkers who deny that animals have rights. Then we test the mettle of their ideas by seeing how well they stand up under the heat of fair criticism. If we start our thinking in this way we soon find that some people believe that we have no duties directly to animals—that we owe nothing *to them*—that we can do nothing that *wrongs them*. Rather, we can do wrong acts that involve animals, and so we have duties regarding them, though none to them. Such views may be called indirect duty views. By way of illustration:

Suppose your neighbor kicks your dog. Then your neighbor has done something wrong. But not to your dog. The wrong that has been done is a wrong to you. After all, it is wrong to upset people, and your neighbor's kicking your dog upsets you. So you are the one who is wronged, not your dog. Or again: by kicking your dog your neighbor damages your property. And since it is wrong to damage another person's property, your neighbor has done something wrong—to you, of course, not to your dog. Your neighbor no more wrongs your dog than your car would be wronged if the windshield were smashed. Your neighbor's duties involving your dog are indirect duties to you. More generally, all of our duties regarding

animals are indirect duties to one another—to humanity.

How could someone try to justify such a view? One could say that your dog doesn't feel anything and so isn't hurt by your neighbor's kick, doesn't care about the pain since none is felt, is as unaware of anything as your windshield. Someone could say this but no rational person will since, among other considerations, such a view will commit one who holds it to the position that no human being feels pain either—that human beings also don't care about what happens to them. A second possibility is that though both humans and your dog are hurt when kicked, it is only human pain that matters. But, again, no rational person can believe this. Pain is pain wherever it occurs. If your neighbor's causing you pain is wrong because of the pain that is caused, we cannot rationally ignore or dismiss the moral relevance of the pain your dog feels.

Philosophers who hold indirect duty views—and many still do—have come to understand that they must avoid the two defects just noted—avoid, that is, both the view that animals don't feel anything as well as the idea that only human pain can be morally relevant. Among such thinkers the sort of view now favored is one or another form of what is called *contractarianism*.

Here, very crudely, is the root idea: morality consists of a set of rules that individuals voluntarily agree to abide by—as we do when we sign a contract (hence the name: contractarianism). Those who understand and accept the terms of the contract are covered directly—have rights created by, and recognized and protected in, the contract. And these contractors can also have protection spelled out for others who, though they lack the ability to understand morality and so cannot sign the contract themselves, are loved or cherished by those who can. Thus young children, for example, are unable to sign and lack rights. But they are protected by the contract nonetheless because of the sentimental interests of others, most notably their parents. So we have, then, duties involving these children, duties regarding them, but no duties to them. Our duties in their case are indirect duties to other human beings, usually their parents.

As for animals, since they cannot understand the contract, they obviously cannot sign; and since they cannot sign; they have no rights. Like children, however, some animals are the objects of the sentimental interest of others. You, for example, love your dog ... or cat. So these animals—those enough people care about: companion animals, whales, baby seals, the American bald eagle—these animals, though they lack rights themselves, will be protected because of the sentimental interests of people. I have, then, according to contractarianism, no duty directly to your dog or any other animal, not even the duty not to cause them pain or suffering; my duty not to hurt them is a duty I have to those people who care about what happens to them. As for other animals, where no or little sentimental interest is present—farm animals, for example, or laboratory rats—what duties we have grow weaker and weaker, perhaps to the vanishing point. The pain and death they endure, though real, are not wrong if no one cares about them.

Contractarianism could be a hard view to refute when it comes to the moral status of animals if it was an adequate theoretical approach to the moral status of human beings. It is not adequate in this latter respect, however, which makes the question of its adequacy in the former—regarding animals—utterly moot. For consider: morality, according to the (crude) contractarian position before us, consists of rules people agree to abide by. What people? Well, enough to make a difference—enough, that is, so that collectively they have the power to enforce the rules that are drawn up in the contract. That is very well and good for the signatories—but not so good for anyone who is not asked to sign. And there is nothing in contractarianism of the sort we are discussing that guarantees or requires that everyone will have a chance to participate equitably in framing the rules of morality. The result is that this approach to ethics could sanction the most blatant forms of social, economic, moral, and political injustice, ranging from a repressive caste system to systematic racial or sexual discrimination. Might, on this theory, does make right. Let those who are the victims of injustice suffer as they will. It matters not so long as no one else—no

contractor, or too few of them—cares about it. Such a theory takes one's moral breath away ... as if, for example, there is nothing wrong with apartheid in South Africa if too few white South Africans are upset by it. A theory with so little to recommend it at the level of the ethics of our treatment of our fellow humans cannot have anything more to recommend it when it comes to the ethics of how we treat our fellow animals.

The version of contractarianism just examined is, as I have noted, a crude variety, and in fairness to those of a contractarian persuasion it must be noted that much more refined, subtle, and ingenious varieties are possible. For example, John Rawls, in his *A Theory of Justice*, sets forth a version of contractarianism that forces the contractors to ignore the accidental features of being a human being—for example, whether one is white or black, male or female, a genius or of modest intellect. Only by ignoring such features, Rawls believes, can we insure that the principles of justice contractors would agree upon are not based on bias or prejudice. Despite the improvement a view such as Rawls's shows over the cruder forms of contractarianism, it remains deficient: it systematically denies that we have direct duties to those human beings who do not have a sense of justice—young children, for instance, and many mentally retarded humans. And yet it seems reasonably certain that, were we to torture a young child or a retarded elder, we would be doing something that wrongs them, not something that is wrong if (and only if) other humans with a sense of justice are upset. And since this is true in the case of these humans, we cannot rationally deny the same in the case of animals.

Indirect duty views, then, including the best among them, fail to command our rational assent. Whatever ethical theory we rationally should accept, therefore, it must at least recognize that we have some duties directly to animals, just as we have some duties directly to each other. The next two theories I'll sketch attempt to meet this requirement.

The first I call the *cruelty-kindness* view. Simply stated, this view says that we have a direct duty to be kind to animals and a direct duty not to be cruel

to them. Despite the familiar, reassuring ring of these ideas, I do not believe this view offers an adequate theory. To make this clearer, consider kindness. A kind person acts from a certain kind of motive—compassion or concern, for example. And that is a virtue. But there is no guarantee that a kind act is a right act. If I am a generous racist, for example, I will be inclined to act kindly toward members of my own race, favoring their interests above others. My kindness would be real and, so far as it goes, good. But I trust it is too obvious to require comment that my kind acts may not be above moral reproach—may, in fact, be positively wrong because rooted in injustice. So kindness, notwithstanding its status as a virtue to be encouraged, simply will not cancel the weight of a theory of right action.

Cruelty fares no better. People or their acts are cruel if they display either a lack of sympathy for or, worse, the presence of enjoyment in, seeing another suffer. Cruelty in all its guises *is* a bad thing—*is* a tragic human failing. But just as a person's being motivated by kindness does not guarantee that they do what is right, so the absence of cruelty does not assure that they avoid doing what is wrong. Many people who perform abortions, for example, are not cruel, sadistic people. But that fact about their character and motivation does not settle the terribly difficult question about the morality of abortion. The case is no different when we examine the ethics of our treatment of animals. So, yes, let us be for kindness and against cruelty. But let us not suppose that being for the one and against the other answers questions about moral right and wrong.

Some people think the theory we are looking for is *utilitarianism*. A utilitarian accepts two moral principles. The first is a principle of *equality*: *every-one's interests count, and similar interests must be counted as having similar weight or importance*. White or black, male or female, American or Iranian, human or animal: everyone's pain or frustration matter and matter equally with the like pain or frustration of anyone else. The second principle a utilitarian accepts is the principle of *utility*: *do that act that will bring about the best balance of satisfaction over frustration for everyone affected by the outcome*.

As a utilitarian, then, here is how I am to approach the task of deciding what I morally ought to do: I must ask who will be affected if I choose to do one thing rather than another, how much each individual will be affected, and where the best results are most likely to lie—which option, in other words, is most likely to bring about the best results, the best balance of satisfaction over frustration. That option, whatever it may be, is the one I ought to choose. That is where my moral duty lies.

The great appeal of utilitarianism rests with its uncompromising *egalitarianism*: everyone's interests count and count equally with the like interests of everyone else. The kind of odious discrimination some forms of contractarianism can justify—discrimination based on race or sex, for example—seems disallowed in principle by utilitarianism, as is speciesism—systematic discrimination based on species membership.

The sort of equality we find in utilitarianism, however, is not the sort an advocate of animal or human rights should have in mind. Utilitarianism has no room for the *equal moral rights of different individuals because it has no room for their equal inherent value or worth*. What has value for the utilitarian is the satisfaction of an individual's interests, not the individual whose interests they are. A universe in which you satisfy your desire for water, food, and warmth, is, other things being equal, better than a universe in which these desires are frustrated. And the same is true in the case of an animal with similar desires. But neither you nor the animal have any value in your own right. *Only your feelings do*.

Here is an analogy to help make the philosophical point clearer: a cup contains different liquids—sometimes sweet, sometimes bitter, sometimes a mix of the two. What has value are the liquids: the sweeter the better, the bitter the worse. The cup—the container—has no value. It's what goes into it, not what they go into, that has value. For the utilitarian, you and I are like the cup; we have no value as individuals and thus no equal value. What has value is what goes into us, what we serve as receptacles for; our feelings of satisfaction have positive value, our feelings of frustration have negative value.

Serious problems arise for utilitarianism when we remind ourselves that it enjoins us to bring about the best consequences. What does this mean? It doesn't mean the best consequences for me alone, or for my family or friends, or any other person taken individually. No, what we must do is, roughly, as follows: we must add up—somehow!—the separate satisfactions and frustrations of everyone likely to be affected by our choice, the satisfactions in one column, the frustrations in the other. We must total each column for each of the opinions before us. That is what it means to say the theory is aggregative. And then we must choose that option which is most likely to bring about the best balance of totaled satisfactions over totaled frustrations. Whatever act would lead to this outcome is the one we morally ought to perform—is where our moral duty lies. And that act quite clearly might not be the same one that would bring about the best results for me personally, or my family or friends, or a lab animal. The best aggregated consequences for everyone concerned are not necessarily the best for each individual.

That utilitarianism is an aggregative theory—that different individuals' satisfactions or frustrations are added, or summed, or totaled—is the key objection to this theory. My Aunt Bea is old, inactive, a cranky, sour person, though not physically ill. She prefers to go on living. She is also rather rich. I could make a fortune if I could get my hands on her money, money she intends to give me in any event, after she dies, but which she refuses to give me now. In order to avoid a huge tax bite, I plan to donate a handsome sum of my profits to a local children's hospital. Many, many children will benefit from my generosity, and much joy will be brought to their parents, relatives, and friends. If I don't get the money rather soon, all these ambitions will come to naught. The once-in-a-lifetime-opportunity to make a real killing will be gone. Why, then, not really kill my Aunt Bea? Oh, of course I *might* get caught. But I'm no fool and, besides, her doctor can be counted on to cooperate (he has an eye for the same investment and I happen to know a good deal about his shady past). The

deed can be done ... professionally, shall we say. There is *very* little chance of getting caught. And as for my conscience being guilt ridden, I am a resourceful sort of fellow and will take more than sufficient comfort—as I lie on the beach at Acapulco—in contemplating the joy and health I have brought to so many others.

Suppose Aunt Bea is killed and the rest of the story comes out as told. Would I have done anything wrong? Anything immoral? One would have thought that I had. But not according to utilitarianism. Since what I did brought about the best balance of totaled satisfaction over frustration for all those affected by the outcome, what I did was not wrong. Indeed, in killing Aunt Bea the physician and I did what duty required.

This same kind of argument can be repeated in all sorts of cases, illustrating time after time, how the utilitarian's position leads to results that impartial people find morally callous. It is wrong to kill my Aunt Bea in the name of bringing about the best results for others. A good end does not justify an evil means. Any adequate moral theory will have to explain why this is so. Utilitarianism fails in this respect and so cannot be the theory we seek.

What to do? Where to begin anew? The place to begin, I think, is with the utilitarian's view of the value of the individual—or, rather, lack of value. In its place suppose we consider that you and I, for example, do have value as individuals—what we'll call *inherent value*. To say we have such value is to say that we are something more than, something different from, mere receptacles. Moreover, to insure that we do not pave the way for such injustices as slavery or sexual discrimination, we must believe that all who have inherent value have it equally, regardless of their sex, race, religion, birthplace, and so on. Similarly to be discarded as irrelevant are one's talents or skills, intelligence and wealth, personality or pathology, whether one is loved and admired—or despised and loathed. The genius and the retarded child, the prince and the pauper, the brain surgeon and the fruit vendor, Mother Theresa and the most unscrupulous used car salesman—all have inherent value, all possess it *equally*, and *all have an equal right to be treated with respect*, to be treated in ways that do not reduce them to the status of

things, as if they exist as resources for others. My value as an individual is independent of my usefulness to you. Yours is not dependent on your usefulness to me. For either of us to treat the other in ways that fail to show respect for the other's independent value is to act immorally—is to violate the individual's rights.

Some of the rational virtues of this view—what I call the rights view—should be evident. Unlike (crude) contractarianism, for example, the rights view *in principle* denies the moral tolerability of any and all forms of racial, sexual, or social discrimination; and unlike utilitarianism, this view *in principle* denies that we can justify good results by using evil means that violate an individual's rights—denies, for example, that it could be moral to kill my Aunt Bea to harvest beneficial consequences for others. That would be to sanction the disrespectful treatment of the individual in the name of the social good, something the rights view will not—categorically will not—ever allow.

The rights view—or so I believe—is rationally the most satisfactory moral theory. It surpasses all other theories in the degree to which it illuminates and explains the foundation of our duties to one another—the domain of human morality. On this score, it has the best reasons, the best arguments, on its side. Of course, if it were possible to show that only human beings are included within its scope, then a person like myself, who believes in animal rights, would be obliged to look elsewhere than to the rights view.

But attempts to limit its scope to humans only can be shown to be rationally defective. Animals, it is true, lack many of the abilities humans possess. They can't read, do higher mathematics, build a bookcase, or make *baba ghanoush*. Neither can many human beings, however, and yet we don't say—and shouldn't say—that they (these humans) therefore have less inherent value, less of a right to be treated with respect, than do others. It is the similarities between those human beings who most clearly, most noncontroversially have such value—the people reading this, for example—it is our similarities, not our differences, that matter most. And the really crucial, the basic similarity is simply this; *we are each of us the experiencing subject of a*

life, each of us a conscious creature having an individual welfare that has importance to us whatever our usefulness to others. We want and prefer things; believe and feel things; recall and expect things. And all these dimensions of our life, including our pleasure and pain, our enjoyment and suffering, our satisfaction and frustration, our continued existence or our untimely death—all make a difference to the quality of our life as lived, as experienced by us as individuals. As the same is true of those animals who concern us (those who are eaten and trapped, for example), they, too, must be viewed as the experiencing subjects of a life with inherent value of their own.

There are some who resist the idea that animals have inherent value. “Only humans have such value,” they profess. How might this narrow view be defended? Shall we say that only humans have the requisite intelligence, or autonomy, or reason? But there are many, many humans who will fail to meet these standards and yet who are reasonably viewed as having value above and beyond their usefulness to others. Shall we claim that only humans belong to the right species—the species *Homo sapiens*? But this is blatant speciesism. Will it be said, then, that all—and only—humans have immortal souls? Then our opponents more than have their work cut out for them. I am myself not ill-disposed to there being immortal souls. Personally, I profoundly hope I have one. But I would not want to rest my position on a controversial, ethical issue on the even more controversial question about who or what has an immortal soul. That is to dig one’s hole deeper, not climb out. Rationally, it is better to resolve moral issues without making more controversial assumptions than are needed. The question of who has inherent value is such a question, one that is more rationally resolved without the introduction of the idea of immortal souls than by its use.

Well, perhaps some will say that animals have some inherent value, only *less* than we do. Once again, however, attempts to defend this view can be shown to lack rational justification. What could be the basis of our having more inherent value than animals? Will it be their lack of reason, or autonomy, or intellect? Only if we are willing to make

the same judgment in the case of humans who are similarly deficient. But it is not true that such humans—the retarded child, for example, or the mentally deranged—have less inherent value than you or I. Neither, then, can we rationally sustain the view that animals like them in being the experiencing subjects of a life have less inherent value. *All who have inherent value have it equally, whether they be human animals or not.*

Inherent value, then, belongs equally to those who are the experiencing subjects of a life. Whether it belongs to others—to rocks and rivers, trees and glaciers, for example—we do not know. And may never know. But neither do we need to know, if we are to make the case for animal rights. We do not need to know how many people, for example, are eligible to vote in the next presidential election before we can know whether I am. Similarly, we do not need to know *how many* individuals have inherent value before we can know that some do. When it comes to the case for animal rights, then what we need to know is whether the animals who, in our culture are routinely eaten, hunted, and used in our laboratories, for example, are like us in being subjects of a life. And we *do* know this. We *do know* that many—literally, billions and billions—of these animals are subjects of a life in the sense explained and so have inherent value if we do. And since, in order to have the best theory of our duties to one another, we must recognize our equal inherent value, as individuals, *reason*—not sentiment, not emotion—*reason compels us to recognize the equal inherent value of these animals.* And, with this, their equal right to be treated with respect.

That, *very* roughly, is the shape and feel of the case for animal rights. Most of the details of the supporting argument are missing. They are to be found in the book I alluded to earlier. Here, the details go begging and I must in closing, limit myself to four final points.

The first is how the theory that underlies the case for animal rights shows that the animal rights movement is a part of, not antagonistic to, the human rights movement. The theory that rationally grounds the rights of animals also grounds the rights of humans. Thus are those involved in the animal rights movement partners in the struggle to secure respect for

human rights—the rights of women, for example, or minorities and workers. The animal rights movement is cut from the same moral cloth as these.

Second, having set out the broad outlines of the rights view, I can now say why its *implications for farming and science*, for example, are both clear and uncompromising. In the case of using animals in science, the rights view is categorically abolitionist. *Lab animals are not our tasters; we are not their kings*. Because these animals are treated—routinely, systematically—as if their value is reducible to their usefulness to others, they are routinely systematically treated with a lack of respect, and thus their rights routinely, systematically violated. This is just as true when they are used in trivial, duplicative, unnecessary or unwise research as it is when they are used in studies that hold out real promise of human benefits. We can't justify harming or killing a human being (my Aunt Bea, for example) just for these sorts of reasons. Neither can we do so even in the case of so lowly a creature as a laboratory rat. It is not just refinement or reduction that are called for, not just larger, cleaner cages, not just more generous use of anesthetic or the elimination of multiple surgery, not just tidying up the system. It is replacement—completely. The best we can do when it comes to using animals in science is—not to use them. That is where our duty lies, according to the rights view.

As for commercial animal agriculture, the rights view takes a similar abolitionist position. The fundamental moral wrong here is not that animals are kept in stressful close confinement, or in isolation, or that they have their pain and suffering, their needs and preferences ignored or discounted. *All these are wrong*, of course, but they are not the fundamental wrong. They are symptoms and effects of the deeper, systematic wrong that allows these animals to be viewed and treated as lacking independent value, as resources for us—as, indeed, a renewable resource. Giving farm animals more space, more natural environments, more companions does not right the fundamental wrong, any more than giving lab animals more anesthesia or bigger, cleaner cages would right the fundamental wrong in their case. Nothing less than the total dissolution of commercial animal agriculture will do this, just as, for

similar reasons I won't develop at length here, morality requires nothing less than the total elimination of commercial and sport hunting and trapping. The rights view's implications, then, as I have said, are clear—and are uncompromising.

My last two points are about philosophy—my profession. It is most obviously, no substitute for political action. The words I have written here and in other places by themselves don't change a thing. It is what we do with the thoughts the words express—our acts, our deeds—that change things. All that philosophy can do, and all I have attempted, is to offer a vision of what our deeds could aim at. And the why. But not the how.

Finally, I am reminded of my thoughtful critic, the one I mentioned earlier, who chastised me for being “too cerebral.” Well, cerebral I have been: indirect duty views, utilitarianism, contractarianism—hardly the stuff deep passions are made of. I am also reminded, however, of the image another friend once set before me—the image of the ballerina as expressive of disciplined passion. Long hours of sweat and toil, of loneliness and practice, of doubt and fatigue; that is the discipline of her craft. But the passion is there, too: the fierce drive to excel, to speak through her body, to do it right, to pierce our minds. That is the image of philosophy I would leave with you; not “too cerebral,” but *disciplined passion*. Of the discipline, enough has been seen. As for the passion:

There are times, and these are not infrequent, when tears come to my eyes when I see, or read, or hear of the wretched plight of animals in the hands of humans. Their pain, their suffering, their loneliness, their innocence, their death. Anger. Rage. Pity. Sorrow. Disgust. The whole creation groans under the weight of the evil we humans visit upon these mute, powerless creatures. It *is* our heart, not just our head, that calls for an end, that demands of us that we overcome, for them, the habits and forces behind their systematic oppression. All great movements, it is written, go through three stages: ridicule, discussion, adoption. It is the realization of this third stage—adoption—that demands both our passion and our discipline, our heart and our head. *The fate of animals is in our hands. God grant we are equal to the task.*



## NOTE

1. Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983).

## STUDY QUESTIONS

1. How is Regan's position on animal rights different from Singer's? Explain.
2. What are Regan's reasons for granting animals equal moral rights?
3. Does Regan allow for experimentation on animals? If we have to test a dangerous AIDS vaccine, on whom should we test it?

## 5

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# A Critique of Regan's Animal Rights Theory

MARY ANNE WARREN

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*Warren reconstructs Regan's argument for animal rights and criticizes it for depending on the obscure notion of inherent value. She then argues that all rational human beings are equally part of the moral community since we can reason with each other about our behavior, whereas we cannot so reason with an animal. She puts forth a "weak animal rights theory," which asserts that we ought not to be cruel to animals or kill them without good reason.*

Tom Regan has produced what is perhaps the definitive defense of the view that the basic moral rights of at least some non-human animals are in no way inferior to our own. In *The Case for Animal Rights*, he argues that all normal mammals over a year of age have the same basic moral rights.<sup>1</sup> Non-human mammals have essentially the same right not

to be harmed or killed as we do. I shall call this "the strong animal rights position," although it is weaker than the claims made by some animal liberationists in that it ascribes rights to only some sentient animals.<sup>2</sup>

I will argue that Regan's case for the strong animal rights position is unpersuasive and that this

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