

Rights, Interests and Subject-of-a-Life: A Defense of Tom Regan's Animal Rights Theory

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Abstract: *Moral rights are the prerogative of all humans and only humans. So is believed and put in practice by the dominant anthropocentric socio-cultural milieu. However, animal liberationist Tom Regan has argued in many of his works, that are epoch-making in the field of animal ethics, that the concept of moral rights, interpreted in the right way, allows for a level-playing field where non-human animals are as much entitled to the rights to physical protection, life, and preservation of liberty as humans. The game-changer in determining the eligibility conditions for moral rights, according to Regan, is the property of being a subject-of-a-life. Certain species of non-human animals, if not every one of them, qualify as a subject-of-a-life given that these animals are aware of the world, aware of what goes on in their surroundings, and also aware of whether the events occurring in their world act in their welfare or in their disfavour, in the same way as humans are aware of what maximizes their psycho-physical integrity and autonomy and what poses hindrance to their welfare. However, philosophers like R. G. Frey argue that non-human animals cannot be logical subjects of moral rights, as they cannot be shown to have any interests, in any which of its two senses the term "interests" is applied. Animal ethicists like Peter Singer, a champion of the animal liberation movement, despite stopping short of granting moral rights to non-human animals, concede that they possess interests. Singer argues that interests stemming from the rudimentary capacity to feel pain are the fundamental criteria for being entitled to moral consideration. My contention in this paper will be that the ascription of moral rights to a being is entirely conditional upon the being having demonstrable interests. Tom Regan's concept of subject-of-a-life is thus not flawed, and can legitimately show that animals are logical subjects of moral rights insofar as they have interests, in both senses of the term.*

Keywords: propositional attitude, reflective consciousness, simple desire

1. Introduction

The history of nonhuman animals sharing space on planet earth with hominids dates back to a period 200,000 years from now when the sub-species of the modern human *Homo Neanderthalensis* populated southern Europe and *Homo Sapiens* dwelled in Africa during the same period. The animals then were most likely looked upon as hostile strangers in the human habitat. Thousands of years later, circa 10,000-8,000 B.C.E., during the Neolithic period, the nonhuman species were not strange bedfellows to humans any longer. They began to become very much an integral part of the human environment as cattle, sheep, pig, horses and such other nonhuman life forms began to cohabit the socio-economic milieu of humans full-scale as draught animals, and as livestock in farming and agrarian activities. Nonetheless, from the Neolithic period till the present-day, their status has hardly witnessed any transition from a mere commodity to even a "moral patient" (Graft 98), let alone moral agent. In recent times, animal liberationists like Peter Singer and Tom Regan have advanced cogent arguments reinforcing the claim that non-human animals are the kind of beings who cannot be denied moral worthiness. Tom Regan, however, has gone a step further in claiming that some animals of the higher echelon are subjects of moral rights. However, R. G. Frey oppose the idea of ascribing moral rights to animals on the ground of their lack of having any credible interests. In what follows, I will first unravel the concept of rights and interests. In the subsequent section, I will discuss Frey's arguments which will be followed by a defense of Regan's animal rights view in the face of this critique.

2. Interests and Rights

Peter Singer, one of the celebrated philosophers championing the animal liberation movement that took shape in the 1970-s and 1980-s famously argued that the capacity for undergoing pleasurable and painful somatic as well as psychological sensations should be made a sufficient criterion for determining whether non-human animals have interests (Singer 2011). Animals, except plants, possessing such experiential capacity or sentience are rightfully the subjects of moral consideration, as argued by Singer. Feinberg (1974) argues in a similar vein that the basis of ascribing moral rights are certain features of consciousness that higher animals evidently possess. Our belief that at least some higher animals have interests stems from the fact these animals "at least have appetites, conative urges, and rudimentary purposes, the integrated satisfaction of which constitutes their welfare or good" (Feinberg 1974, p. 50). These psychological properties are sufficient enough to accord moral rights to them. According to Regan (2013), if a being is considered worthy of moral rights, then it implies that the being is entitled to immunity from bodily harm, injury to life and liberty being constricted. He then argues that neither species membership nor personhood can be the criteria for granting moral rights. It is worth considering whether the being in question is a subject-of-a-life. In order to qualify as a subject-of-a-life, a non-human life form has to satisfy the following conditions (Regan 2003, 2013):

- 1) A being has to be an organism embedded in the biosphere in the sense that it is aware of its surroundings.
- 2) Whatever changes take place in its surroundings will either be conducive to its welfare or proved the contrary.

- 3) The changes in its surroundings matter to the being, as it is aware of what is good or bad for its quality and duration of life.

Thus, according to Regan, a subject-of-a-life is quintessentially a teleological being, possessing desires and memories as essential features, and many higher mammals like dogs, cats, whales and dolphins are loci of such conscious properties. Although Regan does not use the word 'interests', his definition of a subject-of-a-life rides on the concept of interests insofar as he claims that a subject-of-a-life can be benefitted or harmed by events in the world. Now, in the next section, I will dissect Frey's arguments attempting to prove that interests cannot be predicated of non-human animals in a logical way, which results in their being disqualified from being the logical subjects of moral rights.

3. Interests, Desires and Beliefs

What is it like to have interests? Frey (1979) distinguishes two logically distinct senses of the term 'interests'. It is one thing to say, that some *x* is in a being's interests, and quite another that the being has an interest in *x*. For example, if Paul says that "Having a cup of tea is in John's interests", then if Paul is actually making the claim that John is aware of how having a cup of tea will serve his welfare or that John desires a cup of tea, is completely unwarranted. All that could be made out of Paul's statement is, having a cup of tea will benefit John, irrespective of John's awareness of the benefit or John's desire to sip from a cup of tea. On the other hand, if John says, "I have an interest in having a cup of tea", then John is explicitly expressing his desire to have a cup of tea, although he may or may not be aware of its exact benefits. Although it may be said in the defense of the interest theorists that if someone desires something, she is most likely well aware of its positive outcome, that is, she believes it is conducive to her welfare. The crux of Frey's argument against animal rights is, animals have interests in neither of the senses. If animals are accorded interests in the first sense, then even an elevator can have interests. We can say that periodical maintenance of the elevator is in its interests, without implying the elevator is aware of what serves its well-being. Now, to consider animals as having interests in this sense comes with the implication that they might just as well be a nonconscious material thing in the same way the elevator is. Now, animals could have interests in the second sense, only if they had desires. Frey argues that having a desire is contingent upon having a belief state, which I would refer to as a propositional attitude, and having a propositional attitude is primarily rooted in the capacity to use language. Since animals lack in this capacity, they cannot form a propositional attitude and, in its absence, they cannot be the loci of desires. The next section will be devoted to the further unravelling of this latter argument where the meaning of the term propositional attitude will be analysed.

4. Simple Desires as the Prerequisite of Moral Rights

Apart from arguing that non-human animals cannot meaningfully have interests in the sense of having desire for some visible end, Frey (1980) also advances a separate argument claiming that they are incapable of having any

desire at all, although both arguments are anchored in the premise that animals cannot think in a propositional form. Frey's argument that non-humans are not endowed with desire will be named the argument from reflective consciousness (RC). RC has the following structure:

- 1) A being *B* that desires some *x*, but is not aware of oneself as the locus of the desire of *x* is a being with no reflective consciousness.
- 2) Beings which do not possess reflective consciousness are beings that possess merely unconscious desire.
- 3) Therefore, *B* that desires some *x*, possesses only an unconscious desire.
- 4) Beings that possess only an unconscious desire, cannot be regarded as possessing desire at all.
- 5) Therefore, *B* cannot be regarded as possessing desire.

Frey's contention is, since animals do not have linguistic capacity, they cannot consequently form a propositional attitude, which consists in having a belief that so-and-so fact about one's life and surroundings holds either true or false. To borrow an example of the propositional attitude from Frey himself (Frey 1979), suppose I desire to have a Gutenberg Bible in my collection of treasured manuscripts. I would not have this desire in the first place if I did not have the propositional attitude, namely, "My book collection falls short of a Gutenberg Bible". This propositional attitude again could not be formed without the capacity to think linguistically. Animals, evidently lacking in this capacity, cannot be assumed to have desire. Now part of Frey's argument from RC, that animals do not possess reflective consciousness- awareness that one has some desire, gains momentum from the following claim:

Since animals do not demonstrably have propositional attitude, they can never know they have desire for some *x*. And since animals can at best have unconscious desires which is tantamount to possessing no desire, they cannot have interests and therefore cannot be the logical subjects of moral rights.

Regan dismisses RC, as he points out that in order to understand unconscious desire, one needs to have a conceptual understanding of conscious desire first. So, when Frey is willing to grant only unconscious desire to animals, he also needs to concede the possibility that they are capable of possessing conscious desire. But Regan's fatal blow to RC consists in showing that Frey's RC misconstrues reflective consciousness and thereby fails to set being-aware-of-a-desire and being-aware-that- one-is-aware-of-one's-desire apart (Regan 1982). When I have two conflicting desires and I am in the process of deliberating which desire to bring to fruition, my awareness about the desires is at the level of reflective consciousness. However, I can very well be conscious about my desires even when there is no such friction between my desires. This awareness of my desires according to Regan, operates at the level of non- reflective consciousness and comes under the ambit of simple desire. Regan's contention is that animals may not have reflective consciousness, as they may not be shown to possess complex thinking. But an absence of reflective consciousness about desire does not necessarily translate into an absence of any kind of desire at all. Animals surely can possess simple desire of the non-reflective type, like desire for filling their

belly or quenching their thirst, which is a sufficient condition for having interests in the second sense in Frey's analysis of interests. Since animals cannot be shown to not have simple desires, they cannot therefore be deprived of moral rights.

5. Conclusion

Even as strong ethical anthropocentrism is no longer the trend in the present-day academic environmental philosophy and non-anthropocentrism of different variety has gained much traction, the field of animal ethic is still wary about granting moral rights to non-humans at par with humans. Feinberg (1974) however made an insightful observation that, while the primary recipients of moral rights are those who understand the conditions under which their rights are infringed upon, those who lack understanding about rights violation, but can have a representative who will uphold their rights, and ensure moral obligation and duties towards them are performed unfailingly, can also be the subjects of moral rights. And animals can be logically granted moral rights in this sense. This act of granting of moral rights stems from the consideration of interests, that none of the celebrated animal ethicists like Singer, Regan and Feinberg have denied to non-humans. Showing that animals have interests is one step forward in showing they have at least a conative faculty of mind. Wittgenstein did not rule out such possibility, as he remarked in his *Philosophical Investigations*: "One can imagine an animal angry, frightened, unhappy, happy, startled. But hopeful? And why not?" (Wittgenstein 1953, p. 174).

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