

Whose life is it anyway? A review of some ideas on the issue of animal rights

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*Sing, dilly dilly duckling, come and be killed,
For you must be stuffed, and my customers filled.*

– Old English nursery rhyme

'... violent muscular spasms, occasionally sufficient to throw the animal bodily across the cage occurred, and gradually passed into a state of general weakness ending in death.' Some animals 'bit themselves severely, two chewing off the end of a finger, and one, the whole skin of the forearm, exposing the muscles from the elbow to the wrist.'

– From a scientific paper investigating the effect of certain substances injected into the brain of monkeys; *The Lancet*, 19 September 1931.

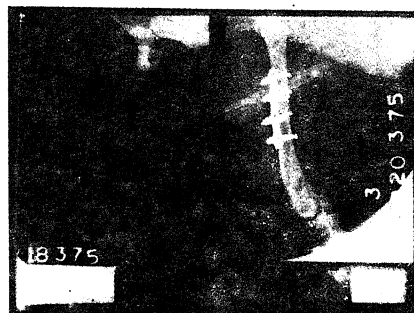
In today's man-eat-man world, a consideration of the exploitation of animals, their rights, and our obligations towards them might seem trivial and fairly unnecessary. Its importance, however, lies in two kinds of arguments. The first encompasses the concept of global ecology and the unique position held by each species on this eco-sphere, the Earth. The environmental movement has particularly made us aware of the often irreparable damage that we have inflicted on other species, and made many of us reflect on our duty towards the other inhabitants that share our home. Although extremely important in its own right, I will not concern myself with it in this paper.

The exploitation of animals

The second group of arguments address the questions whether our eating of other animals, our experiments on them and our destruction of their habitats are ethically defensible. This assumes particular importance if one considers the qualitative and quantitative extent to which animals are exploited to carry the burden of our modern-day civilization. The use of animal pelts and skins in articles such as shoes, belts, wallets and watchbands, and in sports goods such as footballs and boxing gloves, the use of animal excreta in fertilizers, the use of animal urine in the manufacture of perfumes and body lotions, and of animal fats in the manufacture of soap, lipstick and chewing gum are so routine and so much a part of our everyday life that few people are concerned or think about it at all. Lack of knowledge also characterizes our most intimate contact with animals, namely,

our eating of them. But the fact is that farm animals, in ever-increasing numbers, are being raised in incredibly crowded, unnatural environments according to what are called 'intensive rearing methods'. Animals kept under such conditions lead lives characterized by extreme deprivation, pain and frustration. But raising livestock in this way is the only economically feasible route for the producer to meet the ever-increasing public demand for meat and dairy products. The point I am trying to make is that it is not the producers alone who are responsible for forcing animals to lead the lives they do, we, consumers, too must take a large share of the responsibility.

Even more relevant to most of us in the scientific community is the responsibility we must accept for another



Animals are often subjected to unnecessary pain during scientific experimentation. This dog had one of its limbs broken without any anaesthetic being applied in the course of a veterinary study investigating bone fracture and healing.

major cause of animal exploitation: the use of animals in scientific research. Most laboratory animals are forced to lead lives that are alien to their natures, and moreover, their confinement is characterized by deprivation and pain. This problem is again magnified as increasing numbers of animals are being confined to laboratories around the world. The following statistics should drive this point home. In the United States of America, a study conducted by Rutgers University's College of Agriculture and Environmental Sciences revealed that in the year 1971 alone, American researchers used 15–20 million frogs, 190,000 turtles, 51,000 lizards, 61,200 snakes, 1.7 million birds, 45 million rodents, 700,000 rabbits, 23,000 sheep, 46,300 swine, 200,000 cats, 500,000 dogs and about 85,300 primates¹. The use of animals as subjects in research seems as commonplace in the scientific community as the use of animal flesh for food in the world at large.

But can such use of animals for human 'benefit' be morally justified? Concern over the treatment accorded to animals is not an abstract theoretical matter. How we treat animals affects us as humans; the quality of animal life affects the quality of human life. Thus, the need to understand and to evaluate various philosophical positions with regard to animal rights and human obligations becomes a matter of practical significance.

Human obligations

Whether man has obligations towards other animals is intimately connected with our belief and knowledge about the capacities that nonhuman animals possess. This stand becomes clear when humans believe that they have certain duties towards other human beings but not towards inanimate objects such as pebbles or clouds because they lack certain properties which human beings possess. Thus, in order to answer the question whether we have duties towards other animals, we have to first answer another question: What capacities must a being have if we are to feel any responsibility towards it?

There are three things some or all of which have been recognized by various thinkers to characterize beings towards whom we, humans, have some duties². These are: (1) rationality, or the capacity to reason; (2) autonomy, or the capacity to make free choices; and (3) sentience, or the capacity to feel pleasure and pain.

The idea that a being must be rational in order that we may have some duties to it actually goes back to Aristotle, though it was very strongly advocated in the thirteenth century by the Catholic philosopher-theologian St. Thomas Aquinas³. Aquinas regarded rationality or intellect as a capacity that makes beings more or less perfect. Man, who has some degree of rationality, was thus considered more perfect than other animals, who lacked this capacity. He also believed that so far as our world was concerned, the less perfect beings could be

subordinated by the more perfect ones; man thus need have no qualms about eating the lower animals for it is not contrary to nature, as God designed it to be. With regard to animal sentience, Aquinas believed that it was possible to treat animals cruelly since they do have the capacity to feel pain, that is, to cause them unnecessary pain. Although he did think that it was wrong to treat them in this way, he did not believe, for the reason mentioned earlier, that man had any obligation towards them to abstain from treating them cruelly. However, we do have duties towards lower animals insofar as our treatment of them leads us to sin against some rational being, either human beings or God. In fact, Aquinas did believe that people who treat animals cruelly are naturally inclined to treat rational beings in a similar way. We thus do have indirect duties towards other animals, only those borne out of charity.

Aquinas' views can and have been challenged by a number of later thinkers on three principal grounds:

1. Is there any evidence that cruelty to animals leads to cruelty to human beings? For if there is no such evidence, then, according to Aquinas' belief, it would not be wrong to treat animals cruelly; this, in itself, can be considered a debatable point.

2. We could agree with Aquinas that a being must be rational in order for us to have duties towards it, and then point out, as had been done much earlier by the Greek moralist Plutarch⁴, that some of the lower animals may have the capacity to reason, although not to the extent that man has. This is a point that has now come to the fore with much of our research in human cognition being focused on comparative studies on the nonhuman primates and other highly social mammalian species.

3. A more fundamental objection disputes the very basis of Aquinas' proposition and questions whether the property of sentience should not be considered a more concrete ground to determine our moral obligations rather than that of rationality. According to this view, again put forward very strongly by Plutarch, and later supported by the English philosopher Bentham⁵, it is enough that a being can experience pain and pleasure for us to have a duty towards it of not causing any unnecessary pain. And this is a direct duty, an obligation quite independent of whether our treatment of animals reflects our treatment of other human beings.

Does this mean that it is wrong to kill an animal as a source of food or to inflict pain upon it in the course of a scientific experiment? The answer, according to most thinkers, would appear to be no. Plutarch, for example, concedes that it would not be wrong to kill and eat an animal if doing so is necessary to save a human life. However, he does maintain, and this should strike a familiar chord in a number of us that it is not necessary to eat the flesh of animals to survive or attain sound health. Moreover, he believes that raising and slaughtering

ing of animals are dictated not so much by consideration of health as by that of taste. And since these are obviously unnecessary pleasures for men to indulge in, he goes on to argue that the pain caused to animals by such a treatment is also unnecessary. Thus, although there may be special circumstances in which the consumption of animals is not wrong, Plutarch believes that it is usually so.

Bentham, adopting yet another viewpoint, argues that our treatment of animals would be wrong if the animals suffered more pain than the amount of pleasure human beings received. He, in fact, incorporated the essential basis of moral equality in his utilitarian system of ethics as 'each to count for one and none for more than one'. Although later thinkers have also agreed that everyone's interests should be given such equal consideration, they have not been able to agree on how conflicting interests can be best equated². Another important position in this regard is that held by the renowned missionary and philosopher Albert Schweitzer, who makes it clear that he is, in principle, not opposed to using animals in scientific research, though he speaks very forcefully against their use in 'unnecessary' research⁶.

A final viewpoint which cannot be neglected in this discussion is that of Singer⁷. Even at the risk of being labelled an extreme radical, Singer defines most of the above-described ideas as products of our 'speciesist' way of thinking. A speciesist, according to him, is a person who 'allows the interests of his species to override the greater interests of members of other species'. Speciesism thus shares a number of features with sexism and racism, the most important one being a systematic refusal to apply the principles of justice in an equitable fashion. Singer raises the problem of scientific experimentation on animals and argues that the question of whether one would be prepared to let thousands of people die if they could be saved by experimenting on a single animal is akin to asking whether the same experiment could be performed on a human infant. Singer concludes that if the experimenter is not ready to do so, then his readiness to use nonhuman animals is simple discrimination, since adult mice, dogs and monkeys appear to be more aware, more self-directing, and, as far as we can tell, as sensitive to pain as any human infant. According to Singer, there appears to be no relevant characteristics that human infants have but adult mammals do not have to the same or to a higher degree. Moreover, in case of a counterargument that the human infant, if left alone, would develop into more than a nonhuman, he argues that this would still give us no reason for selecting a nonhuman animal rather than a human being with severe and irreversible brain damage as the subject for our experiments. It is thus Singer's belief that the routine use of animals as food and their use in scientific experiments is an expression of unreasonable prejudice and, like racial bigotry, should be fought against with all our compassion and respect for life.

Animal rights

The question of whether animals have rights is intimately related to our understanding of human and animal nature and also to the question of whether we have obligations towards other animals. A major school of thought is of the notion that whenever one being has an obligation towards another, the other being has a corresponding right against the first and *vice versa*². This is known as the correlativity thesis. If we do have some duties towards other animals, it, therefore, necessarily follows that animals have corresponding rights that we must respect.

An interesting criticism of this viewpoint argues differently. It might generally be favourably considered, for example, that we do have certain duties towards preserving our natural ecosystems, or even the great works of human creativity such as the frescoes of the Ajanta caves. Very few would, however, agree that our oceans and forests, as also the Ajanta paintings, have rights. The correlativity thesis may not thus be too widely applicable.

Counteracting the above criticism, proponents of the thesis postulate that it is only the cases of direct duty that should be considered, while the criticism clearly involves examples of duties that are indirect. Thus, if we do have a duty towards our great works of art, it is not something that we owe to them. It is something that we owe to our future generations, for the loss of the Ajanta frescoes would lead to a loss in their enjoyment of beauty. Similarly, our indirect duty towards our woodlands and oceans only symbolizes our direct duty towards our descendants; the correlativity thesis is, therefore, upheld. Feinberg⁸ is a notable proponent of this thesis, and has strongly advocated the rights of animals in accordance with our direct obligations to them.

But what is a right? Feinberg believes that to have a right is to have a claim to something or against others. Therefore, if an animal has a right to life, this would imply that it has a claim against others not to take its life. McCloskey⁹, on the other hand, defines a right as an entitlement. Thus, if an animal has the right to eat whatsoever it pleases, it is entitled to such food. The difference between the two is that to have an entitlement does not necessarily require one to have any claims against others, while to have a right can be a basis for making such claims. Which of these two analyses is correct? Which one would be more appropriate for non-human animals? These are controversial points and unfortunately, such discussions have tended to obscure the main question of whether animals have rights at all, leading the noted English humanitarian Salt¹⁰ to comment, in an article as early as 1912, that 'the controversy over "rights" (is) little else than an academic battle over words'. The situation remains much the same, even today.

Another problem that is often raised is that even if animals do have rights, they lack a language to articulate their claims or entitlements. This, of course, should not pose a major problem since it can always be argued that amongst human beings, very young children, the aged and those mentally deficient are also incapable of articulating their rights; yet we never do dispute their rights.

Yet another question that is important in this regard is what kinds of rights are there at all. At least two kinds of rights can be distinguished – (1) Special rights: these can be acquired because of what we or someone else has done, and not because of what we are. An example is that of a beneficiary to an inheritance. (2) Natural rights: these are what a being has by virtue of being what it is. The rights to life, liberty and happiness are included under this category because they cannot be acquired because of what one does. These are, therefore, inherent rights.

Salt¹⁰ has suggested that animals do have special rights since they are entitled to certain legal rights; a different view is that of the British political philosopher Ritchie¹¹ who has argued that works of art are also protected by laws, but cannot be conceived to have legal rights of any kind. A more controversial issue, however, is that of whether animals have natural rights. This is not surprising since natural rights are those which a being has by virtue of its nature, and the nature of nonhuman animals is itself very controversial. Hence, the question which has to be raised now concerns the nature of beings that can have rights and whether animals can be considered to be such beings.

Possibly the most prevalent view in this debate is that a being must be rational if it is to be capable of having rights. However, as discussed earlier, a number of thinkers, Aristotle and Aquinas being prominent among them, are of the opinion that animals are apparently incapable of reasoning and, hence, have no rights against us. A major opponent of this argument is Feinberg⁸ who has again pointed out that children and the mentally ill may not demonstrate any ability to reason but that does not deprive them of their rights. He has used an argument similar to Singer's in pointing out that even if children are considered to be potentially capable of reasoning, the mentally feeble are definitely not. Hence, if rationality is considered to be a criterion for having rights, Feinberg suggests that at least some human beings should be excluded from this group and wonders whether or not this would be too heavy a price to pay.

Another view is that a being must have interests if it is to have any rights; in other words, it must care, or be concerned about what happens to it. Not surprisingly, this has again led to a widespread debate. Some thinkers like Feinberg⁸ have argued that animals have a 'conative life' with wishes, hopes, urges and impulses, thus raising the possibility of 'the good' of an individual animal. Other authors such as McCloskey⁹ have consistently

opposed such a view since they are of the opinion that animals have no demonstrable interests.

Yet another property of a being with rights has been believed to be sentience, that is, the capacity to feel pain and pleasure, a point that has again been discussed above. Ritchie¹¹ makes a very strong argument against attributing rights to animals on this ground. He notes that animals can never be accorded equal rights with human beings since this would imply, rather absurdly, that no animal could be put to death without a fair trial, and that it would be our duty to protect weak animals from the attacks of the strong. If, on the other hand, they are considered to have rights inferior to those of man, this would merely be an excuse for human interests to override the interests of animals in determining how animals themselves should be treated.

It should, of course, be made clear that even if we assume that animals are beings that can potentially have rights, we still have no answer to the question of whether they actually do have rights. Another dimension to this debate is added by thinkers who believe that animals do have rights but seem to disagree on what exactly are the rights that animals possess. Regan¹², for example, believes that they have a natural right to life if it is supposed that all human beings do, while Feinberg⁸ feels that they have a right not to be treated cruelly. Salt¹⁰ believes that animals have a right to exercise their cognitive and emotional capacities, and Rachels¹³ argues that at least some animals have the right to property and to liberty. This point is a particularly interesting one since Rachels clearly refers to moral freedom exactly in the same way that has been proposed for human beings as well, and recent experiments with chimpanzees have shown that they have limited abilities to express empathy and compassion, human traits traditionally regarded to be morally admirable¹⁴.

Where do we stand?

The problem of animal rights has obviously raised more heat than shed light on what our obligations should be towards all nonhuman animals, particularly in the way we treat them for our benefit. Some of the contentious issues relate to what is a right, especially for an animal, and what kinds of natural rights can animals lay claim to while being entitled to other special rights. Other questions, such as whether animals do have interests, or how self-aware or conscious they are, are more factual and may even be answerable one day given our new interest in animal cognition and our enquiry into the workings of the animal mind.

The whole issue, however, in my mind, still remains as ambiguous and controversial as it was in the day of Aristotle. And the foremost reason for this seems to be the inevitable subjectivity with which each of us perceives animals and our relations with them. We still

On Shri Morarji Desai and the rhesus macaque

'The moral status of a country is known by the way it treats its animals.'

—Mahatma Gandhi

The rhesus macaque (*Macaca mulatta*) of north India has, since ancient times, played an important role in the ecology, culture and traditions of India. The close interaction of these macaques with the people of our country forms perhaps the most intense relationship between human and nonhuman primates anywhere in the world.

Easily maintained under laboratory conditions, however, the rhesus monkey has been extensively exploited in biomedical research because its disease spectrum is apparently very similar to that of human beings. In the early sixties, India was exporting about 200,000 to 300,000 monkeys every year to Europe and USA, and this had obviously considerable impact on the wild populations of this species.

In 1977, the International Primate Protection League (IPPL) gathered documents about the apparent misuse of imported Indian rhesus monkeys in military experimentation in the United States. India had lifted an initial ban on rhesus exports in the late fifties. This ban had resulted from the heavy mortality occurring amongst the transported monkeys. There were, however, conditions placed on the use of monkeys when exports resumed. Each individual shipment had to be accompanied by a 'certificate of need' which guaranteed '... (1) that the monkeys now being purchased will be used only for medical research or the production of antipoliomyelitis vaccine...' and (2) that... 'they will receive humane treatment under our care'.

The IPPL felt that the radiation experiments being performed on hundreds of rhesus monkeys by the US military at various installations flagrantly violated the US-India agreement: in some experiments, monkeys were trained by electric shock to run in large circular treadwheels, they were then exposed to massive lethal doses of radiation and placed back in the treadwheel, and their agonized efforts to run were observed by scientists. In one experiment involving 131 monkeys exposed to between 2500 and 80,000 rads, the following responses to radiation were seen:

'Extreme forward slumping in crouching posture; whole body convulsions; spasticity; rolling eyeballs; stumbling and falling; blind, apathetic facial expression; muscular tremors; vomiting and retching; frequent shifts in body position and posture; wild purposeless twisting, twirling and throwing of the body; uncoordinated leaps on hearing a sound; crawling and frantic pushing and scraping of sides, back and belly on floor of cage; and passive draping of the head over the back while in an awkward, crouched, clinging posture.'

The IPPL initially tried to get the US authorities to stop these experiments. On failing to do so, they contacted the then Indian Prime Minister, the late Shri Morarji Desai, their Indian advisers and the Indian Press in order to mobilize popular and government opinion.

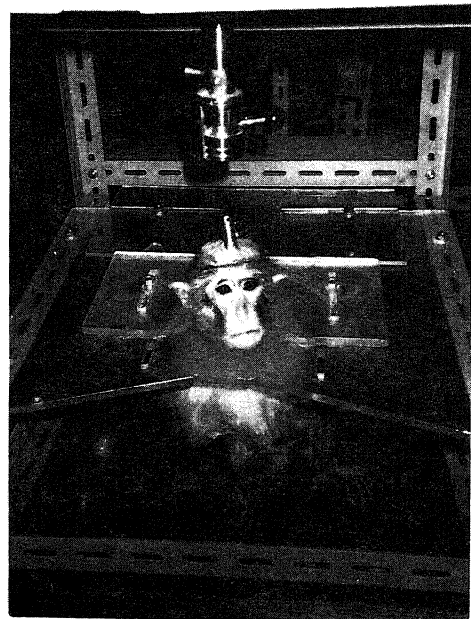
On 3 December 1977, India's export ban on monkeys was officially announced. It is to the credit of Shri Desai that in the face of increasingly mounting pressure from powerful lobbies, he stood firm. This policy was later continued by his successors including the late Smt Indira Gandhi, again inspite of considerable political pressure.

In an attempt at historical revisionism, claims were made by US scientists (in a magazine article) that the Indian ban had resulted from conservation concerns and the dwindling number of the rhesus. This claim was subsequently retracted when Shri Desai, who had by then retired, countered this in a handwritten letter to the IPPL:

'You are quite correct in saying that I banned the export of monkeys on a humanitarian basis and not because the number was lessening. I believe in preventing cruelty to all living beings in any form. This is the ancient Indian culture...'

Later, a survey by the Zoological Survey of India determined that there were only 200,000 rhesus monkeys left in India. The trade had taken a heavy toll. The teeming millions of former days had indeed disappeared.

A life-long vegetarian and animal lover, Shri Morarji Desai rejected medical treatment and vaccinations throughout his life. The monkeys left may not know it, but they owe their lives and freedom to him. They are, in their way, his living monument.



A rhesus macaque confined to a restraint chair with electrodes implanted in its brain during the course of an electrophysiological experiment. Photograph courtesy: The International Primate Protection League.

have not been able to come to terms with our biases and prejudices in the matter of human race relations, religion and sexuality. What hope remains for our attitude towards animals?

Schweitzer⁶ fully grasped the enormity of this problem and realized that we are indeed far from a final solution. He thus concludes his brilliant essay entitled 'The ethic of reverence for life' with the following words, and I can think of no better way than to end this essay with them:

'Wherever any animal is forced into the service of man, the sufferings that it has to bear on that account are the concern of every one of us. No one ought to permit, insofar as he can prevent it, pain or suffering for which he will not take the responsibility . . . The ethic of reverence for life . . . inspires us to join in a search for opportunities to afford help of some kind or other to the animals, to make up for the great amount of misery which they endure at our hands, and thus to escape for the moment from the inconceivable horrors of existence.'⁶

1. Reported in *Science Digest*, November 1973, p. 32.

2. Regan, T. and Singer, P. (eds), *Animal Rights and Human Obligations*, Prentice-Hall, New Jersey, 1976.

3. Aquinas, St. Thomas, *Summa Contra Gentiles*, (translated by the English Dominican Fathers), Benziger Brothers, 1928. Reprinted in *Animal Rights and Human Obligations* (eds Regan, T. and Singer, P.), Prentice-Hall, New Jersey, 1976, pp. 118-121.
4. Plutarch, reprinted in *Animal Rights and Human Obligations* (eds Regan, T. and Singer, P.), Prentice-Hall, New Jersey, 1976, pp. 111-117.
5. Bentham, J., *The Principles of Morals and Legislation*, 1789. Reprinted in *Animal Rights and Human Obligations* (eds Regan, T. and Singer, P.), Prentice-Hall, New Jersey, 1976, pp. 129-130.
6. Schweitzer, A., in *Civilization and Ethics (The Philosophy of Civilization, Part II)*, Macmillan, New York, 1950, pp. 130-138.
7. Singer, P., in *Animal Rights and Human Obligations* (eds Regan, T. and Singer, P.), Prentice-Hall, New Jersey, 1976, pp. 148-162.
8. Feinberg, J., in *Philosophy and Environmental Crisis* (ed. Blackstone, W.), University of Georgia Press, Georgia, 1974, pp. 190-196.
9. McCloskey, H. J., *Phil. Quart.*, 1965, **15**, 115-127.
10. Salt, H. S., *Animals' Rights*, The Humanitarian League, London, 1912.
11. Ritchie, D. G., *Natural Rights*, Allen and Unwin, London, 1894.
12. Regan, T., reprinted in *Animal Rights and Human Obligations* (eds Regan, T. and Singer, P.), Prentice-Hall, New Jersey, 1976, pp. 197-204.
13. Rachels, J., in *Animal Rights and Human Obligations* (eds Regan, T. and Singer, P.), Prentice-Hall, New Jersey, 1976, pp. 205-223.
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In late 1994, Jane Goodall, the eminent primatologist and now a noted advocate for the noninvasive use of animals in research, gave a call to academicians the world over to participate in a dialogue. This was essentially aimed not only at raising the awareness of researchers, but more importantly, at opening up a serious discussion on the ethics of using laboratory animals in often painful and sometimes relatively unwarranted basic and medical research. We reprint below some excerpts from this call.

— Editors

On the use of animals in research and education

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The use of nonhuman animals for the purposes of humans has long been taken for granted in our culture, and has been institutionalized by entire industries. In recent years, however, a new awareness of animals has been developing, and new attitudes and practices have come into being.

Over the last two decades, the ethical and broad scientific implications of the use of animals in laboratory experiments have come to be examined more and more critically, and new research methods have been developed. There may now be some consensus among scientists, as well as among the public, that the use of animals raises ethical questions that must be dealt with.

However, discussion of the use of animals in general and as experimental subjects in particular has been polarized and contentious. Research scientists and animal rights advocates have regarded each other with distrust, and constructive dialogue has been scarce. Stereotypes of the researcher as unfeeling, and of the animal advocate as fanatical, have been persistent.

It is time for the ethical, scientific and practical issues raised by the use of animals in research and education to be aired anew, with a fresh measure of good will.

By and large, institutions of higher learning have not paid enough attention to the status and treatment of animals in society and in the institutions themselves. We,