



Undergraduate assignment feedback form (to be completed by marker)

Student Name: Grace Allen	
Module title: Env, Sustainability & Philosophy	Student number:
For completion by marker:	
Comments: This is a well written piece of work which reveals a good grasp of the texts discussed. There is a need for more by way of an <u>assessment</u> of the arguments at stake, as well as a little more attention to the <u>detail</u> of the arguments. For example, consider discussing the principle of equal consideration of interests & its application to animals. You could also discuss McCloskey's distinction between an evaluative & a prescriptive meaning of interests - you allude to it but McCloskey's reasons for making the distinction are not fully considered. Overall, though, this piece of work evinces an engagement with key texts & in general arguments are presented accurately and clearly.	
Marker's signature: <i>bb</i>	Date: 3/6/19
Provisional mark: <i>2.1</i>	
NB. All marks are provisional until confirmed by the final examination board.	

Do non-human creatures have interests?

Does this mean they have rights?

McCloskey, H. J., "Rights", *The Philosophical Quarterly*, 15 (1965), 115

<https://doi.org/10.2307/2218211>

McCloskey suggests that animals cannot have rights. This piece of writing begins by asking what is meant by 'rights' and in turn, who or what can be said to possess them. McCloskey examines various conceptions of the notion of a 'right' from a multitude of perspectives, variously described as a kind of claim or power. After discrediting these perspectives through a series of what are largely semantic and linguistic analyses of other philosophers' conceptions of rights, he concludes that a right is an entitlement to 'do, have, enjoy, or have done'.

McCloskey suggests that there is an important connection between having interests and having rights, and that animals have neither. His argument goes roughly as follows: those who bear rights can be said to have interests which they are aware of and desire, and that they have the capacity to claim and defend these rights. He posits that animals cannot know, desire, or defend their interests and therefore cannot be said to have rights. His argument falls down here, as the same logic applied to infants and cognitively impaired people would lead to the unpalatable conclusion that these groups also cannot have rights. McCloskey acknowledges this and makes a weak attempt at suggesting that we should still behave as though these groups have rights and describes this as a 'useful lie', however he offers no justification for why this

Centre of distinction
between
descriptive
& evaluative
meaning
of
interests.

→ try to bring out 'the full potential of his argument'

'useful lie' ought not likewise be extended to non-human animals, much like the 'courtesy status' mentioned by Singer below¹.

✓ This piece of writing provides useful context on the subject of rights and interests as well as offering a counterpoint to positions which take the fact that animals have interests for granted. Opening with a definition of rights allows the reader to quickly understand McCloskey's position, establishing the premise and aiding in avoiding misconceptions about the points that are made, as well as allowing a comparison between McCloskey's conception of rights and those of other scholars that are used for this piece of work. McCloskey's article has rather determinedly anthropocentric and circular argument, drawing the lines of who or what can have rights in what seems like a somewhat arbitrary place which is backed up by little more than linguistic games, and then using this to maintain that animals cannot by his arguably arbitrary definition be rights-bearers, backed up by the poor *ad-hoc* proviso of his 'useful lie'. McCloskey seems determined to draw the boundaries of rights-bearers firmly around Homo sapiens but does not, in my opinion, make a sufficient case for this position.

Why circular?

Despite its age this article retains its relevance to the question, and illustrates how varying conceptions of what constitutes a 'right' can drastically alter the outcome of this line of questioning. In maintaining that animals cannot have interests or rights, McCloskey's article provides a valuable contribution to the debate, both as a counterpoint for assessing other scholar's arguments and as a starting point for an argument which claims that animals cannot have rights by definition, albeit providing only a rather weak premise for the latter. In claiming his position that rights stem from interests he sets himself in opposition to views such as Singer's and Regan's, with the former maintaining that animals do have interests and that a rights based approach does not follow logically from this position, and the latter claiming that

¹ Singer, Peter, "Animal Liberation Or Animal Rights?", *Monist*, 70 (1987), p.3

But - Regan (& Singer) could agree (if rights exist, that is)

animals do have interests and that a rights based approach is the logical conclusion of this, and for this reason his article would prove useful in approaching the question.

Singer, Peter (1974) "All Animals Are Equal," *Philosophic Exchange*: Vol. 5 : No. 1 , Article 6.

Singer is primarily concerned with animals' interest in not feeling pain/suffering as opposed to consideration for secondary interests such as an interest in continued existence. In this piece, Singer presents a utilitarian argument against the background of an accusation of speciesism in humanity's treatment of non-human animals, drawing comparisons to racism and sexism in an attempt to show why humans behave in a prejudiced way against animals and that our bias towards members of our own species is, in his opinion, unfounded. This piece is useful primarily for establishing what the interests of non-human creatures might be and in weighing and analyzing these interests in a way that the following text by Singer does not, and in this way it provides context for further reading of these seminal works. It does not go far in establishing whether or why Singer believes these interests mean they ought to, or do, have rights. Singer does not introduce a connection between interests and rights in this piece of work, and where the notion of rights is mentioned their existence seems to be inferred directly from the existence of animals' interests without qualification or any explanation of whether they have any bearing on how we should treat animals.

Singer, Peter, "Animal Liberation Or Animal Rights?", *Monist*, 70 (1987), 3-14

<https://doi.org/10.5840/monist19877018>

This later work has a more theoretical tone and would be especially useful in understanding the question. Having a perspective which is based on interests but does not take a philosophically rights based approach illuminates the nuances of the question. It was written

in partial response to Tom Regan's *The Case for Animal Rights* (1983)². Singer does not claim that animals do not or cannot have rights, on the contrary he maintains that if humans can be said to have rights in any meaningful sense then the same must apply to animals, as to assign human rights based on human characteristics such as autonomy, self-awareness, or rationality leads to the exclusion of many groups of humans, such as infants and the severely cognitively impaired from the domain of rights-bearers.

Yes -
if
being
a
key
word
here.

✓
But would McCloskey agree? - present. needs older attention here.

This leads to the philosophical conundrum which H. J. McCloskey³ (mentioned above) and many other thinkers find themselves in. McCloskey approaches this issue with a rather weak proposition: that rights are exclusively the domain of humans who possess certain characteristics such as the ability to perceive and defend their own rights, and that we should 'pretend' that those humans who do not possess these characteristics have rights even though they are unable to by his definition. He dubs this philosophical decision a 'useful lie'.

The argument from marginal cases?

Singer also proposed that we cannot rationally exclude these groups of humans from our sphere of consideration, but turns the notion of the 'useful lie' on its head by tacitly suggesting that the necessity of McCloskey's 'useful lie' suggests that he is incorrect in his premise of what rights actually are and the sufficient conditions for having them, viewing it as an *ad-hoc* 'get out clause' which simply serves to defend the status quo.

Rather than, as McCloskey suggests, viewing rights as an entitlement reserved only for rational and capable beings, Singer maintains that human, and by extension, animal rights, are moral obligations that arise from needs and desires and cannot be denied on what he views as spurious grounds such as rationality or autonomy. Because of this he proposes that a rational approach to human rights must also include some nonhuman animals. This inversion of the

² Tom Regan, *The Case For Animal Rights* (Berkeley: University of California Press, 1983).

³ McCloskey, H. J., "Rights", *The Philosophical Quarterly*, 15 (1965)

'useful lie' is my own analysis, as Singer does not directly mention McCloskey's article or his notion of a useful lie in this piece, instead referring to a 'courtesy status'⁴ that some philosophers maintain that we should extend to infants and the cognitively impaired, however the parallels are very apparent.

You should discuss the principle of equal consideration here

The crux of Singer's article is a rejection of a rights based approach in response to Regan's 1983 article. The issue, he argues, is not one of extending human rights to animals, but that any attempt to discover what, if any, rights apply to both humans and non-human animals runs into the philosophical conundrums mentioned above with regards to infants and the cognitively impaired. He argues instead for an interests-based approach which does not depend on the existence, or lack, of rights but instead claims that animals do indeed have interests and that this itself is a necessary and sufficient reason to extend moral consideration to these creatures. To reach this rejection of a rights based approach he dissects a passage from Regan's article, which he describes as "easily the most careful and thorough defense of the claim that animals have rights" stating that "we can be sure that in considering its arguments, we are taking the case for rights in its strongest form"⁵ and comes to the conclusion that even this strongest and most well considered of defenses does not make a satisfactory case for moving beyond the equal consideration of interests proposed by Singer to the extension of rights to non-human animals.

This article provides a useful and philosophically sound case that animals do have interests but that this does not mean that they do, or ought to, have rights, and for this reason provides an invaluable perspective when considering the question.

⁴ Singer, Peter, "Animal Liberation Or Animal Rights?", Monist, 70 (1987), p.3

⁵ Singer, Peter, "Animal Liberation Or Animal Rights?", Monist, 70 (1987), p. 6

Regan, Tom, "McCloskey on Why Animals Cannot Have Rights", *The Philosophical Quarterly*, 26 (1976), 251 <https://doi.org/10.2307/2219017> ✓

This article is an early response to McCloskey's aforementioned paper and provides useful counterpoints to his argument, focusing on the notion of the connection between interests and rights. Much like my analysis above, Regan mainly takes issue with the 'linguistic games' used by McCloskey to reach his conclusion, decrying his arguments as unclear, incomplete and open to much interpretation. Rather than making any explicit case for why animals do or should have rights and by extension interests, this article focusses on dismantling McCloskey's case for why they cannot using his own logic, making it a useful layer of argument with which to respond to McCloskey's case. Whether or not one takes McCloskey's view on the matter, it is hard to deny that in this piece of writing Regan makes an excellent case for why McCloskey's position as set out in *Rights* (1965) is logically incoherent.

Despite not approaching the essential questions of interests and rights directly, this article serves to further the discussion and successfully shows McCloskey's position to be lacking, providing important dimension to the discussion and helping to contextualize McCloskey's work while illustrating the inadequacies of his approach.

Is this the right word? McCloskey's argument is valid but is it sound?

Faught, Sydney, "A Second Honeymoon: Animal Liberation and Environmental Ethics", *Journal Of Animal Ethics*, 9 (2019), 39
<https://doi.org/10.5406/janimalethics.9.1.0039>

You'd do well to mention Calliecott here.

This was written in response to a 2001 essay entitled "Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce," by Mark Sagoff. Sagoff made the case

that environmental ethics and animal liberation are fundamentally incompatible, using Singer's 1974 *All Animals are Equal*⁶ and Leopold's *The Land Ethic*⁷ to draw his conclusion. Faught contests this conclusion, arguing that Sagoff too quickly and easily dismisses a rights-based approach to animal ethics by using Singer's work as its primary source for examining animal liberation and animal ethics. Lending from Thomas Pogge's institutional framework for human rights (2008)⁸ Faught makes the case that animal liberation and environmental ethics are not in fact diametrically opposed but are in fact compatible using a rights-based approach.

Whilst perhaps less directly connected to the question than some of the other scholarship included in this piece, this piece helps to broaden the reading material by taking into consideration and attempting to unite two seemingly opposing views on moral considerability under a rights based umbrella. As shown above, Singer maintains that sentient (a convenient though not wholly accurate shorthand) creatures, have interests in avoiding pain and suffering and should therefore be seen as having moral standing. In contrast, Leopold makes the case that the sphere of moral consideration should be extended to non-sentient things such as sand, rocks, waterways, as well as animals and the land more broadly. Sagoff (2001) makes the case that these views are opposed in a practical sense, writing that Singer's position requires defense of animal life at reasonable cost, while Leopold's view would implicitly allow and perhaps even promote much animal suffering owing to its larger domain of moral patients with complex interactions. ✓

Faught (2019) gives the example of the way in which natural processes such as predator-prey relations and natural selection necessitate animal suffering, suggesting that Singer's view would oppose the very processes which a Leopoldian Land Ethic perspective

⁶ Singer, Peter (1974) "All Animals Are Equal," *Philosophic Exchange*: Vol. 5 : No. 1 , Article 6.

⁷ "A Sand County Almanac Aldo Leopold", *The Auk*, 67.4 (1950), 523-523

⁸ Pogge, T. (2008). *World poverty and human rights*. Malden, MA: Polity Press.

(Nor necessarily - will you assess)

champions. Essentially, Sagoff's case is that Leopold's extension of moral consideration extends to a point which a Singerian approach would view as leading to morally unjustifiable consequences. Faught suggests that owing to Sagoff's choice of scholarship he too quickly dismisses a compatibility of land ethics and animal liberation, positing instead that Sagoff makes a large intellectual leap: using Singer's work, he goes on to discredit both interest- and rights-based approaches, despite Singer actively avoiding a rights-based approach in his writing. She makes the case that Sagoff's work misinterprets many of Singer's positions, showing how applying this position to interactions between animals in the wild is, at best, incoherent, as they do not constitute rational moral agents with obligations to one another.

Good
While Faught does not explicitly lay out a connection, or lack of, between interests and rights, by applying Thomas Pogge's framework for rights she illustrates a conception of what rights actually *are*, one which can extend both to humans and our *relationship* to the natural world. This could provide a useful defense for why animals should have rights in response to the question. Although she does not go far in her discussion of non-human interests and how these relate to rights *per se*, if one does accept that animals do indeed have interests *a la* Singer⁹, Faught presents a compelling argument for a rights-based approach to human-animal interactions which could follow fairly coherently from a Singerian conception of interests.

References

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Faught, Sydney, "A Second Honeymoon: Animal Liberation And Environmental Ethics", Journal Of Animal Ethics, 9 (2019), 39 <https://doi.org/10.5406/janimalethics.9.1.0039>

⁹ Singer, Peter (1974) "All Animals Are Equal," Philosophic Exchange: Vol. 5 : No. 1 , Article 6.

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Well laid
out



