



WHY HUMAN BEINGS MAY USE ANIMALS¹

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ABSTRACT. I want here specifically to dispute the vegan or moral vegetarian position. I continue my argument defending speciesism and against the idea that animals have rights, though not against treating animals with a certain kind of moral considerateness. I also argue that using animals for human purposes is not always morally wrong.

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Introduction

Some philosophers and moralists defend what they have labeled veganism – vegetarianism supposedly grounded on ethics. Their thesis is that no one should kill or even use animals – including fish – because “all sentient beings are essentially similar, despite many obvious differences.” They note, for example, “We are, each of us, the experiencing subject of a life, a conscious creature having an individual welfare that is important to us, whatever our usefulness to others. We all want and prefer things, believe and feel things, recall and expect things. Some beings are better than others at doing these things.”²

Peter Singer and Tom Regan, among others, argue that animals need to be liberated or have basic rights human must be prevented from violating, respectively.

I want here specifically to dispute the vegan or moral vegetarian position. I continue my argument defending speciesism and against the idea that animals have rights, though not against treating animals with a certain kind

of moral considerateness. I also argue that using animals for human purposes is not always morally wrong.

Les Burwood and Ros Wyeth are English academics who defend what they have labeled veganism, essentially vegetarianism on ethical grounds. Steve Wise is a Harvard law professor who urges that we give full recognition to animal rights in our legal system. Hundreds of movie stars and celebrities as well as other academics favoring the idea of animal rights or liberation join them.

In support of their thesis that no one should use or kill animals – including fish – Burwood and Wyeth advance the case that “all sentient beings are essentially similar, despite many obvious differences.” They further defend this claim by saying that “We are, each of us, the experiencing subject of a life, a conscious creature having an individual welfare that is important to us, whatever our usefulness to others. We all want and prefer things, believe and feel things, recall and expect things. Some beings are better than others at doing these things.”³

What follows from accepting this line of reasoning is that all kinds of animal research, sports involving animals, raising beef and chicken and any other animal for food, are morally wrong. All those who take part in these activities are doing what is morally wrong and blameworthy. Moreover, all such activities ought to be banned by governments around the world.

Interestingly, while fewer and fewer academics support individual human rights to life, liberty and property, more and more of them are championing the same rights for other animals! Indeed, with respect to such rights there is a widespread skepticism, often resting on the view that different communities may make different principles applicable to their inhabitants and no universal system of political principles can thus be made applicable to all persons. Perhaps a most articulate and vociferous recent champion of this skeptical view on human rights was Richard Rorty.⁴ At the same time, however, championing of universal rights for animals is also gaining a strong representation within the philosophical community. That alone is a provocative inconsistency.

Some Old Critical Points

First, I wish to reiterate a criticism I have made elsewhere of Tom Regan’s case for animal rights.⁵ To the idea that animals have rights one can object by noting the fact that only human beings have the requisite moral nature for ascribing to them basic rights. However closely persons resemble other animals, they are distinct in possessing the capacity for free choice and the responsibility to act ethically.⁶ Basic rights derive from this fact about people, spelling out the “moral space”⁷ they require in their communities so as to

live according to their nature as social animals. So protecting “animal rights” rests on a category mistake.

A right specifies a sphere of liberty wherein the agent has full authority to act. My right to life confers upon me the authority to govern my life, to be in charge of what happens to it; my right to liberty implies my authority to take the actions I decide to take, good or bad, right or wrong, given that without this right I cannot be a morally responsible individual.

Now the main reason why this sphere of freedom is ascribed to human beings is that they are moral agents and need to, by virtue of their nature as such, make decisions as to their lives, actions, and belongings. Such decisions have moral significance – that is, they determine whether one is a good or a bad person. It is our dignity as basically choosing agents, who must take the initiative to act and whose actions can turn out to be right or wrong, that makes our having rights important. Any usurping of our decision-making authority is to seriously undercut our human moral agency.

Without our basic, individual rights, in other words, we lack moral authority and others can obliterate it with impunity. So the very moral worthiness of one’s life cannot be decided, ascertained without a firm understanding and protection of these rights – just as what happens under most tyrannies or dictatorships, except in a very private, limited sense wherein some de facto authority remains with citizens.

Peter Singer, in turn, does not champion animal rights but something close enough so those who find his case convincing and those favoring Regan’s work together on various political means in behalf of animals. He calls it animal liberation and gives utilitarian reasons for it.

The problem with Singer’s position is largely due to general problems of utilitarianism. We cannot debate that venerable ethical tradition in full here. Still, it should be noted that nothing at all follows – logically, conceptually – from the fact that some policies maximize, others reduce pleasure or satisfaction in the world, unless it is demonstrated that all there is to ethics and politics is the maximization of satisfaction. But that is not what morality is about, at least not as that institution has been understood by most people. And fortunately so, since no one could possibly know whether some given action he or she takes advances or reduces overall satisfaction in the world. Yet we are morally responsible for innumerable small-scale actions, decisions and so forth. This could not be so if what determined the rightness and wrongness of these actions is whether they promote or thwart overall satisfaction.

Another problem with the case for animal rights or liberation is that it gives additional power to governments and their bureaucrats to run our lives for us. This may well reduce the impetus for ordinary laypersons to explore seriously how they ought to treat animals. Once an issue is relegated to the government for treatment, the civilian population tends to become complacent

about it, figuring it is now taken care of without their initiative (most of us, for example, do not take active part in crime control – that is deemed, in this case rightly, the job for specialists⁸).

The Emergence of the Interest Theory

Let me now turn to the more recent defense offered for according animals the status of, in effect, rights-holders. Burwood and Wyeth say, “members of all sentient species have interests which should be protected and sometimes it is useful to put this in terms of their having a right to life, a right to avoid pain, a right not to be involuntarily used as a resource by others. These are core vegan beliefs.”⁹

I will argue, however, that having interests is not a sufficient ground for having rights. Here is a hint: I have an interest in Albertson’s (a grocery store in my neighborhood) carrying a certain kind of bread but I have no right to that bread, or to Albertson’s providing me with it. The United States of America has an interest in Kuwait’s oil but this does not authorize it, provide it with the right, to lay claim to that oil. (This is one reason why talk about the national interest does not suffice to justify military intervention with other countries.)

Instead, it is the capacity – however minimal at first, as when one is an infant and child – to direct one’s actions toward or away from the fulfillment of proper interests that is relevant to having rights. And that capacity belongs to human beings alone (although there may be some minimal moral agency evident in some animal species and hardly any in some damaged humans but borderline cases do not defeat but support such a general point). The fact that in early age this capacity is minimally developed and that in some cases it may even be seriously impaired does not change the general idea that what rights are about is the definition of a sphere of individual sovereignty that is required for moral responsibility, something only human beings are capable of.

Human beings, including infants, have rights because of their moral nature. It is for them to lead their lives, as they choose, well or badly, not for others to impose a way of life upon them. For creatures, however, that lack this capacity, nor will they ever develop it, rights are moot. They make no choices for which they must take responsibility, so while it may be cruel and inhumane to treat them badly as a matter of caprice, this is not because their rights are being violated thereby.

Tom Regan’s and others’ point that animals may not be moral agents but only moral patients does not justify the ascription of rights to animals. A great painting by Rembrandt, who has long died, could in this sense be a moral patient. We ought to treat it in certain ways and not in others. But not

because it has any rights. The same goes with Indian burial grounds as well as many artifacts and historical treasures. None have rights but they can all be moral patients – meaning, human beings can have moral responsibilities affecting them.¹⁰

While humans share about 97% of their DNA structure with some higher non-human animals, those last 3% are so vital that all of human civilization, religion, art, science, philosophy and, most importantly, their moral nature depends upon it. And most vegans in their conduct attest to this – for example, when they appeal to human beings to deal with other animals in considerate ways rather than to other animals to do the same. None of them implore a lion, for example, not to kill the zebra or to do it more humanely.

Some might reply here by saying that the killing and infliction of suffering done by non-human animals to others is necessary for their survival qua the animals they are. Human beings, however, do much of such infliction of suffering for sport and convenience, not out of necessity.

This is not a weak response. First, it is not at all established that all the killing and infliction of suffering done in the non-human animal world is necessary for survival. When some lions kill the cubs in their pride, it is not at all clear that they are driven to do this by vital evolutionary forces. It does seem evident that the cat plays with the mouse as it prepares to kill it. Second, just what is necessary for human life is not made clear in this discussion. Arguably, human beings are the sorts of animals whose flourishing requires more than bare survival. All the achievements in the arts, philosophy, athletics and so forth attest to this. Mere survival is not human survival, not human living. If, per chance, the development of some human potentialities requires the use of animals, even infliction of suffering on them, that may well be just exactly what makes such use morally proper, unobjectionable.

As one drives to the theater, for instance, one may crush many small and even not so small non-human animals, causing pain and suffering. Yet it would not be a human life that did without such activities as going to the theater once in a while and going there in ways that will normally do some damage to certain animals.

Sound ethical reasons can be given for treating non-human animals humanely – for avoiding wantonly inflicting pain, for example. Still, the higher status of human life in the chain of living beings provides a basis for ascribing to humans basic rights that would not make sense to ascribe to other animals. It also justifies occasional use of other animals for human purposes (since, comparatively speaking, human interests merit greater service than the interest of non-human animals). “Animal rights” is, therefore, a concept that embodies confusion and veganism, which rests on it, is a wrong ethical view.

The Interest Theory of Rights

Animals have found supporters from rights theorists and utilitarians. Rights theorists say animals are enough like humans to have rights. Utilitarians argue animals are able to strive to be well off so they need to be free to increase well-being.

One argument advanced in support of animal rights maintains that the reason we should ascribe at least legal rights to animals is that they have interests. This argument goes back as far as Jeremy Bentham who, while he denied that natural rights exist, thought that animals should have legal rights. In common sense terms it amounts to the view that if something can be benefited from certain states, conditions or circumstances, then it may be said, properly to be a rights possessor. What does it have rights to? Whatever it takes to obtain those matters that are to its interest.

This account of having rights is defended by John Stuart Mill, in his *On Liberty*, where we get the most explicitly utilitarian theory of human rights. Because it is to our interest to obtain various goods, such as happiness, and because liberty is a precondition to being happy, we have a right to liberty. Roughly that is how Mill's argument goes.

Criticism of the Interest Theory

One problem with this view is that it violates the condition that basic rights have to be applicable universally, to all rights holding (usually human) beings. For, clearly, some have an interest in benefits that others also have an interest in, so it would be impossible to respect the rights of both if having interests also conferred basic rights.

Both the USA and Iraq had an interest in Kuwait's oil. To ascribe to both a right to this oil because they each had an interest in it would have resulted in creating peacefully irresolvable conflict. Also, both Democratic and Republican candidates have an interest in becoming the president of the USA, but both cannot have a right to this since they conflict – only one can be president.

Compossibility is a necessary feature of successful rights-ascription. To ascribe to A the right to liberty implies that others akin to A in the relevant respects, say B, C, and D, also get this right ascribed to them. An interest-based theory of rights fails to satisfy this requirement.

What is true, of course, is that beings that (or who) have interests can reasonably be said *to value* various things in which they have an interest. So, clearly, interest-bearing beings value things. And that is true about animals. Water, sunshine, nourishment, various ecological conditions, etc. are of value to animals. Clearly, however, they do not have rights just because of this.

It is important here to note that having rights imposes obligations on others. If non-human animals had rights, they would have obligations to other (interest-bearing) beings. Yet, consider that zebras have an interest in and benefit from certain conditions – for example, grazing. Yet, that those conditions are of interest or value to them – they can live longer if they graze – does not imply that the lion, which also has interests – e.g., in killing and devouring the zebra – is obligated to respect the zebra’s right to such conditions.

The inference may be drawn that nothing follows about human beings having to respect some alleged right of zebras to keep grazing. If human beings ought to let the zebras graze, it will have to be shown based on something other than such supposed interest-based rights of zebras.

“Animal Rights,” a Category Mistake

I wish to reiterate here that the concept of “rights” arises only when moral agency emerges in the natural scheme of things. William of Ockham, in his early theory of natural rights, referred to private property rights, for example, as “the power of right reason.” That means that when rights are correctly ascribed, the agent who supposedly has the rights in question is such as to be able to make a considered moral choice, capable of choosing the right over the wrong course of conduct. It is to be able to determine its own either morally praiseworthy or morally blameworthy life that such an agent needs to enjoy freedom from interference (by those capable of making the choice not to interfere).

So why not violate someone’s rights? Because it is demoralizing, it destroys their dignity, something that amounts to being a moral agent who has the capacity to do the right or the wrong thing and whose moral success or failure depends on the ability to exercise this capacity.

Moral Agency

What establishes the existence of moral agency? It is the facility to choose freely from among alternative courses of conduct of which some are right and others wrong and to be held responsible for that choice. Who can exercise such choice?

In my view this is confined to those (adult) human beings who are not crucially incapacitated – who do not suffer serious brain damage, etc.). Why? Because it is such beings who possess free will. What does this mean? They are capable of initiating their most essential activity, namely, conceptual thought. It is such thought that can aspire to understand principles of conduct.¹¹

To at least indicate the merits of this view, let's consider the proclivity of most of us to confine moral advice, including blame and praise, punishment, holding guilty, charging responsible, exonerating, etc., only to other human beings. Most telling is that even those who would want non-human animals treated differently and who find their current treatment abhorrent turn to human beings with their appeal. It is only other human beings who are implored to treat other animals better than they do. Other animals are not. Which suggests very strongly that only human beings are in fact moral agents and thus that only they possess rights.

Sympathy for Animals' Miseries

No doubt many animals are miserable at times, often because humans make them so. Of course, this alone implies nothing much as far as any rights are concerned. People, too, are often miserable without anyone violating their rights. Sometimes even when others are responsible, no rights violations need have occurred. Consider lovers who betray each other or contact sports athletes who hurt, even seriously injure their sparring partners or opponents. So even in the context of human interactions, bad things done by one person to another do not always involve rights violations.

Rights and liberty are political concepts usually applied to human beings. It is human beings who need moral space, that is, a definite (enough) sphere of personal jurisdiction. It is here that their authority to act must be respected and protected so that it is they, not intruders, who govern them. Then they may either succeed or fail in their moral tasks. This is irrelevant when it comes to animals since they lack developed moral agency.

Most animal rights or liberation theorists admit this. In their actions they – even when it comes to the Great Apes – act as specie-chauvinists. They do not urge non-human animals to behave morally, they do not hold them accountable for misdeeds, they do not so much as imagine that even the most advanced animals may be seriously morally blamed or praised; nor do they propose that animals be tried for crimes. Nor do they recruit animals to speak out against cruelty against animals. This exhibits in their actions, if not in their words, their agreement with the above position on a certain but significant measure of speciesism.

Morals and Animals

Still, animals are of moral concern to human beings. There are issues other than rights and liberty to be raised about the way human beings relate to animals. Morality does pertain to how we ought to deal with animals but not by way of the political concepts of rights and liberty. One approach to this

may be that morality *vis-à-vis* animals (and others) arises in connection with the practice of various major and minor virtues, including generosity, temperance and moderation. One would damage one's character by being cruel to animals, given that they can experience pain, which is certainly a bad thing for them. One could also be wasteful and callous in one's dealings with animals (this is recognized in our common sense attitudes as we help shape our children's sensibilities toward animals. One need have no such concept as animal rights in mind to object to a child's torture of animals).

Sadly, though, in our day most moral issues are dealt with via politics. Both the Right and the Left attempt to address moral issues via the government. In many Western societies, especially in the USA, this leads to ascribing rights and then asking for government protection of these rights. After all, it is the original ideology of our society that "governments are instituted to secure ... rights." And when government is not kept seriously limited, one must claim that all those matters one invites government to address amount to the protection or securement of rights.

But such an outlook is not sensible. This is the reason that the concept of animal rights is a category mistake, just as would be animal guilt or animal contrition – or, for that matter, animal politics. Outside of human life, these concepts have no legitimate valid role to play in our thinking.¹²

Arguments from Odd Cases

Peter Singer, in his various discussions, argues that because there are cases of humans with lower capacities than animals, Such as retarded or senile individuals, it would seem that the animals have more rights than the human since they have greater mental capacity.

To start with, the argument for human rights based on their nature as moral agents does not rest primarily on their level of intelligence or mental capacity but on their type of mentality, namely, what Russian born American philosopher Ayn Rand has called "volitional consciousness." This alone should indicate that invoking special cases of human beings does not undermine the case for their moral nature.

Furthermore, when one advances an argument based on the nature of something – in this case human nature versus the nature of other animals – it is misguided to rest the argument on special cases, such as people with mental defects, infants and so on.

If one, for example, were to teach another person about something the other person does not know much about, one would teach about that thing as it exists normally, not abnormally.

Supposed someone wants to know about the Hungarian dance, the csardas, which the person does not know, or the iguana, an animal, again, the person

does not know. If someone were to tell the person about these things it would be folly to begin by mentioning all the bad ways one can dance the csardas or all the deformed iguanas. Instead it is the proper ways of the csardas that would be used to familiarize you, as well as healthy iguanas.

Similarly, to learn about human beings and their lives, one focuses on the normal, healthy cases, not the special ones. A Martian would learn little about human beings by being told about fetuses, infants and mentally ill cases. The Martian would not learn how to differentiate between other animals and human beings by hearing about the undeveloped or odd cases. The Martian would fail to learn about the moral nature of human life, wherein men and women are responsible for the good and bad they do of their own volition.

So using those undeveloped or odd cases will not help us learn about the moral situation of human beings as such, as human beings. Nor about other animals as such, as they are. I dispute the methodology invoked by Singer and others when they try to bolster their case for animal liberation or rights by invoking special cases or borderline cases.

Animals, Computers and Human Minds

Proving a negative is, of course, impossible. That animals do not qualify as rational beings and, therefore, basic rights holders, is not something we know from a syllogistic proof but from reflecting on the evidence and putting forth an explanation that makes better sense than any other. For example, no animal raises the question of whether animals are thinking beings, nor makes any TV programs on the subject. Animals, furthermore, have no central, crucial need of thinking, whereas without thinking human beings cannot begin to survive. Thinking for us is the mode of survival and flourishing – we cannot count on our instincts to get on with our lives. Other animals, in contrast, can handle their lives by means of their instincts and for them their minimal abstract thinking is an aside, brought on usually by human beings, scientists who induce thinking in them while they are in captivity. From this we can conclude, sensibly, that human beings are rational animals. That is what distinguishes us from other living things.

Let me just address very briefly the issue of whether machines can be rational. For example, what should we think about Big Blue, IBM's powerful chess machine, and the accompanying claims of some members of the Artificial Intelligence community? This will be but a brief comment but needs to be included here to round out the discussion of whether animals, and perhaps other non-human beings, may have basic rights to life, liberty and property.

Machines are good at very rapid calculation, mainly because that is how human beings have designed them to be useful to them in various tasks. Even calculators are faster than most of us, when it comes to adding, subtracting,

etc., not to mention figuring out the best strategy for winning at chess. Except for a few human beings, such as Garry Kasparov, who have devoted the bulk of their lives to it, most of us are pretty pedestrian about figuring out how to win at chess. So Big Blue is not really big news.

What humans do that no machine, as we ordinarily understand them, can is to start thinking at will, on their own initiative. Human thinking is self-generated, a matter of one's own free will, something machines aren't up to, plain and simple. That is why we can be mentally lazy but neither animals nor machines can. That is why when a machine malfunctions, it makes no sense to blame it, anymore than it makes sense to blame or praise animals for their deeds. That is why believers in animal rights and artificial thinking machines do not address their arguments and appeals to non-human animals or powerful digital computers but, simply, to us. They know well enough that it is human beings who have the capacity to choose to think in certain ways and to stop thinking in others – to change their minds, in other words.

A thinking being is free to supervise its own impulses, drives, and inclinations and is responsible for the outcome. This is what makes us unique. It is what puts us into the position of worrying about who and what we are, something other animals and machines, evidently, do not do. Whether this is wonderful or not isn't the issue here. What needs to be noted that our humanity does leave us with certain unique attributes and it is rather pointless to constantly attempt to deny it.

Now let's imagine that computers and non-human animals begin, all on their own initiative, to put on conferences about human intelligence, animal rights, or other controversial topics. Let's imagine that they start up laboratories and scholarly journals exploring these issues just as human beings do now. (I suppose we could use one of the Star Wars films as an aid for this thought experiment.) Perhaps then we could begin to seriously consider that they have come to be sufficiently like us and that our uniqueness in nature has disappeared.

A Concluding Declaration

At this point I wish to make what amounts to a declaration, the merits of which rest on everything said thus far. It will contain a bit of passion at this point. It seems to me sad and disturbing that thousands of educated human beings appear eager to denigrate the human species. The righteousness with which they denounce speciesism appalls me. These friends of animals are indignant about human beings taking themselves to be better than other animals. They are disdainful toward those who find it credible that human beings are at the top of the animal world. None of this is justified by their

arguments and is, furthermore, plainly refuted by their own all too human morally pregnant stance.¹³

Consider Peter Singer's emphatic announcement concerning his book, *Animal Liberation*:

This book holds out no inducements. It does not tell us that we will become healthier, or enjoy life more, if we cease exploiting animals. *Animal Liberation* will require greater altruism on the part of mankind than any other liberation movement, since animals are incapable of demanding it for themselves, or of protesting against their exploitation by votes, demonstrations, or bombs.¹⁴

Singer continues:

Is man capable of such genuine altruism? Who knows? If this book does have a significant effect, however, it will be a vindication of all those who have believed that man has within himself the potential for more than cruelty and selfishness.¹⁵

To start with, what does altruism mean here? It means self-sacrifice.¹⁶ So what is called for, if Singer is to be believed, is not humane treatment of members of the non-human animal world but, literally, human self-sacrifice. Only for someone who has a very low estimate of the kind of self that is to be sacrificed would this appear to be a morally good thing.

The choice offered to make this palatable is between this kind of altruism and "cruelty and selfishness," the kind of selfishness we have in mind when we speak of cruel people, those who inflict needless, wanton pain and suffering.

But that is a false dichotomy. It also reveals a misanthropy that could only be based on the hasty generalization that because some people are evil, all are unworthy. Or it reveals that Singer is indeed anti-human, considering it justified to promote the sacrifice of human things for the benefit of non-human things.

I wish to protest this vigorously. Now, to be delighted at being human, one need not take irrational pride in the achievements of other human beings – the Aristotles, Mozarts, Einsteins, Edisons, Van Goghs, Dostoyevskys or John Glenns and Buz Aldrens, not to mention all the less widely hailed heroes of the world. Yet everyone, at the same time, is justified to admire the human species, to delight in all that it has done to earn a special place in the animal world.

Recently, as I was reflecting on the first person's landing on the moon – an event with which I happen to take some political exception – I found myself rather incensed at this outlook. I believe, therefore, that those who assert a moral and political equality between human beings and other animals – to recall Burwood and Wyeth's words, that "all sentient beings are

essentially similar” – should not go unopposed. Too many such thinkers are unwisely and often stubbornly dedicated to making us all feel unnecessarily insignificant, despite what the facts actually warrant.¹⁷ I, for example, have no interest in wantonly hurting other animals and consider those who do morally flawed. But so are those who are eager to make others feel guilty for being glad about their humanity, for considering it to be something marvelous and exceptional. The contrarians here are quite wrong and in need of being resisted. Indeed, their wish to spread their version of altruism is quite insidious and morally perverse.

Of course, resistance to the wrongheaded animal liberation now under way – and so uprightly supported by many in the community of philosophical ethics and politics – must be conducted rationally – in exactly the way that human beings are superior to other animals in the known world. It is to that end that this chapter has been written.

NOTES AND REFERENCES

1. A version of this paper was previously published in my *Rebellion in Print: Political Ideas against the Current*. New York: Addleton Academic Publishers, 184–197 (2011).

2. Les Burwood and Ros Wyeth, “Ethics and the Vegan Way of Life,” *Philosophers’ Magazine* 4 (Autumn, 1998), pp. 19–22.

3. *Ibid.*

4. See, Richard Rorty, *Objectivity, Relativism, and Truth* (Cambridge: Cambridge University Press, 1991).

5. Tom Regan is the most respected philosophical defender of the legal protection of animal rights. See Tom Regan, *The Case for Animal Rights* (Berkeley, CA: University of California Press, 1984). Peter Singer defends, in contrast, the doctrine of animal liberation – see his *Animal Liberation* (New York: Hearst Corporation, 1991). Their arguments differ, Regan defending rights on grounds of a neo-Kantian understanding of the implications of animal consciousness, Singer defending liberation on grounds of utilitarian concerns for including animal experience as part of the calculus of pleasure and suffering.

6. Tibor R. Machan, “Do Animals Have Rights?” in William H. Shaw, ed., *Social and Personal Ethics* (Belmont, CA: Wadsworth Publishing, 1993). See, also, Tibor R. Machan, *Putting Humans First, Why We Are Nature’s Favorite* (Lanham, MD: Rowman & Littlefield, 2004).

7. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 154.

8. I discuss some of this in Tibor R. Machan, *Private Rights and Public Illusions* (New Brunswick, NJ: Transaction Books & Oakland, CA: The Independent Institute, 1995).

9. *Op. cit.* Burwood & Wyeth. Regan and other advocates of animal rights have a special problem with carnivorous animals that devour or otherwise inflict harm on

fellow creatures. Is the legal system to provide such victims protection against these carnivores? This would be a major intrusion on the natural course of events.

10. Of course, having interests may well be part of being any kind of animal, even any living being – some matters will benefit them, some will harm them. So all supposed rights-bearing animals will have interests, but that will not suffice for them to also have rights.

11. For more on this, see Tibor R. Machan, *Initiative: Human Agency and Society* (Stanford, CA: Hoover Institution Press, 2000), and Ed Pols, *Acts of Our Being* (Boston, MA: University of Massachusetts Press, 1982). The compatibility of free will and science is spelled out nicely in Roger W. Sperry, *Science and Moral Priority* (New York: Columbia University Press, 1983).

12. Of course, here we would need to confront the task of how concepts are to be validated, what makes them ideas with cogent meaning and what disqualifies them as such. Suffice it to say only that the building of concepts rests, in my view, on a combination of experience and rational thinking. Science must follow that process, in its myriad of forms, in order to remain a valid tool of inquiry about the world. See, Edward Pols, *Radical Realism, Direct Knowing in Science and Philosophy* (Ithaca, NY: Cornell University Press, 1992)

13. This does not deny that animals can (derivatively) be *legal* rights holders, in the sense that they could be judged to have a right assigned to them by means of becoming inheritors (upon being made the beneficiaries of a will). It is this line or reasoning that allows Christopher Stone to defend the claim that they might have “standing” in *Should Trees Have Standing?* 25th edn. (San Francisco, CA: William Kaufmann, 1998). Nearly all the philosophical discussions about human action, even those that stress the role of genetic determinants and evolutionary biology, admit that we are unique in being able to override our instincts, to monitor and choose the desires we will act on. See, for example, Richard Dawson, *The Selfish Gene* (London: Oxford University Press, 1990).

14. Peter Singer, “Animal Liberation,” *The New York Review of Books* (April 5, 1975), p. 20. Interestingly Singer does not take note of the fact that no other species is capable of such deliberate or intentional altruistic deeds!

15. *Ibid.*

16. Let me once again recall that “‘Altruism’ [is] *assuming* a duty to relieve the distress and promote the happiness of our fellows.... Altruism is to...maintain quite simply that a man may and should discount altogether his own pleasure or happiness as such when he is deciding what course of action to pursue.” W. G. Maclagan, “Self and Others: A Defense of Altruism,” *Philosophical Quarterly* 4 (1954): 109–110.

17. As something of an aside, it is important to consider that this radical egalitarianism gains its most astute philosophical footing in the views of Thomas Hobbes, who advocated reductive materialism, the view that in the last analysis everything is simply *matter-in-motion*.

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