



Undergraduate ~~Dissertation~~ coversheet & feedback form

~~PLEASE COMPLETE THE TOP SECTION OF THIS FORM AND SUBMIT ONE COPY WITH YOUR DISSERTATION~~

For completion by student:		
Student Name: <u>Dillon Palmer</u>		
Student <u>University</u> Email:		
Module code: <u>Env, Sustainability & Philosophy</u>	Student ID number:	Educational support needs: Yes/No
Dissertation title: <u>Ass. 1. (Annotated Bib.)</u>		
<u>Supervisor:</u>		Word count:
I confirm that this is my original work and that I have adhered to the University policy on plagiarism. Signed		
For completion by the first marker:		
Comments: This piece work evinces an <u>excellent</u> grasp of the texts & how they are relevant to the essay title. There is attention to detail in terms of the preservation of ideas, & it's clear that you have engaged in an in-depth interpretation of the reading. You would do well to discuss the distinction that Goodpaster makes between rights & considerability - the other 3 distinctions he makes could further your answer, too. Moreover, the distinction between legal & moral rights is worthy of close attention, & you'd do well to make an attempt at defining interests. But, overall, this is a very		
First Marker's Mark: <u>70%</u>	Date: <u>29/5/19</u>	
Signature: <u>[Signature]</u>	<u>well informed annotated bibliography</u>	

For completion by the second marker (if appropriate):

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Annotated Bibliography – “Do non-human creatures have interests? Does this mean that they also have rights? Provide reasons/support for your answer.”

Joel Feinberg, 'The Rights of Animals and Unborn Generations', *Philosophy and Environmental Crisis*, ed. William T. Blackstone (Athens, Georgia: University of Georgia Press, 1974), pp.43-68 ✓

In this paper, Feinberg focuses on the rights of animals and the future generations of humans and attempts to “show that it makes sense to speak of the rights of unborn generations against us” (p.43). He argues that protecting the current environment is “basically a matter of justice, of respect for [future generations'] rights” (p.43), but in order to prove this further he discusses what it means for a creature to have a right.

The first section of Feinberg's paper discusses the duties and legal rights associated with non-human creatures: he states that the laws of some governments “impose legal duties on people not to mistreat animals”, but also recognises that this does not directly answer the question as to whether “the animals, as beneficiaries of those duties, possess rights correlative to them” (p.45). He proceeds to outline the difference between duties *regarding* animals and duties *to* animals (affording them rights), criticising Louis B. Schwartz's belief that it is humans who primarily benefit from these duties or laws (p.45). While animals may be the primary beneficiaries, Feinberg argues, this does not automatically give them rights (p.46). When stating Gray's assertion that animals cannot have legal rights or duties due to not being “moral agents”, he considers the difference between humans and animals through a series of logical comparisons. The first agrees with Gray's idea that “animals cannot be ‘reasoned with’ [and] cannot be blamed for what would be called ‘moral failures’ in a human being”, meaning they are incapable of “acting rightly or wrongly in the moral sense” that humans are (p.46). Although Feinberg argues that this belief “is largely beyond controversy” (p.46), philosophers like David Hume in fact argued that there are “evident similarities” between the way humans and animals reason.¹ ✓

Feinberg's second comparison considers the idea that non-human^S are “incapable of *claiming* rights on their own” (p.46), due to their inability to request justice in a court or simply understand that their rights had been violated. However, W. D. Lamont says that “neither human idiots nor wee babies would have any legal rights at all” if this was the case (p.47), for they cannot understand such things. Feinberg correctly states that these unaware people can start legal proceedings through proxies in the same way that animals are able to, and that because of this “there appears to be no reason why we should require the animal to understand [...] as a condition for regarding it as a possessor of rights” (p.47). ✓

According to Feinberg, H. J. McCloskey argues that animals cannot be represented, for “representation, in the requisite sense, is always of interests, and animals are incapable of having interests” (p.49). This statement begins Feinberg's proper discussion of interests, starting with an analogy which considers why “mere things” cannot have rights: “mere things have no conative life: no conscious wishes, desires, and hopes” (p.49). Because of this lack of desires, Feinberg argues, mere things have no interests: “interests must be compounded somehow out of conations” (pp.49-

¹ Deborah Boyle, 'Hume on Animal Reason', *Hume Studies*, 29, 2003, pp.3-28 (3). ✓

50). It is here that he considers whether non-human creatures can in fact have interests, relying on the analogy of a pet which has inherited money from its deceased owner. The trustee of funds is not only the guardian of the pet, but must "look out for the interests of the animal and make sure no one denies it its due" (p.50). Not only does the pet have interests in maintaining their inheritance, but also has "appetites, conative urges, and rudimentary purposes" which all contribute to the development of interests (p.50). Unlike mere things, like rocks or Feinberg's example of the Taj Mahal (p.49), the pet desires to eat or sleep or generally flourish in a way that a non-living thing cannot. Because of this, it is clear that Feinberg's writing supports the idea of non-human creatures having interests.

But what kind of creatures?
But not all non-humans (according to Feinberg)

With the matter of interests out the way, Feinberg considers whether non-human creatures have rights or not. He first acknowledges the position that "animals are the sorts of beings that *can* have rights" (p.50), before considering why we have a duty to treat animals with "consideration and humaneness" (p.50): for our own good or theirs? If it is for our own good, Feinberg argues, it is possible for us to consider non-human creatures as having no rights. This makes logical sense, as we would be ignoring any interests that the animals have in favour of our own. While they may have interests, they have no rights. On the other hand, we would be seen to give rights to animals if we were to act humanely "for the animals' own sake" instead of our own (p.50). By acknowledging the animals' interests and desires, we have recognised its right to flourish and achieve those desires. In the case of the wealthy pet, it would be allowing it "access" to its inheritance in order to fulfil its desires, and thus recognising its rights. This example appears to make logical sense; we often afford legal rights to animals for the simple reason that their rights to property and ownership may be protected.

But is there a difference between moral & legal rights?

While not necessarily coming to a solid conclusion on the matter of non-human animals having interests and rights, Feinberg states that our moral judgements towards animals recognise that "most of us do believe that animals have rights, but are reluctant to say so because of the conceptual confusions about the notion of a right" (pp.50-51). Because of his clarification over this matter, Feinberg's paper is useful in discussing whether non-human animals have interests and rights.

Kenneth Goodpaster, 'On Being Morally Considerable', *Journal of Philosophy*, 75, 1978, pp. 308-25

Throughout this paper, Goodpaster discusses the conditions required for moral consideration, stating that "neither rationality nor the capacity to experience pleasure and pain seem to me necessary (though they may be sufficient) conditions for moral considerability" (p.310). If this is the case, he argues, then it appears that all we require to be considered is the "condition of being alive" (p.310). By having moral considerability, it would appear that creatures also have a certain amount of rights, however Goodpaster states that it "need not be determined in advance" (p.311).

In order to explain his position, Goodpaster considers the work of various philosophers: Warnock, Frankena, Singer, and Feinberg. First he considers Warnock's criticism of the "Kantian principle", in which a certain amount of rationality, or potential to be rational, is required to be morally considerable: "Infants and imbeciles are no doubt potentially rational, but this does not appear to be the reason why we should not maltreat them" (p.314). Because of this, Warnock considers rationality irrelevant and instead focuses on the ability to experience pain or joy (pp.314-315). If this is the case, then non-human animals would be morally considerable: they have interests in not being

hurt, which Frankena (p.315) and Singer (p.316) appear to agree with. Goodpaster again argues that sentience is "sufficient" for moral consideration, but "fails to understand [these] reasons for thinking it necessary" (p.316). *Good*

In considering Feinberg's "interest principle" for moral rights, Goodpaster (p.318) formulates it in terms of moral considerability: moral consideration comes from having representation, and representation comes from having interests. Thus, it would follow that "only beings who have interests can deserve moral consideration" (p.318). Goodpaster agrees that the first statement is an "obviously valid argument", but that the second remains ambiguous (p.318) and "seems to be committed to allowing any *living* thing the status of moral considerability", even plants or trees (p.319). We can see that non-human animals would have interests in this case, and therefore moral considerability/rights, but Goodpaster concludes the section in arguing that allowing plants to have moral interests makes the interest principle become a "life principle" or demands an "arbitrary stipulation of psychological capacities (for desires, wants, etc.) which are neither warranted [...] nor independently plausible" (p.320). If this is the case, then it would be inaccurate in judging whether beings have moral consideration or not.

Goodpaster proceeds to consider objections to a "life principle of moral considerability", responding to the first that sentience is "not necessary for moral considerability" (p.322). This appears to make sense, for life, and therefore an interest in growing or flourishing, is all that is required to be morally considerable to Goodpaster: this would grant moral considerability and rights to non-human animals. The argument here is based upon respect for another's interests more than anything else: the non-human animal has the desire/interest to grow, so I should respect that. Apart from granting humans a general sense of hedonism (pp.321-322), there is no specific reason given by Goodpaster for why we should respect another's interests: this is an issue, for it is the basis of his argument and reasoning. *Not necessarily.*

Consider Goodpaster's distinction between moral considerability + rights.
Despite this lack of explanation, Goodpaster concludes by summing up his argument on moral considerability but acknowledges that "numerous other questions are waiting" to be answered on the matter (p.325). While this paper is useful in considering the requirements of moral consideration, and therefore whether non-human animals have rights and interests, it does not go far enough in assessing the claims made by Goodpaster and, as he admits, leaves questions over the "developing or declining status in life [and] relevance of the part-whole relation" unanswered (p.325).

Paul Taylor, 'The Ethics of Respect for Nature', *Environmental Philosophy: from Animal Rights to Radical Ecology*, eds. Zimmerman et al (New Jersey: Prentice Hall, 1998), pp.71-86 ✓

Taylor begins the paper by outlining his argument, stating that "it is the good of individual organisms, considered as entities having inherent worth, that determines our moral relations" with living things (p.71). With all individual organisms being the possessors of inherent worth, Taylor's argument will support the idea that non-human creatures will interests, but not necessarily that they should be afforded rights. ✓

The life-centred approach that Taylor puts forward is contrasted with anthropocentric theories which argue that "it is to humans and only to humans that all duties are ultimately owed" (p.71): these theories suggest that even if we were to do something that would benefit the environment, it

would primarily be done for human gain. Taylor disagrees with this and argues that, with a life-centred system of ethics, “we have prima facie moral obligations that are owed to wild plants and animals [...] out of recognition of their inherent worth” (p.72). He does not explicitly state here why it is that plants and animals have inherent worth, but it appears to simply be due to their status as living things, instead of a system based on sentience or rationality. With this being the case, Taylor argues that “their well-being, as well as human well-being, is something to be realized *as an end in itself*” (p.72), meaning that we have an obligation to protect plants and animals due to their interests as living organisms, and not as a tool for human interests. If this obligation is necessary, it would make logical sense to afford some rights to non-human animals: they have interests and we are obliged to respect that.

Taylor proceeds to consider a possible criticism of this idea, which states that a being must “take an interest in what affects its life for better or for worse” in order to have a good of its own (p.72). Instead, Taylor argues that we “can act in a being’s interest [...] without its being interested” (p.72), simply by recognising what would be its in favour and what wouldn’t: it requires no input from the being. While trees “have no knowledge or desires or feelings [...] it is undoubtedly the case that trees can be harmed or benefitted by our actions” (p.73). In this sense, we can also acknowledge that non-human animals have interests to grow and not be harmed, without necessarily being told so by the animal.

While the rest of the paper contains a general overview of the biocentric outlook on environmental ethics, one of the most important sections in relation to the question is at the end. There, Taylor admits that his decision not to assert that non-human animals or plants have moral rights was “deliberate”, but that his reasons for doing so “go beyond the scope of this paper” (p.85). Because of this lack of clarification, which is in no way due to any ignorance on Taylor’s part, we cannot explicitly say whether non-human animals should be given moral rights, despite their clear ability to possess interests. Taylor does however suggest that they may be given legal rights, which would “give public recognition to their inherent worth” as living creatures, thus respecting their interests as such.

Due to the lack of absolute answers, it is slightly difficult to answer the question using this paper: Taylor is clear in assessing that non-human creatures have an inherent worth and interests according to their existence, but acknowledges the ambiguous nature of legal and moral rights concerning their benefits. While we *can* give legal rights to non-human creatures using Taylor’s theory, there is no obligation or requirement for us to do so.

Bibliography

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