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RESPECTING SENTIENT BEINGS

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Joan Dunayer. *Speciesism*. Derwood, MD: Ryce, 2004.

Dunayer's thesis is that all sentient individuals, all individuals with nervous systems, deserve equal consideration and respect. We do not, nowadays, suppose that human beings who are less intelligent, less forward looking, less like "us" or else more distantly related to us have fewer rights. We should equally agree, she argues, that no sentient individuals should have fewer rights merely because their intelligence or character is outside the normal human range. "Old Speciesists," whose opinions still dominate national and international law, suppose that human beings alone "have rights" and that all other creatures are public or private property. "New Speciesists," such as Singer and Regan, distinguish sentience and selfhood and reckon that only "higher" animals can have a right to life or property. Merely sentient creatures should not be hurt but may legitimately be killed. Dunayer makes a good case for denying that this distinction makes either ontological or ethical sense. We do not deny basic rights to "merely sentient" humans merely because they cannot manage their own lives. And nonhuman animals who are described as merely sentient plainly can manage their own lives, at least as well as more sapient animals. It is, of course, very convenient for us to suppose otherwise, to suppose either that such "lowly" creatures do not feel at all or that at least their lives do not matter even to themselves. "Nonspeciesists," like herself, argue that nonhuman animals should have just the same fundamental rights as human animals and that they should never be treated as property. To be a sentient individual is to be a person, of whatever species, order, or phylum. She acknowledges that as a matter of practical politics, it will be easier to gain public support for the rights of great apes or dolphins than for those of honeybees or fishes, but she argues that we should not use speciesist arguments to solicit that support. Nonhuman animals deserve respect and protection not because they can, to some extent, play a part in human society and have some traces of human intelligence but because they are sentient individuals with their own lives to live. Imprisoning, hurting, or killing them is wrong, unless it is plainly necessary for their own welfare or to save one's own life. Merely to argue for "better conditions" or "more humane" methods of killing too readily concedes, fallaciously, that we have some "right" to imprison or kill them. "Non-humans should share, in full, all applicable protections that the law affords to humans" (p. 147).

All sentient individuals, by Dunayer's account, have some sense of self, memory, and forethought, even if their intelligence, their capacity for dealing thoughtfully with their particular environments, is very unlike the normal human. In her nonspeciesist utopia, no animals—human or otherwise—are to be expropriated, hurt, or killed (except under those extreme conditions that would already

license or excuse the killing of human animals). They are not to be bred for use in agriculture, laboratories, entertainment, or as pets. Dunayer is so conscious of the exploitative character of almost all such breeding that she perhaps herself imposes species barriers. Dogs, humans, and horses adopted each other long ago, and cats plainly like human company. It is true that their “domestication” may open the way to tyranny, but that is no better a reason for banishing them from human households than child abuse is a reason for prohibiting human families. In a wholly nonspeciesist utopia, sentient individuals should not be separated into separate, species-specific territories, even if they could be.

The fundamental problem with Dunayer’s account is a familiar one. Must not the rights of all sentient individuals be such as to be possibly enforced, without violating any rights? If cats, birds, and earthworms have equal rights, those rights cannot include a right not to be killed and eaten. If all sentient individuals have a right to be protected against violence, then it is up to those with the power to intervene to protect them, even against innocent killers, and to find some other sustenance for those latter innocents. But this is impossible. We have some hope of forbidding all predation amongst human animals (although we have not in fact managed to prevent it). We have no hope of enforcing a nonpredatory way of life on all sentient individuals, because many such individuals are obligate carnivores and cannot reasonably be expected to desist. The attempt to enforce such laws would itself be an example of human tyranny founded in the conviction that we can manage the world far better than other creatures do.

So if the basic rights that can be claimed for human animals are only the ones that can be claimed for all sentient individuals, and if it is impossible, both in theory and in practice, to accord a right not to be killed and eaten to all sentient individuals, then we cannot grant such a basic right to human animals either. The only right that all can have together must at best be simply the Hobbesian liberty to make a living. As Dunayer herself agrees, a sentient individual does no wrong in seeking to live, even at another’s expense. If a tiger attacks me it is not my right that I defend but my life. On the other hand, if another human animal attacks me, my right as well as my life is threatened. I have a right against other responsible human beings that I not be assaulted or robbed, and they may justly be punished for the assault (as the tiger and the human imbecile may not be), but that is not because I am sentient but because we who have the power to insist have created the world of human law, incomplete and unsatisfactory as it is. Must we also insist that attacking the tiger (supposing it not be threatening) is an attack upon the tiger’s right as well as on the tiger’s life? It is true that it is difficult to locate any abstract or objective difference between tiger and human being that could ground a moral difference: If I ought to respect the life of any arbitrary fellow human being, why not also the lives of nonhumans? But that respect may not itself require me to protect human or nonhuman animals against any assault, still less to assist them in their own projects. As I argued some years ago (Clark, 1979), we could regard wild nonhuman animals as something like Robert Nozick’s independents. Because we human beings refuse to let them exercise their natural liberty right against us, we may justly refrain from exercising ours against them. They have no negotiated or basic right to be left at liberty but should nonetheless be left at liberty because we humans, or some of us, have chosen to step out of nature.

In nature, or from the point of view of a genuinely impartial God, who hates nothing that He has made,¹ there may be no difference between a human and a nonhuman life. But it is difficult to conceive of a satisfactory human society in

which a human corpse beside the road evokes no more than the mild regret that we feel for a dead hedgehog. We are mutually bound, we human beings, to mind about each other more than we mind about the nonhuman. This need not be taken as an absolute or arbitrary divide. We mind, or at least perhaps we Britons mind, more about dead dogs than dead hedgehogs, because the dogs are part of our society in a way that hedgehogs are not. Even those of us who are strongly opposed to the use of nonhumans on farms or in laboratories do not actually feel the same concern as we would for human victims of organised oppression. That much Dunayer would agree and condemn the speciesist confusion that makes the difference. But it is not clear that this distinction is absurd or wrong or that we could eliminate it without appalling cost. It is hard enough to mind about other humans, ones outside the normal boundaries of kinship and national fellowship. We do not leap to protect, still less to avenge, members of other households or other states. This is partly because we recognize that liberty for those very putative victims often depends on not being interfered with by distant self-selected authority but also because we do not mind so much about them. We have managed in the past century to begin to create a network of international law and to dream of some global authority. We have taken steps to create some form of welfare state (even the most libertarian among us do not cheerfully suppose that our fellow citizens should be left to starve or die of some preventable or curable disease) but are also anxious not to extend such benefits beyond what we can bear to pay.

All this is to say that the creation of legal rights, and the concomitant apparatus of protection and revenge, does not follow so easily even from the abstract agreement that an impartial God would not accord more value to the lives of people than of dogs or rats or honeybees. The very existence of those creatures, of all mortal sentient beings, depends on their not being impartial. They will prefer, most obviously, to mate with creatures of their own kind. They will usually feel more sympathy for conspecifics than for their more distant relatives. They will more easily consider creatures outside their species prey. It is also possible for creatures of different species to cooperate or even like each other: Our own species, despite Dunayer's accurate assessment of the damage that we have done to others, is able to admire, befriend, and care for creatures of other kinds. But it remains doubtful that we could construct a genuinely nonspeciesist system, one in which all sentient individuals would have their rights to life, liberty, property, and the pursuit of happiness endorsed, protected, and avenged and in which the sight of a human corpse would mean no more than the sight of a dead dog or hedgehog or honeybee. The historical evidence is that in such a society no one's rights would be protected or avenged.

Speciation, unlike the construction of artificial barriers to human community constructed by racists, imperialists, and snobs, is both natural and good.

Without isolation [that is, without speciation] all organic beings would have been nearly uniform, and all would have belonged to a single type, which would be the one best fitted to getting food and for propagating its race: a half-animal, half-vegetable, and a ruthless cannibal. (Hutton, 1899, p. 105)

Speciation allows many more creatures to share the world by diversifying their talents and tastes and cooperating in the construction of a living world more diversely beautiful, and more stable, than the uniform world imagined by Hutton (1899). The price is that everyone has a primary commitment towards and sentiment in favour of their own particular species life and their very own specifics.

So what is the moral for the project that to a considerable extent, I share with Dunayer? If neither personal loyalties nor institutional legalities can ground the equal treatment of all sentient individuals, how far can we reasonably expect human animals to respect nonhuman individuals? It is at least significant that we have so often found it necessary to pretend that nonhuman animals are insentient or stupid, or that God Himself would not really be impartial but instead prefer just those of His creatures who could, we pride ourselves, in some sense be His “friends.” As we gradually emerge from this delirium, it will be easier to respect our fellow creatures for what they are and to devise less harmful, more liberating ways of life. In so doing we may also realize that the Abrahamic monotheistic tradition is not as oppressive as Dunayer supposes: On the contrary, it is founded on the notion that freedom is God’s goal. But that, for the moment, is another story.

NOTE

1. According to the Wisdom of Solomon 11:24-26 (New English Bible),

All existing things are dear to thee and thou hatest nothing that thou hast created—why else wouldst thou have made it? How could anything have continued in existence, had it not been thy will? How could it have endured unless called into being by thee? Thou sparest all things because they are thine.

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