

## Arbitrariness, Inconsistency, and Utilitarianism: The Challenge for Animal Rights

### Comments

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1. Thank you for a very engaging and well-written paper. I applaud your insight into the basic inconsistency outlined in your paper. Do you have any hypothesis for why a Kantian approach was used for research on humans and Mill's utilitarianism was used for research on animals? Any thoughts on why this inconsistency has not been uncovered previous to your research?

2. You begin by referring to the animal *rights* movement. There are some, including Peter Singer, who have shifted their language to speak simply of the animal movement. For example, as editor of In Defense of Animals (1986) Singer speaks of the animal *liberation* movement (see, p. 1). By contrast, when providing editorial comments in In Defense of Animals: The Second Wave (2006), Singer speaks simply of the animal movement, omitting the word "liberation" (see p. 225). Given that there are significant arguments challenging the very concept of animal rights, do you intentionally wish to position your paper within the context of the struggle for rights for animals who are subjects of biomedical experiments? If so, how would you frame your response to a challenge to your position supporting animal rights in this context?

3. You define your ground as "biomedical animal experimentation." Might it be a good idea to briefly explain to the reader what you count as "experimentation"? For example, in his Animal Rights: A Very Short Introduction, David DeGrazia speaks of animal research and distinguishes several different types of activities under this umbrella term. Narrowly speaking, animal research can refer to "the pursuit of original scientific knowledge" (DeGrazia, 101). This type of research can be further understood to include *basic research* and *applied research*. Basic research involves the search for "new knowledge of biological processes and functions."(101) Applied research seeks "new medical, veterinary, or biological knowledge in order to promote the health of humans, animals, or the environment."(101) A second type of research, which DeGrazia refers to as *testing*, "evaluates chemicals and other products for safety."(101) A third area concerns the use of animals for educational purposes, such as dissection and surgery practice. DeGrazia points out that this third area is not what would typically be called "experiments."

Other sources distinguish cosmetic (nontherapeutic) experiments from therapeutic experiments. Would it be useful to distinguish the type(s) of animal experimentation you are referring to in your paper? Would it make any sense to speak of "research" rather than experimentation?

4. Your articulation of Regan's thinking regarding his distinction between moral agents and moral patients is clear and effective. Regan's argument from the perspective of justice is also nicely stated.

5. You claim that "it is possible to draw a non-arbitrary line between animals that are legitimately attributed the status of subjects-of-a-life and animals whose use in experimentation is permissible."(11) Given the argument in your paper, it may be useful to articulate which animals currently being used in experiments would continue to be understood to be legitimate subjects of ethical animal experimentation. Similarly, it would helpful to list which animals currently used as research subjects would no longer pass muster as the subjects of ethical animal experimentation. That is, I would like to

see you take the step of listing examples of which animal species would fall on either side of your “line.” On which side do the millions of lab rats and mice fall?

6. Within the animal movement, there are those who call for the liberation of animals from any and all situations where their rights are either subordinated to those of humans or completely denied. On the other hand are animal welfarists who work for incremental changes in current situations where animals suffer and die. Liberationists would call for the end of the use of animals in experiments, while welfarists would argue for better (more humane) treatment of the animals being used in experiments. Your paper is interesting in that I read it as calling for the liberation of those animals characterized as being subjects-of-a-life. For those animals who do not qualify as subjects-of-a-life, and hence would be legitimate subjects for use in experiments, is there any need for ethical concern for their welfare while they are being used in experiments?

7. In an article entitled *Justice, Caring, and Animal Liberation* (1992), Brian Luke claims that the arguments of both Singer and Regan for animal rights ultimately fail. Luke states that “the crucial step in their arguments, that humans and other animals are relevantly similar, cannot be established by reason alone.”(79) In addition, and perhaps more relevant to your paper, is Luke’s claim that “Animal liberation is not a matter of consistency.”(81) Since your paper claims an inconsistency and seeks greater consistency, does Luke’s dismissal of consistency matter? Luke’s criticism is that both Singer and Regan attempt to argue for an ethical treatment of animals based on the similarities of humans and animals. These similarities are purportedly clear enough to appeal to human reason and lead people to the conclusion that animals should be treated with the same ethical respect as humans based on the foundation of justice.

However, Luke argues that “justice-based arguments for animal liberation fail.”(99) Instead, Luke claims that an approach based on sympathy provides a stronger argument. He argues that people are naturally caring about animals, but are socially conditioned to tolerate animal exploitation, including the use of animals as subjects in biomedical experiments. In this view, social structures buttress (and bless?) the practice of animal experimentation. In Luke’s view, we should be asking “How does animal exploitation continue, given that people do care about animals?”(88) Or, how does animal experimentation continue given our natural bent to care about animals?

Luke’s view is characteristic of the approach of ethics as caring. Does this approach have anything at all to offer to your argument? Put another way, your paper seeks a more consistent description of the ethical guidelines for the use of animals and humans as subjects of experiments. And, that this consistency, if achieved, will significantly benefit animals whose species would exempt them from use as experimental subjects. This process will result in increased justice for animals. Brian Luke’s position would seem to predict that your argument will fail because it is based on justice. Does Luke’s push for an argument based on sympathy have any merit in your view? Does it have any place at all in your paper?

*Justice, Caring, and Animal Liberation*, Brian Luke; in [Beyond Animal Rights: A Feminist Caring Ethic for the Treatment of Animals](#). Eds., Josephine Donovan and Carol J. Adams. New York: Continuum, 1996; pp. 77-102. Reprinted in Donovan and Adams, eds., [The Feminist Care Tradition in Animal Ethics](#). New York: Columbia, UP., 2007, pp. 125-152.

David DeGrazia, [Animal Rights: A Very Short Introduction](#). New York: Oxford UP, 2002.