

Fifteen Years After “Animal Liberation”: Has the Animal Rights Movement Achieved Philosophical Legitimacy?

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*Fifteen years ago, Peter Singer published *Animal Liberation: A New Ethics for Our Treatment of Animals*. In it, he proposed to end “the tyranny of humans over nonhuman animals” by “thinking through, carefully, and consistently, the question of how we ought to treat animals” (p. ix). On this anniversary of the book’s publication, a critical analysis shows that the logic he presents, though popularly appealing, is philosophically flawed. Though influential in slowing and in some cases stopping biomedical research involving animals, the animal rights movement in the United States has yet to offer a clear and compelling argument for the equality of species.*

It was in 1975 that Peter Singer published *Animal Liberation: A New Ethics for Our Treatment of Animals*.¹ Singer wrote *Animal Liberation* to give the animal rights movement in the United States a contemporary, philosophical legitimization. The focus of this work will be to examine the extent to which *Animal Liberation* does this. To do this, it will be necessary to examine why a new legitimization was necessary. This will be followed by an examination of Singer’s arguments that animals and humans enjoy equal consideration of their interests. After a critique of these arguments, the question of whether the animal rights movement does offer a cohesive

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¹Singer, P. (1966). *Animal Liberation: A New Ethics for Our Treatment of Animals*(2nd ed.). New York: New York Review, 1990.

moral and philosophical perspective to legitimate its claim that animals may never be used for the advancement of human interests will be addressed.²

THE RISE AND LEGITIMATION OF THE ANIMAL RIGHTS MOVEMENT

Historians have shown that the anti-vivisection and animal rights movements emerged as a symbolic and tentative attempt to deal with a much larger reality than merely the appropriate use of animals in scientific research.³ In Victorian England, where the modern movements began in the West, advances in science were popularly thought to threaten the world-order or cosmology of the day. Because society largely identified physical health with moral righteousness, scientific research to discover the underlying causes of disease was often thought to interfere with Divine providence. The development of a vaccine for the prevention of smallpox tended to be viewed as an illicit attempt to interfere with punishment for sin. Similarly, the use of anesthetics during childbirth was often thought to circumvent one of the punishments ascribed to original sin. The writings of Darwin, as well as other theories of species survival, likewise were viewed as posing a threat to the prevailing cosmology. By focusing on the animal nature of humanity, science seemed to question the human claim of a divinely ordained status. Any blurring the human/animal distinction was sometimes seen as a reduction of human nature.⁴

The perception that science posed a threat to society was also evidenced in clearly abusive research. Descartes' suggestion that animals were by nature analogous to *automates*⁵ and thus incapable of feeling pain was often cited to justify obviously cruel treatment of animals. Dr. J. Marion Sims' interest in reproduction led him to perform exploratory surgeries of the female reproductive system on slave and indigent woman without anesthesia. One woman underwent nearly thirty such operations between 1856 and 1859.⁶

²This claim has sometimes been backed with violence. See: McCabe, K. (1990). "Beyond Cruelty." *The Washingtonian*, February 72-77, 185-195.

³Sperling, S. (1988). *Animal Liberators: Research and Morality*. Berkeley: University of California Press; French, R. D. (1975) *Anti-vivisection and medical science in Victorian Society*. Princeton: Princeton University Press; Niven, C. D. (1967), *History of the Humane Movement*. New York: Transatlantic Arts Inc.

⁴Some animal rights activists today appeal to humanity's animality to show that, because humans are themselves animals, nonhumans animals are the equals of human animals.

⁵Singer's use of Descartes is misleading. Compare Singer, pp. 218-219 with "Discours de la Methode," in *Descartes: Oeuvres philosophiques, tome 1: 1618-1637*. (1963) Ed. F. Alquié, Paris: Editions Garnier Freres, pp. 613-632, 628.

⁶Sperling, pp. 51-75.

It should also be noted that what was learned through research was often used to further social prejudice toward some members of society. Sperling cites the Anti-Contagious Disease Acts in England as an example of science being used in service to the oppression of women in the same of protecting the common good.⁷ Women's sensitivity to the issue of animals in research today has its roots in a recognition that the plight of animals was often intimately connected to their own.

The modern day anti-vivisection and animal rights movements, then, did not emerge out of a philosophy of natural rights, nor even a sentimental feeling for animals. These movements first emerged out of a perceived need to defend the moral and religious cosmology of the day, and a deeply rooted sense of identification by some members of society with the fate of animals. The defense of animals was initially legitimated in the defense of self and the world-order.⁸ With the passing of the Victorian cosmology, this appeal could no longer be made.⁹ A new legitimation, founded in clear and compelling logic, was needed. This is what *Animal Liberation* sought to provide.

THE NEW LEGITIMATION OF "ANIMAL LIBERATION"

Singer grounds his argument in a philosophy of natural rights, holding that all equal creatures possess a natural right to equal consideration of their interests.¹⁰ As such, no one creature may place its own interests over those of another without acting unjustly. The example of racism is cited to illustrate the point. When one race places its own interests over those of another, or uses another race to pursue its own interests, an injustice occurs. This injustice is known as racism. In an analogous way, Singer uses the term *speciesism* to refer to the injustice of one species, namely humans, placing their own interests over those of another, namely animals.¹¹

Singer grounds his claim of an equality between humans and animals in the works of eighteenth century utilitarian philosopher Jeremy Bentham. In defense of animals, Bentham argues that,

The question is not, Can they *reason*? nor Can they *talk*? but, *Can they suffer*?¹²

⁷Sperling, pp. 51-75.

⁸Sperling, p. 52.

⁹But, see: Fallwell, J. (1987). "AIDS: The Judgement of God." *Liberty Report*, April.

¹⁰Singer, pp. 1-28.

¹¹"Speciesism—the word is not an attractive one, but I can think of no better term—is a prejudice or attitude of bias toward the interests of members of one's own species and against those of members of other species." Singer, p. 7.

¹²Bentham, J. (1789). *Introduction to the Principles of Morals and Legislation*. This quote is

Singer concludes that it is because animals share with humans the characteristic of suffering that they are equal. The ability to suffer is “the vital characteristic that gives a being the right to equal consideration.”¹³ Any and all species that can suffer are equal.¹⁴ Acting against the interests of animals, which are humans’ equal by virtue of the ability to suffer, is the injustice of speciesism.

Bentham’s appeal for Singer is also found in the former’s reference to the inability of children to engage in acts of reason or rational discourse. Singer reminds the reader that humans do not subject infants or the profoundly retarded to painful research procedures simply because they lack reason. This, he writes, is because humans are naturally repulsed by the idea of inflicting pain upon equals. The conclusion is that, since animals also experience pain, they too are humanity’s equal, and therefore due to the same consideration as an infant.

A CRITIQUE OF THE PHILOSOPHY OF “ANIMAL LIBERATION”

Most might agree that humans and animals share many characteristics, of which suffering is only one.¹⁵ The logic that equal consideration of interests ought to be given to all creatures with similar characteristics seems compelling, especially when suffering is presented as *the* characteristic which determines equality. Nevertheless, the argument is flawed. Singer bases his thesis on the level of characteristics. As such, he does not take into consideration the more basic and fundamental category of existence, a creature’s *nature*.¹⁶ Singer grounds his logic on the part, rather than on the whole in which the part is found and within which the part has its meaning.

The importance of characteristics to any being, as well as the ways in which these characteristics find expression, may differ greatly due to differences in each being’s nature. Even if both humans and animals appear to share the characteristic of suffering, the existential phenomena of suf-

taken as it appears in Singer, p. 8. Bentham appears to be responding to the two tests which Descartes wrote would demonstrate the difference between *automates* constructed in the image of the human body, and a human being. Descartes, “Le Discours de la Methode” V, pp. 628-629.

¹³Singer, p. 9.

¹⁴Singer is not consistent with this proposition; See p. 263.

¹⁵Regan cites the characteristic of consciousness. See: Regan, T. (1983). *The Care for Animal Rights*. Berkeley: University of California Press.

¹⁶Nature is understood here to refer to the “form” or “essence” of a being, as distinct from its matter, which informs and directs that being’s inclinations and operations.

fering may differ because of differences in each being's nature. Before Singer's arguments against speciesism can be accepted, it must be determined whether or not the suffering of both animals and humans is objectively the same phenomena. This can only be addressed through a discussion of animal and human nature.

Aquinas' discussion of the Natural Moral Law provides an apt place from which to begin this reflection.¹⁷ The Natural Moral Law holds that each being is inclined toward an end appropriate to its nature. Some, but not all, of these inclinations are shared by different species. Plants, animals, and humans are inclined to self-preservation; animals and humans are inclined toward the preservation of the species; humans are inclined toward reason.

Singer argues that the vital characteristic that gives the right to equal consideration of interests is the characteristic of suffering, not the characteristics of reason, which he understands as being analogous to intelligence. Aquinas, however, does not speak of reason in this way. Reason has not so much to do with how the human behaves, i.e., intelligently, but with the manner in which the human is inclined to interact with itself and its environment. Reason,

is that intrinsic law which lays claim to human persons as moral beings so that they may shape themselves and the world, and which allows them to become aware, by simple reflection, of the most important of the goals that are inalienably entrusted to their responsibility.¹⁸

The Natural Moral Law should not be understood to mean that humanity is naturally inclined toward intelligent or "smart" behavior. Many animals which do not share human nature exhibit highly intelligent behavior. Rather, the theory holds that humans are inclined to initiate, interact, and respond within the environment in a reflective, purposeful, and meaningful way.¹⁹ To act according to reason is to be inclined to discriminate between true and false propositions, as well as to make free choices.²⁰

Humans share many animal inclinations. Humans, by their nature, are also able to reflect on those inclinations to order and invest them with meaning and purpose. Humans, when they act according to their nature, do not merely participate in the *events* of life in an intelligent way. By

¹⁷ST. I, II, Q, 94.

¹⁸Bockle, F. (1988). "Nature as the Basis of Morality." In *Personalist Morals*. Ed. J. A. Selling, Leuven: Leuven University Press, p. 49.

¹⁹"In the natural inclinations, the reflecting person is opened towards fundamental, essential purposes, which have to be observed in the actions which are governed by the laws of reason." Bockle, p. 49.

²⁰See ST I, 16 and I, II, Prologue. See also, Alder, M. (1986). *The Difference of Man and the Difference It Makes*. New York: Meridian.

reflecting on, ordering, and investing these events with meaning, humans are able to *experience* life.

The movement from event to experience might be described as the exercise of the virtue *prudentia*. The English notion of prudence as caution is not what is meant here. *Prudentia* is the engagement of memory, understanding, docility, reason, foresight, circumspection, shrewdness and caution in the performance of one's actions.²¹ But, *prudentia* is more than the collection of these characteristics. *Prudentia* is the virtue by which these characteristics serve to integrate and bring meaning to human events. In this way, events are ordered and integrated into the whole of any human's past, present and future existence, personally and socially and spiritually.

This understanding of human nature is not peculiar to Aquinas or the thirteenth century. Peter Honey speaks of the distinction cited above between an event and an experience.²² An event can be defined as any human happening. This event is not an experience in the true sense of the term until and unless it is reflected upon, some insight is drawn from it, and the person moves toward some personal conclusion.

Animal and human nature are distinct in a fundamental way. This distinction remains true regardless of the many shared characteristics. There are shared biological, physiological, and even intellectual characteristics. From this, many important comparisons can be made. However, on the level of nature, these similar characteristics take on important distinctions. Only humans are inclined to use those characteristics to order and invest meaning in their existence. Both, for example, have a kind of memory. Animals, however, remember more in the sense of association, as when a dog "remembers" to stop barking when its owner rolls up a newspaper. In point of fact, the dog associates the paper with a noxious event and, in its attempt to avoid it, stops barking. The dog's memory is that "Y" causes "X." The dog does not reflect on the event and create new strategies for dealing with reality. It merely remembers the consequence of barking, and stops.²³ For a human, to remember is to mentally re-live an event of the past in order to know once again its sorrow or joy, to seek healing or strength, or to draw some insight in order that forgiveness or a lesson may be learned. Because of differences in their nature,

²¹S.T. II, II, q. 47-51.

²²Honey, P. (1988). "Learning to Learn from Experience," *The Ashbridge Management Review* (England: Berkhamstead, Spring 1987) pp. 26-27; cited in: Mahoney, J. (1988) "Reflection on Experience as a Source of Mora Theology," in *Personalist Morals*, pp. 25-44.

²³This can be further illustrated: A dog often will not sleep on its bedding if it has fouled it with urine or feces, but will seek out a new place to sleep. It will never, however, take out the fouled bedding and put new bedding in its place. Animals may make "cause and effect" associations, but they do not use past experiences to gain insight into future action.

similar events and characteristics are lived out differently by animals and humans.

The basis of Singer's comments on speciesism is rooted in the contention that both animals and humans suffer. In spite of appearance, this is not true.²⁴ On the whole, Singer uses the term suffering to denote any noxious event, such as pain. He makes only passing reference to such things as fear, giving the reader the impression that the event of suffering is essentially the event of pain. This is not the case. It is not true to say, as he does, that because both animals and humans react in similar ways to noxious stimuli that both suffer. Pain and suffering are phenomenologically distinct.²⁵ Pain can be simply described as the perception of some noxious stimuli. Suffering may exist as a result of or apart from such stimuli, or may not exist even in the presence of such stimuli.

Suffering is the antithesis of what has been described above as reason. Suffering has not so much to do with noxious stimuli as it does with a lack of purposiveness or meaning for that stimuli. It is when the person is unable to understand or interpret some noxious event or situation that the person is said to be suffering. H. Richard Niebuhr expresses it well where he writes:

For it is part of the meaning of suffering that it is that which cuts athwart our purposive movements . . . it is the frustration of our movement toward self-realization or toward the actualization of our potentialities.²⁶

Though pain may typify the event, suffering is the understanding or interpretation of that event as an impediment to moving in a purposive and meaningful way. When and if the person is able to invest meaning or interpret that event, even if the pain is not relieved, the suffering will ease. Likewise, a person may, due to some emotional stress, find the self in a situation which entails no objective noxious stimuli, yet suffer due to an anxiety of being out of control of one's life, or locked into a meaningless situation. No matter how intimately connected pain and suffering may seem, the former refers to an event of noxious stimuli while the latter refers to the negative experience of that noxious event within the context of one's whole life.

When Singer states that humans and animals share the characteristic of suffering, what he means is that both share the ability to participate in noxious events, and that, given the same noxious stimuli, the impact on

²⁴Singer goes to some length (pp. 11-16) to demonstrate that animals feel pain. That contention is not doubted here. The question is, even if they do feel pain, is it correct to say that they suffer in the same way that humans who also feel pain may suffer?

²⁵See: Bakan, D. (1971). *Disease, Pain and Sacrifice: Towards a Psychology of Suffering*. Beacon Press: Chicago.

²⁶Niebuhr, H. R. (1963). *The Responsible Self*. New York: Harper & Row, p. 60

both may be similar. However, on the level of nature, the human experience of the event will be very different. Even if it is said that both suffer, it is not true to that an animal's event of suffering is the same as the human experience of suffering. Human suffering may be relieved through counselling which may make the use of analgesics for pain unnecessary. Animal "suffering" can only be relieved through analgesics, or the removal of the animal from the environment which induces that suffering. Humans may invest the noxious event with meaning, and thus not suffer. Animals, by their very nature, cannot do this.²⁷ This does not mean it is permissible to inflict pain upon animals. It does mean that animals and humans are not, even on the level of suffering, as similar as *Animal Liberation* suggests.

Singer's final argument must still be considered. Because humans do not perform trivial and painful experiments on the infants or on the profoundly retarded, or kill and eat them for food, humans ought not to do so with animals, many of whom are far more intelligent.²⁸ From his own perspective, Singer's critique appears valid. It is not a question of whether or not some humans exhibit reason, as defined above. It is a question of whether or not reason, regardless of its exercise, belongs to their nature. Here, the philosophical distinction between *privation* and *deprivation* can be helpful in understanding that the possession or exercise of certain characteristics does not necessarily impact a creature's fundamental nature.

The privation/deprivation distinction is rooted, among other places, in philosophical discussions of good and evil. The fourth century Christian writer Basil held that only the good had substance, making evil the absence (*steresis*) or mutilation (*promasin*) of the good.²⁹ The important point here

²⁷Some might argue that animals do invest some events with meaning, such as within a "forced choice" paradigm. In this, animals might be said to "choose" between two noxious stimuli that differ in degree. For example, rats do not like bright light or electric footshock. If a rat is placed in an experimental setting in which it is given a footshock in the dark part of an experimental box and no footshock in a brightly-lit part of the box, the rat will inevitably go to the brightly-lit part of the box. This does not mean, however, that the rat has invested the experimental event with meaning, or "chooses" the light over the footshock. Rather, the rat comes to associate darkness with a stimuli more noxious than the other option. After a period of time, the rat will naturally move toward the light, for it finds the dark to be noxious. This is a simple case of "stimulus/response": the noxious stimuli of a footshock in the dark will result in the response of moving toward light. A person, on the other hand, could choose the more noxious stimuli with the sole purpose of confounding the experimental situation. The "forced choice" paradigm works with rats precisely because their response is predictable, and void of personal significance. If they could invest the event with meaning and actually "choose" one stimuli over the other, there would be no way of knowing whether, in any given experiment, they would move toward the light or the dark. In such a case, rats would not be helpful in experimental designs in which behavior must be predictable.

²⁸Singer, p. 268.

²⁹"Homelies sur l'Hexaemeron" II, 5 in *Basile de Cesaree: Text Grec*. Introduction et traduction de S. Giet, Paris: Editions du Cerf, pp. 160-167.

is that good, because it alone has substance, ought to be present. Evil results when a situation is *privated* of the good in some way. That is, evil results when that which ought to be present is missing or deformed. Privation has to do with the absence or mutilation of what ought to be present.

The lack of deprivation is distinct. Deprivation refers to a condition or state in which something is simply not present. Nothing is missing or mutilated; it simply is not there. While to be *privated* is to lose the exercise of some characteristic which is properly part of some being's nature, to be deprived is to lack the exercise of some characteristic because it is not part of some being's nature.

In response to Singer, it can be said that a person who is profoundly retarded is *privated* of the ability to act according to intelligence. By their nature, all humans are inclined toward this end. Some, however, lack the ability to exercise that characteristic of their nature. Animals, on the other hand, are deprived of the characteristic of reason. The lack is rooted not in a loss or mutilation of what ought to be, but in the reality that it is not part of the nature of animals.

Those whom Singer describes as possessing less intelligence than some animals are *privated* of their intellectual ability as a result of some loss or mutilation of that characteristic. Nevertheless, it remains part of human nature. This reality is reflected in language which speaks of these humans as being affected by a pathology. The nature of the human is not changed, although the exercise of some dimension of that nature has been lost or mutilated. Education and/or therapy can sometimes be employed to help the person to develop or recover the exercise of that characteristic. Such development or recovery would not be possible, however, if that characteristic were not rooted in human nature. Animals cannot do this. Animals, by their very nature, do not experience the events of life in the way humans do.

The reason humans do not perform painful experiments on retarded humans for trivial reasons or rear and kill them for food is because these beings are, by nature, humanity's equals.³⁰ They are, according to Singer's own logic of natural rights, due equal consideration. The lack is a privation of the exercise of some characteristic. This privation in no way changes their nature nor, therefore, the equality they share with other humans. The reason animals are sometimes used in research and bred for food is that, regardless of any shared characteristics, they are not the equals of humans. By their very nature, they are deprived of the ability to act according to

³⁰Singer's comments notwithstanding, it is simply not true that research with animals is always painful, or done for trivial reasons.

reason. No amount of education or therapy will change that, nor can any veterinarian point to a pathology to explain it. Even when some animals appear to exercise common characteristics with greater facility than some humans, these animals do not become the equals of humans, nor do they command a greater respect than that due human infants or the profoundly retarded. The human who is privated of some exercise proper to its nature is not any less human. In the same way, the most intelligent of primates retains its proper nature, regardless of its intelligence.

CONCLUSIONS

Animal Liberation has played an important role in shaping the animal rights movement in the United States. Singer's work is recognized as central to the movement's effort to claim legitimation on the contemporary scene.³¹ This legitimation remains, fifteen years after the publication of *Animal Liberation*, largely absent from the movement. The principal success of the movement seems to have more to do with the rise of sentimental attachment to animals due to their movement from the farm to the urban household than it does with a clear and compelling philosophical logic. The flaw in Singer's approach is that he seeks to establish the equality of animals with humans on the level of characteristics where he finds similarities, rather, and more appropriately, than on the level of nature where there are real distinctions.

It is on the level of nature that creatures exhibit their essential equality or inequality. Beings which share the same nature are equals, even when one is privated of characteristics proper to the nature. Beings of different natures are not equals, even when they share some characteristics.

As long as animals and humans differ by nature, they will differ even in the participation of similar events known through shared characteristics. The objective *event* which results in pain and suffering may be the same for an animal and a human, but the *experience* of that pain and suffering is not. Regardless of the similarities of life events and characteristics through which those events are known, the reality is that humans experience life in a way unique to them.

It would be wrong to conclude from this that humans are free to treat animals according to their whims. However, in humanity's quest for a philosophy of stewardship within creation, the arguments offered in *Ani-*

³¹See: Sperling, p. 85; Rowen, A. (1989) "The Development of the Animal Protection Movement." *The Journal of NIH Research* 1, 97-100, 97.

mal Liberation are inadequate to offer guidance in what that stewardship consists. Just as fifteen years ago, the animal rights movement stands today in need of a clear and compelling logic to give legitimization to its position on the use of animals in the pursuit of science.