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A Second Honeymoon: Animal Liberation and Environmental Ethics

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In “Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce,” Mark Sagoff (2001) asserts that “environmentalists cannot be animal liberationists. Animal liberationists cannot be environmentalists” (p. 42). In this article, I explore and refute this claim. As a result of structuring his argument around the work of Peter Singer and Aldo Leopold, I argue Sagoff too quickly dismisses rights-based approaches to animal liberation. Drawing on Thomas Pogge’s (2008) institutional framework for human rights, I present a rights-based foundation upon which animal liberationism and environmentalism can be based compatibly.

Key words: animal rights, environmental ethics, animal liberation, Mark Sagoff, animals, Thomas Pogge, justice, rights violations

In his essay, “Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce,” Mark Sagoff (2001) asserts that “environmentalists cannot be animal liberationists. Animal liberationists cannot be environmentalists” (p. 42). In this article, I will explore and refute this claim. I will first examine Sagoff’s claims regarding the incompatibility of animal liberationism and environmentalism, paying particular attention to Peter Singer (2010) and Aldo Leopold (2010) as these are the authors that Sagoff focuses on. Though Singer and Leopold both urge us to expand the boundaries of our moral community, Sagoff is right to point out that they disagree about the extent of the expansion. I will then consider the rights-based approach to animal liberation that Sagoff dismisses and argue for a more developed conception of animal rights than the one Sagoff presumes. Drawing on Thomas Pogge’s institutional framework of rights, I will present a rights-based foundation upon which animal liberationism and environmentalism can be based compatibly.

SAGOFF’S CONCERNS

Sagoff’s (2001) argument centers on two particular accounts: Aldo Leopold’s “The Land Ethic” (2010) and Peter Singer’s “All Animals Are Equal” (2010), which are accepted as

beacons for environmentalism and animal liberation, respectively. As canonical works in their areas, Sagoff works from them to demonstrate the overall incompatibility of environmental ethics and animal liberation.

Sagoff (2001) characterizes Singer's (2010) position of extending moral considerability as standing apart from similar attempts in two ways. First, arguing from a utilitarian perspective, Singer (2010) claims that whether or not a being has the capacity for suffering/pleasure is what we are morally required to consider. Indeed he goes a step further and maintains that if a being does suffer, "there can be *no moral justification* for refusing to take that suffering into consideration" (p. 172). This capacity, Singer thinks, is the "prerequisite for having interests at all" and as such is the foundation upon which moral judgments should be made. The fact that we have so far been content with prioritizing our own trivial desires and refusing to consider the suffering of animals demonstrates, for Singer, a prejudice not unlike sexism or racism. The second component of Singer's account that Sagoff (2001) notes is that such moral consideration can *only* be made in regard to sentient beings, or those with "subjective experiences" (p. 39). Rocks, then, are not candidates for such consideration since "nothing that we can do to it could possibly make any difference to its welfare" (Singer, 2010, p. 172). Importantly, Sagoff (2001) mentions that Singer's implications do not just say we must not be cruel to animals, but rather that we are obligated to "prevent the killing of animals and even to relieve their suffering wherever, however, and as much as [we are] able, at a reasonable cost to [ourselves]" (p. 39). This does not sit well with Leopold's (2010) "land ethic," as Sagoff notes.

Leopold (2010), in attempting to extend moral considerability to *all* of the various parts of the nonhuman world, wants us to "enlarge the boundaries of the [moral] community to include soils, waters, plants, and animals, or collectively: the land" (p. 194). The processes at work in the biotic community, natural selection and predator-prey relationships for example, are such processes that force animals to suffer. As such, a Singerian animal liberationist would claim that we are morally obligated to interfere so as to prevent/diminish suffering and yet, Sagoff (2001) explains, these are the very processes that Leopold's land ethic admires and seeks to protect (p. 40).

In criticizing our economic relation to the land, Leopold (2010) gives us his own moral maxim that he thinks is a natural result of moral and ecological evolution: "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise" (p. 200). Leopold describes the interdependent relationships on and with the land by using the "land pyramid" analogy. Within the land pyramid, each succeeding tier represents the group to whom the lower levels' energies are transferred. Each member on each tier is also a member of a multitude of food chains: "For each carnivore, there are hundreds of his prey, thousands of their prey, millions of insects, uncountable plants" (Leopold, 2010, p. 197). Leopold points out that each and every change in one part of the "land circuit" means that numerous other parts of the circuit are forced to adjust and respond. However, change itself is not necessarily the problem as "evolution is a long series of self-induced changes, the net result of which has been to elaborate the flow mechanism and to lengthen the circuit" (Leopold, 2010,

p. 198). What matters for Leopold (2010) is that human interventions, though they may not be intended to disrupt the stability of the biotic community, have made changes of “unprecedented violence, rapidity, and scope” to the land pyramid (p. 198). Thus Leopold expresses concern not for the suffering of individual animals subjected to particular acts but for whole communities knocked off of their evolutionary trajectories by human interference. Importantly, Leopold’s land ethic does not regard humans as in need of extermination, contrary to other more extreme environmentalisms. Leopold acknowledges that humans do have some role to play on the community scale, though it will be as a biotic citizen. Moreover, Leopold does not reject absolutely the use of animals in agriculture as Singer (2010) would. He does not even suggest that eating animal meat is wrong so long as it adheres to the maintenance of the stability and integrity of the biotic community. So, though Leopold supports expanding moral considerability as Singer does, he expands it beyond what Singer would find morally justifiable. On the one hand then it seems that Sagoff (2001) was not wrong to point out the incompatibility here. On the other hand, since he mainly concerns himself with these two particular authors, he dismisses too quickly the possibility of a theory of animal liberation compatible with environmental ethics.

A RIGHTS-BASED APPROACH TO ANIMAL LIBERATION

Sagoff (2001) briefly considers the position of a defender of animal rights, admitting the possibility of a response that his criticism might only apply to someone “strongly committed to a utilitarian ethic” (p. 42), like Singer (2010). In responding to this line of criticism, Sagoff claims that a rights-based approach is simply “a variation on utilitarianism,” citing its traditional appeal to the interest-based framework said to ground such rights. These types of approaches (rights-based ones), in Sagoff’s view, merely assert that some interests outweigh or “trump” others. As such, Sagoff proceeds as if *any* conception of animal liberation, rights-based approaches included, will end up demonstrating the same incompatibility with environmentalism as Singer’s utilitarian conception does. However, this does not seem to be an adequate interpretation of what rights are at all. Just because both Singer’s utilitarianism and rights-based approaches accept that interests are important does not make them two versions of the same ethical theory. Sagoff (2001) states that a rights-based approach takes “some interests, or the general interest, more seriously than others for *moral reasons* [emphasis added]” (p. 43). If those *moral reasons* (that a rights-based approach finds some interest or right to be inviolable or “more serious” than other interests) do not rely on an overall calculation of what would please the greatest number or harm the smallest number, then we have already rejected the adequacy of the utilitarian framework for making these moral judgments. In developing a more comprehensive conception of rights, I will draw on Thomas Pogge’s (2008) institutional understanding of human rights.

Though Pogge (2008) is concerned with human rights in “How Should Human Rights be Conceived?,” his institutional framework can be applied to and inform an approach to

animal rights. Pogge (2008) argues that in discussing rights, we refer to a “special class of moral concerns, namely ones that are among the most weighty of all as well as unrestricted and broadly sharable” (p. 60). As such, rights should play an important role in considering the morality of our behavior and relational structures. As Pogge (2008) phrases it, rights make “moral demands on human conduct, practices, and institutions . . . they should normally trump or outweigh other moral and nonmoral concerns and considerations” (p. 60). The features of rights mean that whether or not we respect, appreciate, or are capable of understanding them should not depend or vary based on any particular epoch, culture, religion, moral tradition, or philosophy.¹ Importantly for Pogge’s (2008) project, there is a distinction between natural rights and human rights; natural rights violations “wrong the subject whose right it is” whereas human rights violations, with which Pogge is primarily concerned, “to count as such, must be in some sense official” (pp. 61, 63). The example Pogge (2008) uses to demonstrate the difference between the two kinds of rights violations is the theft of an individual’s car as considered from the perspective of an article of the Universal Declaration of Human Rights stating that “no one shall be arbitrarily deprived of his property” (p. 63). If the theft is committed by a random individual, the theft is not a human rights violation but if it is arbitrarily confiscated by the government, it is. This difference in the source of the violation represents an attack on “those very rights *themselves*” rather than merely depriving the victims of the objects of their rights (Pogge, 2008, p. 65).

Pogge (2008) makes another distinction between a rights violation and official disrespect but argues that in respecting human rights, we are obligated to protect against both. In keeping with the terms of the example already explained, as a society who recognizes human rights, we are committed to oppose not only the violation described, but also the disrespect demonstrated by government institutions that enable (and may even incentivize) others to violate our rights with impunity. What is important to note here is that in conceiving of official disrespect, “the government need not organize or encourage such activities—it merely stands idly by: fails to enact laws that proscribe such conduct or, if such laws are on the books, fails to enforce them effectively” (Pogge, 2008, p. 67). In other words, when the government fails to adequately respond to the violations being made of citizens’ rights, even if the government is not itself committing or responsible for those violations, it constitutes official disrespect of those rights. Ultimately, Pogge (2008) thinks, it is the responsibility of the people to work toward and support a government and institutions that respect human rights: “On my institutional understanding . . . [governments’ and individuals’] responsibility is to work for an institutional order and public culture that ensure that all members of society have secure access to the objects of their human rights” (p. 71). To point to the policy implications of such a framework, individuals would not themselves have a responsibility to provide for all those whose rights are violated as a result of coercive social institutions but rather would have the responsibility of opposing such institutions on the grounds that they deny secure access to the objects of human rights to (at least) some of society’s members.

Returning to the matter of structuring animal liberation within a framework of rights, it is not the case then that we would have no moral grounds to be concerned with, for

example, endangered species, as Sagoff (2001) suggests. Recognizing animal rights would not force us to be indifferent about the endangered status of a species. Rather, a rights approach with a Poggean institutional understanding would demand that the members of the global community, united by their shared interdependence and vulnerability, reject those institutions and policies that inadequately address the deprivations being faced by an entire marginalized group. Moreover, we should be concerned with a variety of destructive actions taken by humans. Leopold (2010) calls attention to the fact that the various changes that the mechanisms at work within the biotic community undergo are “seldom intended or foreseen” (p. 198). If we are to take the institutional approach seriously, we should not support such destructive policies just because we are not currently capable of recognizing the impact on the various populations that reside within the areas in question. In all likelihood, such destruction would (and has) interfere(d) with populations’ secure access to the objects of their rights. Like Pogge (2008), I have not argued for any particular rights (though a right to life is one among possible others that are likely defensible), animal or otherwise, that we ought to recognize. But this does not undermine the implications of the structure of institutional rights outlined herewith.

It might then be argued that though I have demonstrated a way in which animal liberationists can express concern and obligations for species, I have not addressed what a rights-based approach has to offer for addressing the suffering of free-living animals in nature, nor have I addressed how a rights-based approach will address individual claims against other individuals. In reference to animals suffering in nature, the response that a rights-based approach can give will be limited. Humans, as moral agents, have responsibilities toward other rights holders, human and nonhuman alike. The only time it would be appropriate, on a rights-based framework, to interfere with animals in the “wild” is if human action had, for example, displaced certain populations of predators who, in turn, ravage other native species (prey by eating them and other predators by diminishing their food sources). In such cases, humans may have a responsibility to relocate the foreign predator species to a habitat similar to the one that they had lost at our own hand. However, nonhuman animals do not have analogous moral obligations toward one another; they lack relevantly similar moral agency. To interfere with free-living nonhuman animal predator-prey relationships (not altered by human actions) on the basis of rights would be incoherent; either you would violate the rights of the predators in denying them the secure access to the objects of their rights or you would fail to uphold secure access for the prey to the objects of their rights.² It is not a function of rights obligations to ensure that individuals are happy or successful in each of their individual pursuits. The purpose of respecting the moral demands rights make on us is to ensure that such pursuits are not systematically subverted by coercive social institutions and/or policies.

Nonhuman animal behavior is not subject to the same moral standards that human behavior is. The lion who sinks her teeth into the hindquarters of a zebra—whose heart still beats while her whinnies resound across the grassy savanna—is not responsible, or rather is not to be held *morally accountable*, for violating the rights of the zebra. Similarly, humans who have been determined to be incapable of comprehending their actions and/or the consequences of those actions may be deemed not responsible, or

not morally accountable, for crimes they may have committed against the state or its citizens. However, the government that subsidizes, or allows to operate freely without interference, the factory farmer raising hundreds of cows or thousands of chickens while confining them to miniscule dwellings where they undergo slicing, branding, and prodding throughout their lives before being slaughtered, sometimes with accompanying hours of pain from a botched or incomplete procedure, is morally reprehensible. On an institutional framework of rights, we ought not to support the systematic disregard for these animals' insecure access to the objects of their rights (whatever these turn out to be).

In addressing the second concern of how we are to understand individual competing claims from a rights-based framework, I draw from Judith Jarvis Thomson's (1997) discussion of what a right to life entails in "A Defense of Abortion." As noted earlier, both kinds of rights violations described by Pogge (2008; human rights violations and natural rights violations) are important to address the compatibility of animal liberation and environmental ethics. Though official violations and disrespect has been addressed by Pogge's institutional framework as applied to animal rights, the natural rights violations problem concerns wrongs committed against the rights holder by other individuals who are not necessarily sanctioned by any institution or government. As Thomson (1997) suggests, admitting one has a right to life does not then necessarily entitle one to "the bare minimum one needs for continued life" (p. 80). In other words, having a right to life does not necessarily mean you are entitled to whatever may be necessary to sustain your life. In her famous violinist example, you are kidnapped and hooked up to a violinist whose kidneys have failed. While the violinist does have a right to live, he most certainly does not have a right to *your* kidneys, even if they are needed to keep him alive. Moreover, as Thomson (1997) suggests, a right to life "consists not in the right not to be killed, but rather in the right not to be killed unjustly" (p. 81). In considering our obligations to animals in the "wild," the question is whether not interfering is unjust: "Whether it deprives them of anything they have a right to" (Thomson, 1997, p. 82).

In the case of providing a theory of animal liberation based on rights, where human actions have not rendered animals' access to the objects of their rights insecure, we are not necessarily obligated to interfere with animal behaviors, even where such behaviors affect other animals' access to the objects of their rights. Like the violinist, the zebra may have a right to life and I, as a moral agent, may have an obligation not to kill her unjustly. However, in virtue of having a right to life, the zebra does not then have a right to my time or efforts to produce a satisfying zebra substitute for the lions chasing her. The lion also has no such right in cases where increased lion population has rendered her prey scarce (so long as this is not a result of human interference). Where human actions *have* interfered with animals' secure access to the objects of their rights, we are obligated to respond. In considering the environmentalist's concerns for overpopulation of certain species, humans might be obligated to reduce the growth of certain populations, especially if the overpopulation has been a result of human interference with that particular food chain. However, in considering individual conflicts, we also ought to encourage

and promote official responses to those agents (poachers, trophy hunters, or careless/irresponsible loggers and developers stripping natural habitats of their life-sustaining capacities, for example) whose actions *do* threaten animals' secure access to the objects of their rights.

CONCLUSION

It is not the case, as Sagoff (2001) claims, that our "moral obligations to nature cannot be enlightened or explained—one cannot even take the first step—by appealing to the rights of animals and other natural things" (p. 43). It is also not the case that having an appreciation for nature precludes respecting animals or vice versa. Sagoff's concerns about the incompatibility of animal liberationism and environmental ethics are narrowly focused on addressing a particular conception of animal liberation, namely Singer's (2010) conception. Importantly, I have not been arguing that rights-based animal liberationism is something that Singer, or someone committed to a utilitarian ethic, would support. Accepting Singer's account of animal liberation does lead to the incompatibilities with environmentalism that Sagoff mentions because Singer is concerned with the overall calculation of pleasure and suffering comprised of individual interests. As such, Singer's model cannot address environmental issues apart from their effects on particular individuals and does not demonstrate concern for species endangerment apart from its concern for individual members. I have also not argued that the institutional understanding of rights is the only approach an individual may take if they are committed to both animal liberation and environmentalism. Animal rights activists may be more or less committed to addressing environmental problems and, conversely, environmentalists may care more or less about animal liberation. It seems likely that even Sagoff understood this much and perhaps his concern about the overall challenge that individuals committed to both animal liberation and environmentalism face is that when push comes to shove, they will be forced to choose one or the other to uphold or promote. However, much to Sagoff's disadvantage, he too quickly dismisses other possible frameworks for articulating a theory of animal liberation that extends moral considerability beyond humans and offers up a grounding for the respect of the nonhuman world.

In examining the institutional understanding of rights that Pogge (2008) outlines and considering the implications of what it means, and what it does not mean, to have a right to life, I have shown that we are not necessarily forced to choose between animal liberation (with its foundation in rights) or environmental ethics. The promotion of animal liberationist goals or environmentalist goals is not a zero-sum game. To take Sagoff's (2010) analogy further, a marriage between two parties or ideologies often will end in failure or incoherence if compromise is never made. The real question to solve then is whether *any* compromise constitutes unconquerable incompatibility between them overall. In this case, I do not think that either theory (animal liberation or environmentalism) has been so strictly established as to render any such compromise unacceptable. Though this has not been an exhaustive account of such an approach, it has served as a

basis for grounding a rights-based approach that serves to reconcile the once-divorced animal liberationist and environmentalist.

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Notes

1. This is not to say that every individual must come to these conclusions but rather that appreciating and understanding rights in this way should not be tied *necessarily* to or dependent upon any particular epoch, culture, and so forth.

2. Sagoff (2001) suggests perhaps we should replace carnivorous animals’ food with meat/protein substitutes on the animal liberationist’s view (p. 42). This would enable him to avoid the incoherence of either violating the predator’s or the prey’s rights. Pragmatically, such a policy would ultimately be self-defeating since removing the natural processes of predation would mean a mass overpopulation of countless species that would, in turn, lead to a severe decline in our ability to promote secure access to the objects of one’s rights. Theoretically, the following discussion of how to understand conflicting individual claims demonstrates that such a policy is uncalled for.

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