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Tracy M. Williams April 5, 2013

Viewing Non-Human Animals Morally: How Should we Approach our Relationship with Non-Human Animals and what are Potential Policy Changes we can Make?

by

Tracy M. Williams

Dr. John Lysaker
Adviser

Department of Philosophy

Dr. Cynthia Willett

Committee Member

Dr. Tara Doyle

Committee Member

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Tracy M. Williams

Dr. John Lysaker

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Abstract

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When thinking about non-human animals, people either take the rights perspective or the welfare perspective. I argue that a newer school of thought, known as the new welfarist position, is the best way of thinking about non-human animals because it seeks to phase out the use of non-human animals raised for food and tested on in science through a more gradualist approach. I will argue that non-human animals are not capable of possessing rights, but because they are sentient beings that can be harmed, they are worthy of moral consideration in which their welfare and their preferences are taken into equal consideration. I will also examine factory farming and suggest potential policy changes that should be made to better the welfare of non-human animals raised for slaughter.

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1. Introduction

Our relationship with non-human animals is a very complicated one. We hunt them, play with them, keep them as pets, use their skin for clothing, watch them for entertainment, and we eat them. To further complicate matters, the way we feel about certain non-human animals differs from the way we feel about others. For instance, in America, we think highly of dogs and cats because we consider them companion animals; however, we do not hold animals we raise for food in such high esteem. But even with those animals we value more highly than others, we do not think of them as holding a moral status equal to our own. In the hierarchical chain of being, they would be considered lesser beings. For this reason, many people do not think that non-human animals are worthy of moral consideration or of holding rights.

Today, there are two main camps when it comes to thinking about how we should treat non-human animals: animal right activists and animal welfarists. The evolution of the way we think about non-human animals has progressed immensely. Some of the earliest writing on the subject of non-human animals portrays them as machine-like creatures that are incapable of feeling any sort of pleasure or pain. This was used as a justification to treat non-human animals any way we wanted, and in many cases, this led to committing acts on animals that would be considered cruel if performed on a person. For example, performing experimental surgery on non-human animals without any anesthetic (Singer 2009). However, as the tools of science evolved and advanced, we have discovered more about the complexities of

non-human animal mind and cognition, as well as their similarities to us. We are beginning to discover that traits and abilities we once thought of as distinctly human are also shared with other species. For instance, in the book *Elephants on the Edge, What Animals Teach Us about Humanity,* G.A. Bradshaw explains that elephants are capable of possessing emotions such as vengeful anger, compassion, and even forgiveness (Bradshaw 2009). Compassion and forgiveness are moral virtues, which mean if non-human animals are capable of exhibiting virtuous qualities they must be able to reflect, to a certain extent, on their situation and decide to act in a certain way based on this reflection.

Such newfound insight into the minds of non-human animals put us in the situation of reevaluating the ways in which we think about them and what sort of privileges, if any, should we grant them. Questions about whether non-human animals should have rights, whether we should regard them on an equal level as humans, whether they should have moral consideration, and whether we have any responsibility for their welfare are seriously debated questions among today's ethicists and philosophers. Many argue that the way we treat non-human animals currently is not evolving with what we are learning about them. This is especially true when we look at widespread exploitation of non-human animals, such as in the factory farming industry. In this setting, billions of non-human animals are treated with a lack of respect and consideration and must endure tremendous suffering before they are carelessly killed (Singer 2009). Is this morally right? And if it is not, what can we do to improve the current situation?

In this paper, I provide a philosophical examination of the way we should think about animals, and end with a detailed look at the factory farming industry. I will break this paper down into four separate parts. In the first part, I trace the history of the animal rights debate. I will begin with Rene Descartes and his theory that non-human animals are nothing more than well functioning machines. From there, I will describe the change in the way we think of non-human animals and how Jeremy Bentham's famous question, *Can they suffer,* was monumental in catapulting a new way of considering the moral qualities of non-human animals. By the end of this section, I will take us up to the current arguments in this rich and robust debate.

In the second section, I will flesh out the contemporary arguments of both those who support animal rights and those who support animal welfare. Ultimately, I will claim that the new welfarist position, a relatively new way of approaching the debate that merges the two philosophies together, is the best theory concerning how we think about non-human animals. I will then proceed to give non-human animals a place in the realm of moral consideration by examining the traits and qualities of a rights-holder, and evaluate whether non-human animals fit these characteristics. I will ultimately make the assertion that non-human animals do not satisfy each of the criteria of a rights-holder, and as a result, cannot hold rights.

In section three, I distinguish between what it means to have instrumental value and what it means to have intrinsic value. In essence, if one has instrumental value, he or she is only good for the reason that he or she fulfills some utility

purpose. On the other hand, to have intrinsic value means one possesses an inherent worth that is distinct and paramount to his or her instrumental value. I will make the argument that non-human animals do not merely possess an instrumental value, but that, just like humans, they possess an inherent value and therefore, should be worthy of our moral consideration, even if they cannot be rights holders.

Finally, in the last section, I will explore the factory farming industry and look at how the practices of factory farming do not take the welfare or the preferences of non-human animals into account. I will describe some of the activities that take place on factory farms and the treatment of the non-human animals we raise for food. I shall argue that while we cannot economically ban all forms of non-human animal consumption immediately, we should work towards the phasing out of non-human animals raised for food and used in medicine. In the meantime, we can ensure that if we raise non-human animals for meat, they are treated with respect for their preferences and intrinsic value, and that their living conditions are humane. I will conclude with a discussion on potential policy changes that should be enacted to see this change in the right direction take place.

Many people are ignorant of the cruelties non-human animals endure at our hands. However, usually when they learn about what truly goes on, they usually wholeheartedly support change. While much has been written about non-human animals in the last few decades, there has not been a great push for change. But I believe people today are beginning to look at these arguments about the ethical

treatment of non-human animals with more fervor than in times past, and I believe people are more motivated to see change brought about. My hope is to add some traction to this movement and to inspire people to be a voice for the voiceless.

2. A History of the Animal Rights Debate

In the animal rights debate, there are two main proponents—those who push for animal rights and those who push for animal welfare. In order to evaluate the ethics of our current regard and treatment of animals, as well as how any formal policy change towards the use and treatment of animals would align with the ethics of animal welfare and why animal welfare is a better and more practical approach to improving the lives of non-human animals, it is useful to examine the evolution of these two schools of thought.

To begin, it is important to understand how Rene Descartes, a French philosopher perceived non-human animals because many people used Descartes's interpretation of non-human animals for justification for their mistreatment of them. Descartes claimed that non-human animals were nothing more than machines; soulless, non-sentient creatures, incapable of experiencing pain. This belief was widely accepted for many years, and resulted in much animal suffering; for example, many researchers performed tests on animals without the use of any anesthetics. In the nineteenth century, Jeremy Bentham came on the scene in response to Descartes and said, "The question is not can they reason? Nor can they talk? But, can they suffer" (Francione and Garner 2010).

A utilitarian, Bentham's philosophy rested on the notion of consequence, that what is right and good is that which will provide the most happiness to the greatest number of people. In evaluating an action's consequence, one must be impartial to race, sex, sexual orientation, intellectual and physical abilities, etc., as well as

species. Even though non-human animals may not have reason or intellectual capabilities like humans (although Darwin's theory of evolution began to shed light on the commonalities between us and non-human animals), they are sentient creatures who can suffer, and thus should be considered.

While Bentham showed more concern for animals than Descartes, Bentham did not promote an end to our use of animals. For Bentham, the fact that non-human animals differed mentally and rationally from humans made it acceptable for humans to use and even kill animals, as long as it was done in a humane way. In examining their mental capacities, Bentham said that non-human animals have no sense of the future, but rather live in the present. He claimed they cannot cognitively be aware when they lose their lives so if we kill animals for food, "we are the better for it, and they are never the worse" (Francione and Garner 2010).

Towards the latter end of the mid-twentieth century, another utilitarian, Peter Singer, wrote his fist work on animal rights entitled *Animal Liberation.* While he is widely regarded as the father of the animal rights movement, his work, interestingly, pushes not for animal rights but for equal consideration of animals in terms of pleasure and preferences. He argues that as it is wrong to give someone less consideration based on the color of his or her skin, so too is it wrong to treat non-human animals with less consideration because they are of a different species than humans. During the time Singer was writing, America was grappling with similar considerations on a national scale.

The 1960s marked an era of change. On the heels of the 1950s, a time of great consumerism and suburban living, a social unrest began to form. The push for civil rights reached its zenith towards the end of the 60s into the 70s; however, the 1954 landmark decision in *Brown vs. the Board of Education* helped set the movement in motion. In this case, the Supreme Court ruled that requiring separate schools for black and white children was unconstitutional. The court established that race was not a valid justification for treating people differently, and looked to a statement known as *The Race Question* made by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) as support. Written after World War II, UNESCO put forth a statement denouncing racism, claiming:

> Concern for human dignity demands that all citizens…share equally in the advantages assured them by the law, no matter what their physical or intellectual differences may be. The law sees in each person only a human being who has the right to the same consideration and to equal respect.… It matters little, therefore, whether the diversity of men's gift be the result of biological or cultural factors.

Against this background, Singer wrote *Animal Liberation.* His argument for the equal consideration of animals is very similar to the statement by UNESCO used in the *Brown* decision. With its ruling, *Brown* overturned the ruling in *Plessy vs. Furguson* which established a standard of segregation where blacks and whites would have separate, but equal, facilities. Singer's argument seems to build off these two cases, bringing them both together in his philosophy regarding the treatment of animals.

Singer, like Bentham, claims that non-human animals do not differ from humans when it comes to being able to feel pain and suffer. The fact that non-

human animals differ physically from humans or that they may not have the same mental capacities as humans has no bearing on the moral consideration they deserve:

> [Some] have claimed that to have rights a being must be autonomous, or must be a member of a community, or must have the ability to respect the rights of others, or must possess a sense of justice. These claims are irrelevant to the case for Animal Liberation….If a being suffers there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—insofar as rough comparisons can be made—of any other being (Singer 2009).

Singer's anecdote of the degree of pain a baby and a horse can endure explains what he means by "equal consideration." If one were to slap a horse on the rear with his or her hand, the horse may be startled but most likely feels little pain. On the contrary, if one were to slap a baby on the rear with his or her hand, the baby would undoubtedly feel more pain than the horse. On Singer's view, it is worse to slap a baby than it is to slap a horse because the baby suffers more. Therefore, whatever force would cause as much pain to the horse as to the baby with an open hand slap—a large stick for example—is what Singer means by like suffering. If it is considered wrong to inflict that degree of pain on a baby, then it must equally be wrong to inflict the same amount of pain on a horse. The familiar term separate but equal is resonant in his explanation. While it is impossible to ignore that there are degrees of differences among humans and non-human animals, the consideration for the wellbeing of each is what is important. Moreover, it is not just that non-human animals should be given consideration, but that they should have equal consideration—separate but equal.

Equal consideration precludes *speciesism*, which Singer defines as a, "…prejudice or attitude of bias in favor of the interests of members of one's own species and against those of members of other species" (Singer 2009). Speciesism is comparably wrong to the ways in which racists give more weight to the interests of those of their own race or how sexists do the same with people of their own sex. Like Bentham, Singer does not rely on any physical or intellectual determinants when it comes to ethical regard. What is foremost is suffering, which he considers, "…the vital characteristic that gives a being the right to equal consideration" (Singer 2009).

Although Singer argues non-human animals deserve consideration that is on par with humans, he makes obvious that their differences do render them inferior to humans. For instance, one difference is that non-human animals cannot grasp that they have a life the way we are able to comprehend that we have a life. While science is proving we cannot conclusively say this is true for all species, during the time Singer was writing, this was commonly believed. A decade later, Tom Regan would challenge this in his book *The Case for Animal Rights*. Assuming, though, that non-human animals do not understand life the way we do, there is a sense that their cognitive abilities are less than ours in this regard, and this can be used as support in the argument of legitimizing animal testing over human testing. To put this into better context, consider the following scenario. If people were continually kidnapped at random from a park for scientific testing, people who regularly visit the park would develop fear and anticipation, which is an additional form of

suffering to the experiments themselves. Because non-human animals cannot experience anticipatory fear of being kidnapped, their suffering would be less, and since Singer is a utilitarian, he would have to agree that it would be more ethical to perform scientific tests on animals over humans (Singer 2009).

However, on the other side of the spectrum, if one were to explain to the humans who were kidnapped that they would experience no pain or no negative side effects associated with the experiment, this may relieve their suffering. A captured animal, on the other hand, cannot distinguish between when it is captured to be killed and when it is only temporarily captured with the intent of being released. In this scenario, animals suffer more than humans because they do not possess the understanding to differentiate the two forms of capture. Another wrench is thrown into the mix when infants or the mentally handicapped are introduced into the former situation. Because infants and mentally handicapped individuals cannot suffer from the added anxiety and fear like animals, a utilitarian would have to agree that it would be better to experiment on them than it would on normal adult humans. None of these arguments sit well with Singer, who instead argues for a middle ground where, "we bring nonhuman animals within our sphere of moral concern and cease to treat their lives as expendable for whatever trivial purposes we may have" (Singer 2009).

In his discussion on morality, Singer explains that although non-human animals are incapable of making moral decisions, they should still be regarded with equal consideration. To validate this claim, Singer again turns to the issue of

infants and the mentally handicapped or senile. Even though members of these groups do not possess the capacity to make moral decisions pertaining to their actions, they do not differ from the rest of the human race in their ability to suffer or to prefer pleasure to pain. Singer spends much of the book highlighting the cruel and unnecessary suffering inflicted on animals during animal testing and factory farming. To this, Singer cries out, "We tolerate cruelties on members of other species that would outrage us if performed on members of our own species. Speciesism allows [us] to regard the animals…as items of equipment, laboratory tools rather than living, suffering creatures" (Singer 2009). One effort Singer pushes for is the shift to vegetarianism or veganism because it produces less animal suffering. Therefore, even if one is not against killing animals but is against inflicting suffering on animals, becoming a vegetarian or vegan would be a way of boycotting the factory farm industry, thereby affecting the market demand for meat and/or dairy products and lowering the price and profit. This would result in fewer animals that would be raised for slaughter. In addition to making this lifestyle choice, Singer also expresses the importance of educating others about why vegetarianism and/or veganism is the correct way to live. During this time, much change was a result of people standing for a cause and then demonstrating their support in an effort to educate others and make a change. In fact, Singer admits to converting to vegetarianism through learning of it from a friend.

While Singer does argue for the equal consideration of non-human animals, he does not call for a complete ban on killing animals. When discussing hunting he

qualifies that if certain animal populations grow to such an extent to negatively impact their own environment or that of another species who shares their ecosystem, then it could be right for hunters to take "supervisory action" (Singer 2009) if the methods are humane. Additionally, while Singer is a self-promoting vegetarian, he also says:

> If it is the infliction of suffering that we are concerned about, I can…imagine a world in which people mostly eat plant foods, but occasionally treat themselves to the luxury of free range eggs, or possible even meat from animals who live good lives under conditions natural for their species, and are then humanely killed on the farm.

Similarly, Singer's view in regards to fish can also be described as flexible. He admits that there has not been much research into how much, if any, pain and suffering fish can experience. While he gives fish and other shell fish the benefit of the doubt, believing people should avoid eating them, he says that even those who eat fish have taken a "major step away from speciesism" (Singer 2009) if they give up eating other animal and animal products.

Singer's call for animal liberation is a philosophy built off of the utilitarian ideals of his predecessor while also moving towards a more even playing field between the human/animal relationship. He advocates for equal consideration of interests, mainly the interest in avoiding suffering and staying alive, while not completely calling for the annihilation of animal testing or factory farming. Philosophers after him would pick up where he left off and do just that, including Tom Regan, who many say rivals or even surpasses Singer in his push for animal rights.

Shortly after Singer's publication of *Animal Liberation,* Tom Regan entered into the animal rights debate from a very different perspective. Arguing against the utilitarian way of thinking about animals which Singer and his predecessors embrace, Regan advocates for full-fledged animal rights. Maintaining that all animals have an intrinsic value or worth, Regan denounces activities such as factory farming, hunting and trapping, and animal testing as unjustifiable. During the time Regan was writing, the Women's Liberation movement was in full swing. As women were increasingly leaving the domestic sphere to enter into the workplace, they were encountering sex discrimination in terms of what jobs were available and how much they got paid, as well as sexual exploitation on the job. Stories of women marching down 5th Avenue in protest made the morning paper, while footage of women burning their bras made the evening news. Also, the 1978 ruling in *Regents of the University of California vs. Bakke* made the exclusion of a candidate from consideration into a school based on race unconstitutional. This decision spurred the move to diversify the school curricula and get adequate minority representation onto school boards. During a time in which people were fighting for equal rights, Regan looks upon the animal rights movement as part of the human rights movement in his attempt to include animals in the realm of rights, especially the right to life.

The rights view, essentially, is a theory of respectful treatment applicable to both those considered moral agents and those considered moral patients. In his definition of who constitutes a moral agent or moral patient, Regan says, "those who

can bring impartial reasons (i.e., reasons that respect the requirement of impartiality) to bear on deciding how they ought to act" (Regan 1983), are moral agents. These requirements of impartiality include conceptual clarity, sufficient information of facts, rationality or recognition of the various issues or ideas at hand and how they may or may not interrelate, impartiality, and coolness or levelheadedness. A prime example of a moral agent is the average adult human who brings to moral situations an understanding of right and wrong and is capable of thinking through the consequences of each choice of action. Regan takes care not to limit this category to humans alone, recognizing that there may be certain species of non-human animals who fit the characteristics of a moral agent, as well. Because moral agents are able to appreciate the various opinions of a moral question and can impartially rationalize to reach a decision, Regan asserts it is fair to hold them morally accountable for what they do, assuming they are not forced into a decision as a result of coercion, psychological impairment, etc. Additionally, moral agents not only make right or wrong choices, they can also be on the receiving end of a right or wrong act.

Moral patients, on the other hand, are unable to act morally in situations because they, "lack the prerequisites that would enable them to control their own behavior in ways that would make them morally accountable for what they do…[they] cannot do what is right, nor can they do what is wrong" (Regan 1983). Whereas moral agents have the mental capacity to rationalize through what the right or wrong course of action would be based on the consequences of each choice,

moral patients do not have the ability to use reason when making moral decisions. Even though moral patients, like moral agents, can affect other moral patients, sometimes resulting in the harm or even death of the other patient (i.e. when a lion attacks a gazelle), they cannot be said to have committed a wrong because only moral agents are capable of committing right or wrong acts. The relationship between moral patients and moral agents is such that while moral patients cannot affect moral agents, moral agents can act in a way that is right or wrong towards moral patients. It is this reason moral agents have an obligation to respect the rights of moral patients. Animals, at least mammalian animals fall into the moral patients category, along with children, the senile, and the mentally ill. Despite their differences, "…the case for recognition of the right to…. [respectful] treatment cannot be any stronger or weaker in the case of moral patients than it is in the case of moral agents" (Regan 1983). This means that just because moral agents and moral patients differ in nature, both deserve to have their inherent values respected.

How does Regan qualify his claim that moral patients, more specifically mammals, have an inherent value? He spends a great deal of time examining the complexity of non-human animal consciousness (at least mammalian consciousness). While Singer advanced that non-human animals are incapable of understanding the concept of life, Regan explains that just as moral agents, non-human animals have beliefs, desires, perception, preferences, memories, expectations, self-consciousness, and even a sense of the future (Regan 1983). From

this, emotions and sentience must also be attributed, adding to the similarities between animals and humans. Regan explains, "Mammalian animals have a welfare. They fare well or ill during the course of their life" (Regan 1983).

Because mammalian animals are conscious creatures with preferences, expectations, memory, ends of their own, and the capacity to be satisfied or frustrated, they must be considered subjects-of-a-life. This means they have an inherent value or worth, and should not be treated as a receptacle, or as something replaceable, but as an end in themselves. To this extent, we have negative and positive duties directly to non-human animals and in acting those duties, we must act in a manner that is kind and not cruel. Here comes into play a view known as the kindness-cruelty view. Regan breaks down acts of cruelty into four categories: active sadistic cruelty; passive sadistic cruelty; active brutal cruelty; and passive brutal cruelty, where active acts of cruelty include those where one physically does an act (such as brutally beating one's dog) and passive acts of cruelty are acts of omission (for example, not feeding one's dog for days or weeks on end).

Because acts of cruelty affect the mental state of one or both individuals involved, any satisfaction one gains from being cruel to non-human animals is gained from treating them as a means to an end, not as a creature with an inherent value. With this in mind, it is easy to see one way in which Regan's philosophy turns away from utilitarianism. For Regan, it is not the consequences of an act which makes the act right or wrong, but whether the act respects those involved or violates their rights. Because mammals possess the qualities necessary to make

them subjects-to-a-life, they have inherent value, and he explains, "Individuals who have inherent value…have a kind of value that is distinct from, is not reducible to, and is incommensurate with such values as pleasure or preference satisfaction, either their own or those of others" (Regan 1983).

To be subjects-of-a-life, Regan explains one must have certain capabilities. Namely, one must have desires, memory, a sense of the future, preferences, and the ability to feel pleasure and pain (Regan 1983). The average adult human easily fits the bill of subjects-of-a-life, but what about non-human animals? Mammals aged one year and older are Regan's prime example of non-human animals that exemplify characteristics of those subject-to-a-life. To explain his reasoning for this assertion, we should look at an example that can be easily relatable. Anyone who has ever had a dog, for example, knows that they are capable of experiencing and expressing each of the characteristics Regan lays out as qualifications for subjects-to-a-life. Dogs have wants and desires. For example, when my dogs desire to go outside for a walk, they will signal to me by looking out the window and whining in my direction. When I finally take them out, they wag their tails in approval and lead the way. This behavior is very similar to ours, and it would be difficult to argue that it is not done as a result of having a desire and feeling of satisfaction when it is comes to pass but rather a random occurrence. It is easy to prove that our four-legged companions have a sense of memory. The act of burying bones for later retrieval, finding one's way home after running away, recognizing a member of the family who has been away for weeks, obeying commands, etc. The list could go on.

Likewise, it is easy to demonstrate that dogs have certain preferences: they have preferences for certain foods, toys, activities, etc. Regan says that, to be subject-to-a-life, one must have a sense of the future. It has been debated whether or not non-human animals have the capacity to look ahead and have a sense of the future. Indeed, recall that Bentham claimed non-human animals were incapable of a sense of the future, living moment to moment. But take the example I gave of the dog burying its bone. This act contradicts that notion because if a dog buries his bone to hide it for later enjoyment, it must have a concept of past, present, and future. If the dog did not realize it would be able to come back to that spot at a later time to retrieve the bone it buried in the present, the dog would not bury the bone in the first place. Finally, the issue of pleasure and pain has already been expounded on. Non-human animals, while unable to tell us what they are experiencing or feeling, demonstrate this through their actions. Because we understand how humans react in these situations, we can imply from non-human animals' behaviors that they, too, are capable of the same things. At least, this is true of mammals aged one year and older.

Regan believes that all animals possess an equal intrinsic worth. As a result, he rejects the theory of perfectionism, which he attributes to Nietzsche. Perfectionism is a view that favors those with more or greater virtues, for example skill or intellect. This is an unfair manner of comparison because those who are born with an advanced level of intellect or skill set have not done anything that warrants preferential treatment. Likewise, those born without such levels of

intellect or skills have not done anything to deserve denial of benefits essential to their welfare. All moral agents and moral patients are to be viewed as equal in inherent value. However, Singer as a utilitarian does not take this intrinsic worth into consideration. Regan explains that Singer's position is an "example of a direct duty view, a position that holds that we have some direct duties to non-human animals but denies that they have any rights" (Regan 1983).

While respectful of Singer, Regan charges Singer with advancing a view that he denounces—speciesism. This is evident when he says, "It is not enough to count the equal interests of, say, pigs and children equally, if we are to avoid speciesism; it is also essential that we treat both fairly *after* we have done this, something that is not guaranteed merely by respecting the equality principle" (Regan 1983).

The main difference when examining Singer and Regan is that Singer distinguishes a hierarchy between humans and animals where, although they must both be regarded with equal consideration, the interests of humans do outweigh those of animals in most situations. As a utilitarian, though, Singer believes the one should act in a way that would result in the greatest happiness for the greatest number of people (or beings). Therefore, if there were a case in which acting in a non-human animal's interest over a human's would result in the greatest happiness for the greatest number, he would whole-heartedly advocate for that. Barring these situations, however, Singer believes a human's interest should count more than a non-human animal's, mainly because he believes non-human animals lack the capacity for self-consciousness, which limits the range of pleasures and pains they

can feel. Although most of *Animal Liberation* is spent highlighting the cruelties that take place on factory farms and in research facilities, Singer does not absolutely ban the slaughter of animals for consumption. In fact, he claims he can respect those who eat meat that have been humanely raised and painlessly killed (Singer 2009). Regan, on the other hand, takes a deontological approach, believing that all beings who possess certain cognitive capacities should be recognized as possessing an inherent worth. The moral status of a being is determined when looking at whether or not it can be said to be the subject of a life. Since this is true of mammals, they are morally entitled to rights, namely the right to life.

One critique of Regan is that his argument eventually falls prey to the same moral hierarchy that Singer demonstrates. In his lifeboat scenario, four human beings and a dog are in a lifeboat and one must be thrown overboard or else all of them die. According to Regan, each human has greater opportunities for future satisfaction than the dog, so when given the option, the dog should be thrown overboard. Moreover, the number of dogs has no bearing on this decision. It would still be the right course of action to sacrifice even a million dogs to save one human being in such circumstances. Although Regan argues all animals possess an inherent moral worth, he still resorts to a human-animal hierarchy that privileges humans over animals in certain situations (Regan 1983).

In Ted Benton's critique of Regan's rights theory, he takes issue with a key component of Regan's reasoning. Regan's claim is that, because non-human animals (or at least mammals age one and over) have preferences, desires, etc., they are

sentient beings. Benton, on the other hand, takes the position first posited by R.G. Frey, which claims that to have preferences, one must also possess beliefs about one's preferences and that only a being with the capacity for language can be said to have beliefs (Frey 1983). Because non-human animals do not have a language, per say, they cannot have beliefs, ergo, they cannot have preferences, and therefore, they cannot be sentient.

Another criticism Benton has of Regan is that Regan overlooks a sort of contractual relationship between humans and animals. Many of the animals that we domesticated as companion animals have conformed to our behaviors and are not only dependent on us for care, but are also social creatures who seek companionship. Therefore, in the act of asserting our will and ownership over these non-human animals, we assume a quasi-contractual responsibility for their care; if we are to treat animals and their environment the way we want to, we must be responsible for their social and emotional well-being. It gets a little more complicated when we introduce animals like sheep and cattle, and even dogs and cats, into the mix because although they are domesticated, they have maintained characteristics of their pre-domesticated life. Benton explains we have the responsibility to make sure those conditions are available to these animals.

From this, Benton examines whether non-human animals can qualify as basic rights holders, as Regan claims they can. If we buy into Regan's belief that non-human animals have preferences of their own, that they have a purpose, and that they are vulnerable to suffering at the hands of moral agents, then it can be

agreed they have an interest in respectful treatment and a moral claim to it, which moral agents must uphold. However, Benton questions whether these are *rights* moral patients have, or whether they are, instead, *obligations* of moral agents. Benton makes a distinction between active and passive-rights holders. Passive rights-holders are, "the subjects of moral *obligations* on the part of moral agents, while active rights-holders are also entitled to contribute to the process of establishing what those obligations are and how they are to be implemented" (Garner 1996). For Benton, animals are not capable of being bearers of active rights. With this in mind, Benton questions whether rights are useful, and he ultimately comes to the conclusion that they are not. One of his main reasons for claiming this is because there is a gap between having rights and being able to exercise those rights. To better explain this, he turns his attention to the societal division of classes and asks, "What do legal rights amount to for someone unable to afford solicitors' fees?" (Garner 1996)

One final point of Benton's argument is that because we do not have a full understanding of animals', "species specific mode of life and the needs which it carries with it" (Garner 1996), it is more difficult for us to determine a cross-species understanding of what rights are most important. In his final claim in determining whether the concept of rights could be eliminated all together, Benton says they can and that a, "morality of communal solidarity, benevolence, and mutual recognition could be expected to do much of the work of protecting 'basic'

interests that in the present order of society is assigned to the discourse of rights" (Garner 1996).

By the time bioethicist Paul Taylor wrote *Respect for Nature: A Theory of Environmental Ethics,* much had been garnered about primate behavior through the research of Jane Goodall and the field of ethology, and the scientific study of animal behavior had been underway for more than a decade. Agreeing with Regan on the rights view, Taylor believes non-human animals do have a right to life, and extends this right to all of nature. There are two ways people think about environmental ethics. The first is a somewhat Kantian view, and is known as the human-centered view. Those who fall into this camp believe, "our duties with respect to the natural world are all ultimately derived from the duties we owe to one another as human beings" (Taylor 1986). This means that while the applications benefit plants and animals, the motives are not based on true respect for plants and animals, but rather on the impact such behavior will have on us. The life-centered or biocentric view maintains that, "…the obligations and responsibilities we have with respect to the wild animals and plants of the Earth are seen to arise from certain moral relations holding between ourselves and the natural world itself" (Taylor 1986). This is the view Taylor promotes. In order to illustrate why the biocentric view is correct, Taylor addresses the question of whether or not plants and animals have an inherent worth, concluding they do. Plants and animals are members of the biotic community, from which all things evolve. For Taylor, no

species can be thought to be more morally worthwhile to another, and therefore, all are deserving of equal consideration (Taylor 1986).

For Taylor, to truly have respect for nature, one must accept that plants and non-human animals do not merely serve as a means to an end, but rather that they have an inherent worth and a good of their own. This is the "fundamental value-presupposition of the attitude of respect" (Taylor 1986). Once one accepts as true that plants and animals do have an inherent worth, it follows that one must also accept that, "The entity is deserving of moral concern and consideration… [and] that all moral agents have a prima facie duty to promote or preserve the entity's good as an end in itself and for the sake of the entity whose good it is" (Taylor 1986). Here, Taylor provides a definition of who constitutes a moral agent that is similar to Regan: a moral agent is anyone who possess, "…the ability to form judgments about right and wrong; the ability to engage in moral deliberation…the ability to exercise the necessary resolve and willpower to carry out those decisions; and the capacity to hold one self answerable to others for failing to carry them out" (Taylor 1986). Similar to Regan, Taylor holds that moral agents have a responsibility to plants and non-human animals to ensure their rights are respected and that they are not simply dismissed as objects, but rather, regarded as beings with a sense of purpose or striving that can be harmed or benefited. In this way, plants and non-human animals are similar to humans, furthering the ties moral agents have towards their protection.

Taylor agrees that it is valid to say plants and non-human animals could have legal rights, but contends that they cannot possess moral rights. Regarding legal rights, Taylor explains, "Laws that give protection to species populations and life communities in natural ecosystems are laws which conform to the principle that nonhuman forms of life in the natural world are deserving of our moral concern and consideration" (Taylor 1986). This accords with the attitude that plants and non-human animals have an inherent worth. However, they cannot be said to have moral rights, which are universal rights that are applicable regardless of race and culture and include such rights as the right to life and the right to bodily integrity, because they do not have the capacity for possessing moral rights. In order to possess moral rights, one must be aware of what one is morally entitled to and have an expectation that those moral rights will be acknowledged by others. Additionally, one must respect those same moral rights of others. Plants and non-human animals do not have this type of reciprocal understanding. However, Taylor asserts that should not have any bearing on their overall treatment. As long as people hold the biocentric view, everything that would be accomplished by extending moral rights to plants and non-human animals can still be accomplished.

Because plants and non-human animals have an inherent worth, similar to humans, humans are not inherently superior to them. If they were, human interests would take precedence over non-human interests. To truly possess a respect for nature in Taylor's view, one must regard the moral worth of plants and non-human animals as equal to the moral worth we attribute to humans. To better illustrate

this, Taylor counters three historical arguments which maintain that plants and animals are inferior to humans, highlighting the flaws in each.

The first argument comes from classical Greek philosophy which claims that humans are superior to other animals and plants because we have the capacity to reason; so while we are animals, we are rational animals and therefore better than non-human animals. In response to this, Taylor examines the relevance of this "advantage" to the function and survival of other plants and animals. He explains, "When we consider not only that animals and plants have no need of reason to realize the kind of good most suitable to their species, but also that they do need to make use of capacities that humans *lack*, the unjustifiability of the claim of human superiority over them becomes even more obvious" (138). For Taylor, the fact that humans may be more intellectually intelligent than other species is no reason to believe humans are superior to other species. Non-human animals possess the ability to do many things humans cannot—birds have wings to fly, cheetahs can run faster than humans, elephants are larger than humans, fish have gills to breathe underwater, etc.—however, we do not think of them as superior to us. So, this argument of human superiority does not hold.

The second idea which Taylor refutes is the belief in the Great Chain of being. This is the view of a hierarchical ladder consisting of all organisms with humans sitting above the "lesser" species in the spot closest to the angels and God. Taylor notes, "This is a metaphysical or ontological order as well as a valuational one" (Taylor 1986). Because humans are closer to God, they are endowed with a

greater sense of value and worth than non-human animals and plants that are positioned towards the bottom of the ladder. Additionally, if aligned with the biblical idea that humans are created in the image of God and are granted dominion over all animals, this would greatly support the notion that humans are superior to non-human animals. However, Taylor argues that this, "presupposes the moral goodness…of the being that assigns the positions" (Taylor 1986). If, as theologians suggest, God is a loving, merciful, and just deity, the fact that he shows a human bias goes against certain characteristics he is said to possess. To say God "down-[graded]" certain species to the bottom of the hierarchical ladder contradicts the idea that he equally has "love for all His creatures" (Taylor 1986). Therefore, as Taylor claims, "…the metaphysical picture of the Great Chain of Being is fundamentally anthropocentric and consequently cannot be used to justify the assertion that humans have greater inherent worth than other living things" (Taylor 1986).

The final historical view Taylor argues against is the Cartesian thought that humans are the only creatures with both a body and a mind, while non-human animals are mere automata. As previously explored, Descartes' argument maintains that humans are superior to non-human animals because humans alone have a rational mind, and therefore the ability to rationalize and have free will. The mind elevates humans from a mechanical state of being, which he described of non-human animals. Non-human animals, he claims, are incapable of feeling pain and thus, could be treated like machines. Taylor highlights three problems with this

way of thinking. He first questions the mind/body dualism. The mind, according to Descartes, is thinking substance that is non-spatial, whereas the body is a physical, three dimensional object. Taylor posits the logic of how a non-spatial object can make any effect on the state of something in the physical world. Taylor also points out the problem with the way Descartes classifies humans and non-human animals. If humans have both a mind and a body—a physical and mental aspect—and if animals are only physical, the two would be considered different entities. However, this idea does not hold up with the scientific discoveries that suggest certain animals possess various levels of thought and intelligence and can even develop a sense of self, not to mention the fact that we descended from ancient animals. This being so, it cannot be argued that humans are supremely different from animals. Finally, Taylor questions why having a mind makes humans' inherent worth greater than that of non-human animals when non-human animals do not even need a mind to fully realize their potentialities. Indeed, it would seem that if non-human animals are able to successfully achieve activities necessary for their survival without a mind, humans would be considered inferior to non-human animals for the need of a mind to perform these necessary acts.

Therefore, Taylor introduces a new area of exploration into the animal rights debate. His proposition argues not on the grounds of sentience or capacity to suffer, as many have before, but that non-human animals have an inherent worth because they are a species of nature. This is very similar to his theory on the teleological-center-of-life, in which all living things in nature are teleological-centers-of-life.

This includes animals, plants, and even micro-organisms. To be a teleological-center-of-life, one must have a well-being that can be benefited or damaged. In keeping with his philosophy, all who are teleological-centers-of life have equal intrinsic value and are therefore entitled to moral respect. In respecting a being's teleological-center-of-life, one comes to understand the, "particularity of the organism as a teleological center of life, striving to preserve itself and to realize its own good in its own unique way" (Taylor 1986).

Up until this point, all of the philosophers we have been looking at have been arguing about the moral status of non-human animals. Now, let us shift perspectives and look at someone who views non-human animals from an economic point of view. The question of whether non-human animals are property or free agents is an important issue in the animal rights debate in determining what type of rights, if any, non-human animals should be extended. Richard Epstein falls into the camp of those who hold the more traditional view that non-human animals are, "objects of rights vested in their human owners but not as the holders of rights against human beings" (Sunstein 2004). Admittedly arguing for a position that many deem as speciest, Epstein bases his views on legal tenets that he does not believe can be overridden by the more modern, biological understanding we have of animals. To explore the notion of non-human animals as objects, Epstein examines how non-human animals fit into the three areas of ownership—acquisition, transfer, liability.

In his discussion of acquisition, Epstein explains that non-human animals have a positive economic value for their owners. In Rawls' state of nature, non-human animals were considered *res nullius,* meaning they could be reduced to private ownership by way of capture because they did not belong to any one individual (Scanlon 1973). This is different from objects considered *res commune*, which were things that everyone had a claim to, such as air and water (Sunstein 2004). Roman and English laws based their legal consideration of non-human animals on this presupposition, focusing mainly on who could own non-human animals. Epstein explains, "…if A captured a wild animal on the land of B, he could keep it….Once captured, an animal remained the property of its owner until it was abandoned" (Sunstein 2004). When it came to the issue of who owned the offspring, Epstein explains it became the practice that whoever owned the mother owned the young.

The next consideration of ownership is transference of objects. If non-human animals are considered property, it means they must have a value attached to them. How is this measured in economic gain? Epstein examines that, "the value of any animal is limited to its use (or consumption) value to its owner" (Sunstein 2004). Liability, finally, gets into the duty obligation owners have over their animals. Determining whether one is responsible for the acts of her animals depends on several variables, such as its state of mind at the time the damage was committed, whether or not the animal was provoked to act in a particular manner, whether the owner had reason to suspect it would act out, etc. An example Epstein supplies is,

"If an ox gored, then it could be put to death, but the owner was spared…But if the owner had been aware of the propensity of the animal to gore, then he could be held liable if he did not keep the animal under his control" (Sunstein 2004). However, because animals were so important to people's survival during this time, rules were made to be in the animals' best interest. This is because they were considered valuable during this time in history and their well-being was of high import. However, non-human animals could not possess rights against humans. Epstein says, "To imagine an ancient society in which animals had rights against human beings solely because they were sentient creatures is to envision a society in which human beings would be prepared to put themselves and their families at risk for the sake of brute….creatures" (Sunstein 2004).

After discussing the non-human animals' place in each of the three conditions of ownership, Epstein discusses that animal ownership is actually an advantageous state of being for animals. Animals kept as pets are removed from the dangers associated with life in the wild, they have access to more food and veterinary care, they are given shelter, and they do not have to worry about predators attacking them.[1] This is very similar to Bentham who said that animals that are killed for consumption may actually be better off than animals who are left alone to die a natural death due to various factors including suffering at the hands of predators, conditions of the elements, etc. Epstein addresses those who argue animal cruelty is comparable to racism and sexism, such as Singer or Regan, by looking at the

[1] Epstein forgets to mention the billions of animals "owned" by research facilities that are tortured, tested on, and killed every year.

qualifications that grant women and minorities rights. The reason racism and sexism are deplorable rest on the central position of modern liberalism that acknowledges all people should be treated equally. This differs from Regan's rational qualifications because a legal person has the right to own property, make and enforce contracts, participate in politics, marry, and engage in any religious practice of their choosing. This classification of a legal person differs from one who has a right to life whose only requirements for entry include having beliefs, desires, perception, preferences, memories, expectations, self-consciousness, and sense of future. What Epstein points out is that animals, even those with the highest mental capacities, can never be considered legal persons because they cannot engage in contracts, vote, marry, worship a God, etc. Without the standing as a legal person, animals cannot reasonably be said to be entitled to legal rights. The best, he qualifies is that animals can be granted protection against attack of humans and a limited acknowledgement of ownership (such as a squirrel's ownership over an acorn) (Sunstein 2004).

Epstein also addresses arguments for rights based on sentience. Bentham's famous words, "The question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*," led many to use the issue of sentience as justification for animal protection against cruelty. While reasonable to the extent that it highlights similarities between animals and humans, the idea of sentience does not address the extent of human intervention and protection of animal suffering. Should we intervene when we see an animal being attacked by another? If we have a duty to

prevent animals from suffering, it would seem reasonable that we should step in and stop the torture of the animal being attacked. But then, can we deprive a predator from its meal? There are no true universal dictates that we can follow when evaluating our handing of situations such as these where the question of intervention is at play. Ultimately, Epstein's traditional view of animals as property does not grant rights to animals, one reason being because those who take this view find it hard to, "assume that animals are entitled to limited rights on par with humans while denying that they are moral agents because they are incapable of following any universal dictate" (Sunstein 2004). However, he does agree that it is "insane" to treat non-human animals merely as inanimate objects, meaning this notion should be inherently clear and unquestionable. As a result, while he does not call for a ban of animal killing for food, he does say there should be some form of regulation to make sure non-human animals are treated humanely and are killed in a way to lessen their anxiety or fear. Epstein admits that using non-human animals for research is a *prima facie* bad, but also recognizes that it may lead to a greater human benefit, and therefore cannot be eliminated on any sort of notion that a non-human animal has a right to bodily integrity (Sunstein 2004). In this way Epstein takes a utilitarian approach. Thus, his view on this issue can be summed up when he expresses, "There are doubtless many ways to reduce animal suffering without compromising human satisfactions—ways that might even improve the human condition—and adopting those should count as important priorities. Who can oppose measures that benefit humans and animals alike?" (Sunstein 2004)

This takes us up to the modern debate revolving around the issue of animal rights. In the next chapter, I will explore the differences between animal rights arguments and animal welfare arguments and explain why a new movement known as the New Welfarists approach is the best approach to adopt. Additionally, I will explore potential policy change that, if implemented, will benefit the well-being of non-human animals.

3. Animal Rights, Animal Welfare, and the Qualifications of a Rights Holder

When people advocate for animal rights, what exactly are they arguing for? Are they suggesting animals should have the same rights as us? That non-human animals should be allowed to own property, practice their choice of religion and sexual orientation, or be allowed to vote? Certainly, this is not their intention. It is unreasonable to endow non-human animals with such rights when they will not be able to act on them. There are those opponents of animal rights that take the suggestion of animal rights too far, claiming if animals are granted some rights, it will eventually result in a domino effect, where before you know it animals will be given the right to vote. In this way, they fool-heartedly commit a slippery slop fallacy. Integral in the animal rights philosophy is the belief that non-human animals are not just sentient beings, but that they possess an inherent worth and should be granted moral status and legal consideration. As Regan articulated, those who support animal rights believe non-human animals should not be regarded as a means to an end, but rather as an end in themselves.

For these supporters, there is no difference between the moral status of non-human animals and the moral status of humans. Gary Francione, a law professor at Rutgers School of Law and one of the leading scholars in the animal rights argument today explains, "If we took animals seriously and recognized our obligation not to treat them as things, we would stop producing and facilitating the production of domestic animals altogether…[Also, we] would stop eating, wearing,

or using animal products, and we would regard veganism as a clear and unequivocal moral baseline" (Francione and Garner 2010). Francione challenges Regan's philosophy by explaining when animal rights and human rights come into conflict, such as the right to life, for example (recall Regan's lifeboat scenario), one should not look at the situation through the lenses of a human-animal hierarchy or believe death would be a lesser harm to non-human animals than to us. As he puts it, "I derive many satisfactions from life. But I cannot with any confidence say that I have more opportunities for satisfaction than does one of the rescued dogs who share our home, any more than I could say with any confidence that I derive more satisfaction from life than does another human" (Francione and Garner 2010). Supporters of animal rights are aiming for the universal acknowledgement that just because non-human animals may be a different species than us, they share very important similarities, namely the ability to suffer and feel pain and the desire to continue living; thus, they should absolutely be extended a moral and legal right to life. As moral agents, it is our duty to ensure their rights are protected and that they are not merely used as means to our ends.

It bears repeating that supporters of the rights position believe all animals should be regarded with equal moral consideration. This means that we should not only look to our primate relatives as bearers of a moral status just because they have the most in common with us physically. All animals, by virtue of the fact that they are sentient beings with the capacity to suffer, and because they possess an interest in the continuation of their lives, should have the same moral and legal

protection. Therefore, rights theorists are pushing for the abolition of animal testing and factory farming. As Regan touched upon in his discourse, the tests and experiments we perform on animals in the name of science are acts which would be railed against if performed on one of our own species. Similarly, to use animals for food and clothing is nothing short of abominable. Though many people cite vivisection and factory farming as the primary target of reformation, it does not make the acts of hunting and trapping or using animals for entertainment, such as rodeos and circuses, any less of a infringement of the animals' rights to life. These are the most common in terms of enacting change because these cause the most suffering. The animal rights movement is also known as the abolitionist approach to the treatment of animals. As the name suggests, rights activists want to abolish any form of animal use because death is a harm to all sentient beings. If we are to respect the fundamental concepts of rights, we must respect animals' right to life by treating them with a respect and appreciation for their moral status.

The main goal of animal welfare is not abolition, but regulation; the attempt to minimize and alleviate animal suffering. Essentially, those who support animal welfare do not oppose the use of animals, but rather they oppose the ill treatment of animals. Welfarests believe that non-human animal have less of a moral value than humans and can be viewed as property. For many, the right to life does not apply to non-human animals because, as Singer and other utilitarians alluded, non-human animals do not have the cognitive capabilities to understand how or why they are being killed. Animals bred and raised on farms and in labs do not have any notion of

life outside their situation. However, this does not mean that we can treat them any way we wish. Welfarests, like right activists, would say it is morally wrong to beat a dog, even if one has ownership over it. If we are to take animals under our possession and use them for our purposes, we have the responsibility to ensure their welfare.

What is meant by welfare? Animal welfare rhetoric concerns treatment of animals that ensures basic needs are met and suffering is kept to a minimum in instances when humans make use of non-human animals. In *Rain Without Thunder: The Ideologies of the Animals Rights Movement,* Francione claims that animal welfarists maintain four basic tenets: 1) animals possess some sort of welfare because we acknowledge they are sentient beings that can experience pain and pleasure, 2) they do not deserve the moral respect and consideration that we accord to human beings, 3) they can be viewed as property and any regulation of animal treatment must take into account the deference that must be given the rights of property owners, and 4) it is acceptable to trade away any animal interest as long as human interest involved is regarded as significant and as long as any animal pain, suffering or death is not unnecessary (Francione 1996).

There is a relatively new movement that has gained momentum in animal ethics that many refer to as the New Welfarests Movement. This is the best approach to the treatment of non-human animals because it maintains that non-human animals should be regarded as possessing an inherent worth and should not be used as instrumental objects for human gain, while also taking the practical

approach of enacting small changes to better the current situation with the end goal in mind of working towards a world where animals are treated with respect. While it would be nice to see this shift in attitude and policy change tomorrow, it is impossible to make such a radical change in ideology and practice happen overnight. This rift in practice and policy is something new welfarists understand. However, my view differs slightly from the New Welfarists because I argue that animals are not capable of possessing rights. The relationship between rights and respectful treatment should be expounded, but first, it is important to understand what criteria I lay down as those necessary to being a rights holder. In my view, unless one completely satisfies each of the rules laid out, he or she cannot hold rights. The rules are as follows:

1. The right(s) holder must be sentient
2. The right(s) holder must be able to be harmed if their rights were abused
3. The right(s) holder must 1) have cognitive abilities in which they understand their rights and 2) be able to respect the rights of others

Non-human animals do not satisfy all of the criteria and therefore should not be considered rights holders. To understand this, it is essential to look at each of the four prongs in more detail and examine which ones non-human animals satisfy and which ones they do not.

Sentience

Sentience entails more than life in the biological sense. Plants, for example, are living creatures, but the idea that plants are sentient beings has been widely rejected by the scientific community. Physically, plants do not have a nervous system in which they can experience emotions or feelings of pain. While things can happen to them that would be in their best or worst interest, they are incapable of experiencing or displaying any states of emotions. Thus, there is something to the notion of sentience that involves more than merely being alive. It involves the ability to experience pain and pleasure, and different emotional states. Humans are sentient beings because we have perceptual cognitions, are able to feel pain and pleasure, and can experience fear and happiness. There may be those rarely scattered among us who experience some sort of brain damage and are in a vegetative comatose in which there is damage to the cerebral hemisphere, the part of the brain that is responsible for our consciousness, self-awareness, and personality (Plum and Posner 2007). In this case, these specific individuals may not be sentient because they lack the capacity to feel pleasure and pain. They also are unable to feel any suffering. I say "feel any suffering" because it could be debated whether the vegetative state that renders the body useless is itself a form of suffering. While it could be argued that to be alive and yet incapable of using one's body to one's fullest potential is one of the worst forms of suffering, these people do not have a notion of their suffering, in this context, due to their brain damage.

Therefore, for purposes of my philosophy, I say that people suffering from such brain damage do not suffer.

However, one cannot say that humans as a species are not sentient beings just because a relatively small portion is an exception. There is a division between our understanding of who counts as a sentient being and what counts as a sentient species. There may be a sentient species in which some of its members do not exhibit characteristics of a fully sentient creature. With regard to humans, we must understand that those rare individuals who are not fully sentient due to extraordinary circumstances were born with the potential of being fully sentient by the very nature of their being human. All humans have the potential to be fully sentient, even though not every human can live up to this potential. However, since an overwhelmingly majority of humans do in fact live up to this potential, the human race on the macrocosm level must be considered sentient. Therefore, those individuals mentioned earlier in a vegetative comatose may not themselves be sentient, but they are still members of a sentient species.

Many non-human animals, such as mammals and birds, too, are sentient creatures. While we do not know the specifics of what animals think, we have studied their behavior to know that they react similarly to us in various situations. For instance, when non-human animals experience pain or discomfort, they express their agitation through their bodily and vocal responses; when they experience fear, they cower and whimper, like we do; etc. In Christine Kenneally's article, "What's so Special about Humans," she provides examples of non-human animals exhibiting

sophisticated emotional behaviors that we long believed to be distinctly human. For example, she describes how humpback whales have been documented as displaying what appears to be a sense of gratitude towards divers who free them from a crab line they get caught in. In a video that has been released by Great Whale Conservancy organization, one humpback whale has been captured on film exhibiting displays of gratitude after Michael Fishburn, one of the founders of the organization, and three of his companions free her from nets off the coast of California. The whale's fins and tail were severely entangled in nylon net. Trapped for who knows how long, the whale only had limited time before she would die of starvation and the rescuers had to act quickly. It took almost an hour to set her free, freeing her fins and her tail one at a time. When she was finally released from the net, the whale breached about forty times and exhibited multiple tail slaps. The display lasted for about an hour, and Fishburn said they were certain it was a sign of joy and gratitude (JoinWakeUpWorld 2011).

Similarly, there has long been talk in the scientific community that the cognitive abilities of elephants are similar to those of primates and dolphins. In a thirty-five year study conducted on the Amboseli elephant population located in southern Kenya, researchers have found that elephants exhibit certain empathetic behaviors. Researchers have documented acts of comfort, in which older female elephants comfort a distressed calf by touching or cradling it with their trunks, allowing the young elephant to lean against them, and allowing the calf to suckle from it, even if it is not their young. There has also been documentation of

elephants assisting others in their herd if they have fallen over, gotten stuck in the mud, or are unable to proceed for any other reason by picking them up, pushing or pulling them, and using the trunks, tusks, and feet in assistance (Bates , Lee, and et al 204-225). In Bradshaw's *Elephants on the Edge,* she spends much time detailing the remarkable intelligence of elephants, and their capacity to feel and act in certain ways that parallel the emotions and actions of humans. Elephants form a very tight community within their herd, whereby each elephants plays a special role and their identities are tied into their understanding of their place in the group, which is headed by a matriarch (Bradshaw 2009). In this way, elephants have a social network made up of family and other close herd members—some would go so far as to say these other herd members are friends—that is very similar to the social networks we have as humans.

Because the herd is so close, they form attachments with each other, which can result in much stress and trauma when one herd member dies or is killed by poachers or another animal. Some elephants that witness the death of a family member have even been diagnosed with Post Traumatic Stress Disorder, or PTSD, a condition that is common among humans who experience some sort of traumatizing event (Bradshaw 2009). Furthermore, elephants engage in acts of mourning and even in burial rituals. If an elephant dies, the other elephants will mourn for the death of their herd member long after the death takes place. Bradshaw explains that the death of the matriarch is especially distressing for each member of the group. Cynthia Moss, who studied a heard of elephants in Africa for many years

with her partner Harvey Croze, recounts that following the death of Emily, the matriarch of the herd she was studying, the group performed mourning rituals and went back to visit her remains for years following her death. Moss recounts:

> The three animals stopped and cautiously reached their trunks out. They stepped closer and very gently began to touch the remains with the tips of their trunks, first light taps, smelling and feeling, then strokes around and along the larger ones. …Emily's daughter and granddaughter…began to examine the bones…All the elephants were now quiet and there was a palpable tension among them…[One elephant caressed] the smooth cranium and [slipped] her trunk into the hollows in the skull. [Another] was feeling the lower jaw, running her trunk along the teeth—the area used in greeting when elephants place their trunks in each other's mouth. The younger animals were picking up small bones and placing them in their mouths, before dropping them again…. (Moss 1992).

Bradshaw explains that traditions, such as mourning, "function as public recognition of the inflection point between life before and after death" (Bradshaw 2009). The fact that elephants are able to recognize the absence of a loved one and react in a way that preserves the bond and memory of the fallen elephant suggests that elephants have a strong cognitive ability to feel emotions similar to ours. Thus, there is much evidence to illustrate that many non-human animals act in ways which demonstrate a sentient nature.

Sentience is characteristic of both humans and certain non-human animals. While there is not enough research to say as of yet whether all species are fully sentient, for purposes of this paper, we will consider the average adult mammal and bird to be sentient, and leave open the possibility for animals of other species to enter into this realm as time grants us more knowledge and understanding.

Scientific research continues to expose neurological similarities between us and other non-human animals. Though we are unsure as to the extent to which feelings differ among non-human animals and humans, it cannot be denied that both groups experience states of emotions to qualify as sentient.

Harm

To examine this notch in the overview of rights, we must, for the time being, adopt a rights view and pretend that all animals have been given certain rights, namely the right to life. Before beginning this examination, it is important to define the term *harm* in this context. What does it mean for someone to be harmed? Does it only apply to a physical harm or can the harm be one which causes no physical changes but, instead, harms the psyche? In this case, harm is harm, in all and any of its forms. Sometimes I cause myself pain, such as when I burn myself while lighting a match or when I stub my toe against the door. In these cases, I cause physical injury to myself; however, these actions do not result in any mental injury. Naturally, there are the exceptions where a physical injury is linked to a mental injury as a result of a past event, tying the two together and causing emotional distress. For instance, in the example I gave about burning my hand with a match, I do not feel any mental distress. However, if I had been caught in a fire where I was badly burned prior to this, burning my hand may cause both physical injury, as well as mental disturbance. On the other hand, there are situations in which my emotional well-being may be disturbed without my feeling any sort of physical pain,

such as when the subject of verbal abuse, or the feelings one has when locked in a room and unable to leave. Therefore, *harm* should not only be thought of as a physical quality. Emotional distress qualifies as harm, too.

Assuming non-human animals were rights holders and possessed the right to life, would they be harmed if this right was abused? The factory farming industry and animal research tell us that the answer is yes. Not only do these animals experience the ultimate harm of death, they also endure both physical and mental distress during their lives. Chickens, for example, are debeaked alive with a scorching hot blade at a pace of about fifteen birds per minute. Because of the fast pace, sloppy cutting is likely to occur which causes severe pain to the birds (Singer 2009). The process of debeaking is itself painful. As F.W. Rogers Brambell explains, "Between the horn and the bone is a thin layer of highly sensitive soft tissue…The hot knife used in debeaking cuts through this complex of horn, bone and sensitive tissue, causing severe pain."[1] Sows raised for reproduction are unable to perform their instinctual nursing behavior. When sows give birth, building a nest is one of their natural behaviors. However, sows in factory farms are not able to engage in any such activity. In fact, a sow is confined to farrowing pen while nursing which is so small and constrained that it restricts free movement, depriving the sow of the ability to nest or nurse. Such frustration has been linked to farrowing and lactation problems. Distressed, the sows will strain against the tether binding them to their stalls, thrash their heads about in an attempt to free themselves, and let out loud disgruntled screams (Cronin).

Billions of animals are killed worldwide for food and as the subjects of scientific tests and experiments. In both of the examples, the animals experience pain and suffering, both mentally and physically. They would be harmed if their right to life was abused, and thus meet he criteria in the second prong of qualifications of right holders.

Cognitive Understanding of Rights and Respecting the Rights of Others

Rights are a form of protection that delineates one's entitlement to something, whether tangible or intangible. This entitlement means something is owed to someone and should not be taken away by others. In order to have rights, it is essential that one 1) understands the notion of rights, at least to the extent that he or she has the awareness that something belongs to it which cannot or should not be denied him or her, and 2) he or she respects the rights of others. We should not endow those with rights who have no notion of possessing such privileges, or who cannot reciprocate the gesture and respect the rights of others. The average human posses the ability to reason and has the cognitive ability to understand the moral code that protects our rights. Furthermore, the average human can respect the rights of others. However, there are some of our species who are unable to have such experiences; for example, the mentally ill[2]. Those with mental disabilities and/or illness may have trouble thinking, perceiving, and even feeling the same way

[2] It should be noted that whenever I refer to the mentally ill or the mentally handicapped, I am specifically referring to those individuals who are severely mentally ill to the point that they are unable to function in their daily lives or take care of themselves without the assistance of others. Examples of such individuals are those with dementia, severe mental retardation, etc.

as one without any such mental disability. These people lack the ability to understand rights or to be able to respect the rights of others. This is true, also, for infants and children and the senile. But what about non-human animals? While non-human animals do not have the same intellectual cognition to understand rights as we define them, there is evidence that within the animal world there is a moral code they follow. Frans de Waal, ethologist and primatologist, director at Yerkes National Primate Research Center, and professor at Emory University has conducted studies that show primates understand a notion of reciprocity. Food sharing, for example, is part of a system of, "mutual obligations that can involve material exchange, the exchange of social favours such as grooming and agonistic support, or some combination of the two" (Flack, and de Waal 1-29).

Observation of animals in the wild, also illustrate non-human animals have some understanding of the notion of property. If a squirrel finds a nut, for example, it asserts ownership over that nut and tries to fend off those who attempt to take it away. The squirrel understands the nut belongs to it. However, in order for non-human animals to meet this criterion as it has been laid out, they must also recognize the rights of other right-holders. This is because rights are two way—if one possesses rights, one must also be able to recognize that others similar in crucial respects to him or her must, consequentially, also possess rights. With this comes the understanding that it is wrong to trespass on the rights of others because one would not like another to infringe on his or her rights. In the previous example, the squirrel who tries to take the nut away cannot be said to recognize the right of

the squirrel whose nut it is. While humans sometimes also encroach on the rights of others, this differs from situations in which non-human animals do because you can explain to the human that the person whose right he or she violated was a rights holder, and the human will understand that his or her actions were wrong for this reason. You cannot do the same with non-human animals. Therefore, since this is a two-prong criterion, animals cannot be said to comply with this rule.

Although non-human animals fit each of the other three criteria, because they do not fulfill each component of this last requirement, they cannot be given rights. Infants, the mentally ill, and the senile also do not meet this entire rule, and therefore, should also not be considered agents capable of holding rights.[3] Many people get offended by the assertion that children, the mentally ill, and the senile should not be rights holders. However, I argue that although they do not possess rights, the fact that they satisfy the criteria of sentience, and can be harmed if their rights were abused, assuming they had rights, makes them deserve some level of respect, similar to those of right holders. I also argue that this is true for non-human animals. In the next chapter, I will expound on this theory further, as well as look at what the implications of this are.

[3] The fact that they do, legally, is a different matter. I am not attempting to clarify this distinction, but rather to show that based on the criteria I lay down as necessary for being a rights holder, these types of individuals should not be capable of holding rights.

4. Instrumental Value vs. Intrinsic Value Without Rights

We have arrived at the question of what our attitude should be regarding non-human animals given that they do not meet all of the qualifications necessary for being rights holders. Non-human animals do not possess legal rights, as Patti Bednarik, a professor at Penn State Dickinson School of Law who teaches on Animal Law, explains. "In the U.S., historically, [non-human animals] have always been considered property, and they still are, according to every state and federal law" (Santo 2013). However, it would be insufficient to say that we do not owe any sort of deference to non-human animals, or that we are free to use them in any way with all caution thrown to the wind regarding their well-being or suffering they would endure as a result of our actions. This is especially true given all that we have come to know about their developmental cognitive abilities and ability to display emotions or characteristics that we once considered distinctly human. Although non-human animals cannot hold legal rights, they do possess an intrinsic value or worth, and should not be looked upon as holding merely instrumental value.

Beings or things that only have instrumental value are considered valuable in so far as they provide some way of achieving a particular end, not because they possess an inherent value. Cars, for example, are objects that have an instrumental value because they help us get where we want to go. Also, money is something that has an instrumental value because we use it in exchange for goods and services. It

is clear to see why these things have an instrumental, as opposed to an intrinsic value. Objects or beings with intrinsic value are not considered merely as means to ends, but rather, are considered as ends in themselves. I say that they are not considered "merely" as a means to an end because it is fine to enjoy utility benefits from someone or something with intrinsic value, so long as you recognize that they are more than this, that they are an end in themselves. To illustrate, think of a situation in which you ask a friend or family member for assistance. Suppose you ask a friend to help you paint your house. In this way, you are using your friend for a utility purpose. However, you would not say that you only view your friend in this way. You recognize that he or she is more than just a means to your end, but is an end in him or herself. The fact that you ask for help as opposed to forcing your friend to do your will is a sign that you respect his or her intrinsic good. Asking for help, in contrast to forcing your friend to help you, illustrates that you respect his or her time.

This sort of respect transcends the respect one has for an object of utility so long as the benefit you reap from your friend's efforts (in this case, your benefit would be a painted house) is not significantly more than any harm imposed upon your friend (such as lost time, paint splotches on clothes, etc.). It is possible for someone to ask someone for help as a manipulative tactic to use that person as just a means to some end. If someone asks for help or assistance, his or her outcome is significantly greater than the harm suffered by the person asked for help, than that person was not shown respect as an end in his or herself.

Beings that possess an intrinsic value have a worth that is not measured on a monetary scale. Humans have an intrinsic value because we are good in ourselves. But, what does this mean? For one thing, we are not the same as utility objects because we have a consciousness and the capacity to grow and develop over time. We have a striving to reach a teleological end. The pursuit of an end can be derailed or enabled, and in this way we are different from mere utility objects because we possess a vulnerability in the teleological sense. This is contrasted with, say, a cup which does not have any intrinsic value. While the cup may have a vulnerability in that it may be fragile and may break if not handled carefully, it is not vulnerable in the sense that it can be pained. We use cups to hold liquid so that we can drink from them. But we are not concerned with the well-being of a cup. We can drop it and not worry about disrupting its pursuit of a teleological end or worry about causing it pain or harm because it does not possess a consciousness or a perpetual striving. This is different from the regard we show to a being with an intrinsic value. If we were to drop someone from the top of a building, we would cause that person pain and would impede or halter his or her ability to reach his or her teleological end. Thus, there is a difference in the way we treat things with utility value only and beings that possess an intrinsic value. Beings with intrinsic value deserve moral consideration.

To say that non-human animals have only an instrumental value would be to say that they are only valuable because of the benefits we derive from their use. This denies any notion that there is something inherently valuable in non-human

animals that would cause them to be worth more than simply a means to our ends. The fact that non-human animals are sentient creatures with the capacity to suffer and be harmed is enough to eliminate the idea that animals only have an instrumental value. Non-human animals are an end in themselves, not just a means to an end. They are sentient, are able to be harmed, and possess a continual, self-fulfilling drive for survival. Therefore, although non-human animals cannot be rights holders, they do possess an intrinsic value, and as a result, we have a moral obligation to recognize this in the way we treat them.

This is similar to the respect we show towards infants, the senile, and the mentally ill. These individuals, like non-human animals, lack certain characteristics that would garner them the ability to be rights holders. Yet, we still respect their interests and preferences, and act in ways that are good for their well-being. The reason we do this is because they possess the two qualifications of rights holders that are also necessary characteristics one should have to be granted respect and moral consideration—sentience and the ability to be harmed by other rights holders. When beings fulfill these requirements, they become the objects of moral consideration simply because, ethically, it would be amoral to treat them in any way without taking their interests and preferences into consideration. Since non-human animals also meet the first two prongs laid out in the qualifications necessary to have rights, we can recognize that they have an intrinsic worth regardless of whether they have rights, and are entitled to be treated with respect.

Respect

It is important to spend some time unpacking what we mean when we use the word 'respect.' Essentially, when we speak of respecting non-human animals, what we are really talking about is appreciating the fact that they are sentient creatures with the capacity to suffer and be harmed. The distinction between harm and pain is worthy of brief discussion. One may be harmed without experiencing pain, and vice versa. The former case is usually an issue of welfare. For example, depriving someone of an education is a harm to his or her welfare and well-being, but the act itself causes no sort of physical pain. On the other hand, stepping on another's toe, for example, may cause him or her pain, but it need not harm his or her welfare. There is no denying that the first scenario is detrimental, even though it does not have any physical impact on the person involved. Therefore, when we speak of respecting another's interest, we must consider, equally, the issue of pain and harm.[4] Because we know pain is an unpleasant feeling and we like to avoid any behavior that will result in pain or discomfort (barring, of course, the small minority of people who do derive pleasure in inflicting pain on themselves), and because through observation of non-human animals it is evident that they, too, prefer the avoidance of pain, we should make sure our actions are those that would cause non-human animals the least pain and discomfort possible. Also, we should respect that their animal nature differs from ours in some important regards, and as such, we should avoid disrupting their natural behaviors and environments whenever

[4] See the previous chapter for an account of how I define 'harm.'

possible. These concepts quickly give way to complex dimensions, so to better explain this notion, let us dissect these ideas a little further.

Firstly, we shall address the issue of causing non-human animals the least amount of pain possible. The simplest way of thinking about this is in terms of our physical behavior towards non-human animals. Observation shows us that non-human animals do not enjoy pain and would prefer to avoid it. A dog who has received a spanking, for example, may whelp and run away with its tail between its legs, a sign of fear and submission. In many instances, the dog will refrain from doing whatever it was that caused it the spanking in order to avoid receiving another. Therefore, we should avoid actions that physically hurt or cause discomfort to non-human animals. People who look at non-human animals as mere objects or 'lesser-beings,' and use this way of thinking as a justification for treating them in ways that may hurt or harm them, are not respecting their sentience and their capacity to be harmed. When these people act in a way that exploits and harms non-human animals for their own benefit, they are performing a moral wrong because they are not taking the preferences of non-human animals to avoid pain into serious consideration.

Grey areas arise when pain or discomfort is necessary for achieving an end goal, for example, training. Using pain in this way as a disciplinary tool is acceptable, so long as the pain is not excessive and is only the amount necessary to achieve its purpose. Children receive spankings and other disciplinary actions growing up to help train their behavior, and this is necessary at times for non-

human animals, too. For example, while potty training a dog, it may be necessary to give the dog a firm slap of the bottom if it uses the bathroom in the house to teach it right behavior from wrong behavior. So long as this is done only for the purposes of training, and so long as the pain inflicted is not excessive, meaning more pain is not exerted than needed for those purposes, one is not violating a moral wrong or disrespecting the interests of non-human animals if he or she causes pain or discomfort for these and like reasons.

There are also situations in which one physically harms a non-human animal without the intention of causing harm. The most obvious example of this occurs when one hits an animal with his or her car. Sometimes while we're driving, a squirrel or dog or some other animal may jump out in front of us. Our reflexes may not be fast enough to avoid a collision and we may end up hitting the animal in our path. Situations such as these are unfortunate. However, they are not necessarily indicative of how one regards the animal. If, on the one hand, because of the situation, one unintentionally hurts, injures, or even kills the animal with his or her car, it does not mean one does not have a respect for that animal. This can be true, even if one chooses to hit the animal in order to save his or her own life. If one was faced with the choice of one's own life and the life of a non-human animal, one may choose to save one's own life over the life of a non-human animal without being heralded as a speciest, so long as the reason is not because as a human, one's life has more value than that of a non-human animal. If one chooses to save his or her life over the life of a non-human animal because one knows what the consequences

will be if one's life were to end and how those consequences would affect those in one's social network, than that is not making a speciest decision, but rather a decision based on personal knowledge and the instinct to preserve one's life. Even in the case of two humans, one does not have the obligation to save the life of another over his or her own life. Situations in which one does put the life of another being before his or her own are called supererogatory acts. These are acts in which one goes beyond the call of duty to preform a moral good that is not required of him or her. If, on the other hand, one goes after the animal in its path with the intent to kill, than he or she can be said to lack a moral respect for the life of the animal.

The Reach of our Duty

One question that is worth examining is how far our duty to animals extends. If non-human animals deserve our respect and consideration, do we have a moral obligation to ensure their welfare in all instances? Do we, for instance, have a duty to protect animals in the wild? Animals are hunted and killed everyday by other animals. If we see on animal being attacked by another animal, do we have an obligation to save it? Because we recognize that non-human animals do have an intrinsic value even though they cannot hold rights, we are morally obligated to treat them a certain way when we interact with them. It would be wrong of us to cause them unnecessary pain and suffering, and we should act in a way that would facilitate their well-being. This is especially important for the animals that we bring into our sphere of existence for domestic or agricultural purposes. This sort of

relationship, in which we assume somewhat of a paternal role differs from the relationship we have with non-human animals that roam freely in the wild. These animals are not dependent on us for survival. While we should still respect the intrinsic value of these animals, we do not have any moral obligation to protect one animal from another in nature.

If we are to respect the intrinsic nature of non-human animals even in the wild, then we must respect their preferences. Scenarios in which one animal is being hunted by another animal bring into conflict two equally important interests: the predator's interest to satisfy his/her hunger and the prey's interest in survival. Really, both of these interests boil down to survival, for without food, the predator will starve and die. In this instance, the preferences hold equal weight and should be weighed equally against each other. We do not have any sort of legitimacy giving us the authority to decide which non-human animal's interest in survival outweighs the other. This is not a decision that we can make based on the two species involved, the age of the non-human animals, etc. These factors, taken at face value, are relative and not equally proportional. A coyote, for example, is not more entitled to having its preferences fulfilled just because it is larger than the rabbit it is hunting. Likewise, just because the rabbit is younger than the coyote does not mean its interests should be given more weight. There is no individual factor that the rabbit or the coyote has to differentiate the two species that would be enough to for one to have his or her preferences outweigh those of the other. As such, we cannot say, based on their physical differences and abilities, which animal's interest for

survival outweighs the other. Furthermore, if we were to try to protect one animal from another, we would most likely have to harm one or both animals in the process. For these reasons, we do not have a moral obligation to protect animals in the wild.

This differs from a situation in which a human is being attacked by a non-human animal. Assuming the person in this situation is an average human, we should take action to save the human because he or she would satisfy the requirements for possessing rights, namely the right to life. As such, if we see someone or something, in this case a non-human animal, attempting to violate that right, we have a moral obligation to try to help if we can. We also have this right to life, and therefore, must weigh whether helping to save another person being attacked by a wild animal is worth the risk, given that we would be endangering our own life. However, in the case of the infant, the senile, and the mentally ill who do not have all the qualities necessary for being a rights holder, we can still justify saving the human from its non-human attacker and denying the non-human animal its interest so long as we do not fall prey to the trap of believing that the human's life significantly outweighs the interest of the animal's. In such an instance, the natural instinct to save the human is an ingrained instinct to protect those within our group; essentially, it is the animalistic instinct to preserve our species. Naturally, we favor our own species in such an instance, as would most other social creatures. Situations, such as this, that cause instinctual, reactionary responses are illustrative of our animalistic nature. We cannot help but override the interests of

another species when the livelihood of our survival, in the very primordial sense, is at stake.

Now we should examine a situation in which an animal is being hunted by a human. In this case, just as in the previous one, human interest and non-human animal interest collide. But, in this instance, the interest of the non-human animal trumps and we have the duty to try to intercede on the non-human animal's behalf. The only time this is not the case is when the animal is necessarily being hunted for food. When that is the reason, both the human and the non-human animal have an interest in survival, and therefore, since the human has a right to life, we should not act in any way that would infringe upon that right. In every other case, however, the human's interest do not respect the non-human animal's desire for survival. The pleasure one receives from hunting, trapping, and fishing does not outweigh the non-human animal's intrinsic value. To respect the intrinsic worth to a non-human animal, we must respect its desire to continue living. To do this, we must not trespass on a non-human animal's life for our own pleasure.

Let us turn our attention to our indirect impact on non-human animals. We addressed the issue of physical harm and abuse and concluded that to respect the inherent value of a non-human animal, we should limit our actions to avoid inflicting physical pain and suffering but for reasons which are necessary and in which the ends will outweigh the means. But sometimes our actions do not cause non-human animals physical harm but rather, contribute in some secondary way to harming non-human animals. These sorts or circumstances deal mainly with our

impact on the environment and the animal habitat. By cutting down a forest for a housing development, for instance, we may not have any physical encounter with non-human animals, and therefore, physically, our actions did not cause any harm to them. However, by cutting down the forest, we eliminated the land that they used for food and shelter, which could have such drastic results as completely eliminating a food source for the animals inhabiting that area, ultimately leading to its death of starvation. Many times, in such cases, animals will migrate elsewhere in search of a new land and new food. But, this can lead to more problems, such as throwing the food chain off balance, which can lead to overpopulation or under population of some plant and non-human animal species. Pollution released into the air and water is another way we indirectly harm non-human animals, for is not only damaging our ozone layer, but it is also causing major, irreversible damage to aquatic life. Therefore, although we may avoid directly harming non-human animals, our encroachment onto their natural habitat results in indirect harm, regardless of what our intentions are.

Aldo Leopold, a forester, environmentalist, and one of the leading figures in environmental ethics, posits a position known as the "Land Pyramid," which describes the interconnectedness between the soil, land, animals, and humans. As he describes, "The pyramid is a tangle of chains so complex as to seem disorderly, yet the stability of the system proves it to be a highly organized structure. Its functioning depends on the co-operation and competition of its diverse parts" (Leopold). Humans, through industrialization, overpopulation, pollution, etc. have

the capacity to alter the Land Pyramid in a violent way. He says that the less violent the alterations, the more likely the Pyramid will be able to readjust itself. The goal of the Land Pyramid is to help us think about the direct, but also indirect harm we impose on non-human animals and to the world in which we live. His main goal is making people aware of the Land Pyramid and stressing that we should not destabilize the ecosystem by significantly affecting it. This adds to our list another obligation we have when thinking about how to treat the welfare of non-human animals. Leopold believes that small impacts to the ecosystem will not cause a significant change to the Land Pyramid. Large changes to the ecosystem, though, such as a company dumping its waste into the ocean, are instances in which the Land Pyramid is directly impacted and changed. When this happens, we attributing an indirect harm to non-human animals, something which should be kept to a minimum.

Leopold advocates the importance of education, claiming we must be aware that the Land Pyramid exists and we must know how to interact in the environment so as to produce the least possible disturbance to the environment, for it is not hard for one act to lead to another, causing a domino effect and a drastic alteration of the natural world (Leopold). Because we share the world with non-human animals, we must balance our choices with the effects they will have on animals. While it is impossible to control our actions so as to have no negative effect on the environment, we can be more conscious and aware of the consequences of our actions. Because animals have an inherent worth as we do, it is our duty to respect

them and their habitat, and our decisions should reflect that. Conserving energy and using energy efficient products, using alternative energy sources, preserving wildlife conservation efforts, and limiting animal use to only that which is necessary are all ways of respecting non-human animals, as well as the natural world.

Tough Cases

Vegetarianism

Many wonder whether it is ethical to eat non-human animals. As we have established, non-human animals do not fit the criteria of rights holders, but they do satisfy the conditions to make them worthy of moral consideration. It has been determined that we should take non-human animals' welfare into consideration; however, does this mean we should refrain from eating non-human animals? The result of such action would be world-wide vegetarianism. To address this question, we should begin by examining our history of meat consumption.

We are among 270 species that are meat eaters, or carnivores[5], compared to the 5,240 species that are plant eaters, or herbivores (Langley 2008). But we were not always meat eaters. Evidence shows that the first humans did not eat meat, but rather survived on a plant-based diet consisting of leaves, nuts, and other fruits and vegetables (Langley 2008). It was not until approximately 2.5 million years ago, for reasons not entirely known, that humans began eating meat. Some postulate the reason for this dietary shift was because there was a shortage in the plants our ancient ancestors consumed for food, while others believe our ancestors accidently

[5] We are best classified as omnivores, however, because we eat both plants and meat.

discovered the benefits of meat—added energy and more protein than vegetables. Whatever the reason, humans began to develop hunting skills and techniques to capture non-human animals for food, and we have continued eating meat to this day (Langley 2008). Our bodies, even, have evolved to accommodate our meat diets. Our jaws have gotten smaller and our teeth have gotten bigger, which is one of the reasons we have so many dental problems throughout our lives, our teeth are too big for the size of our mouths. We are also able to better process fat and cholesterol, as a result of our meat-rich diet. Hillary Mayell explains in *National Geographic News* that, "as a species we are relatively immune to the harmful effects of fat and cholesterol. Compared to the great apes, we can handle a diet that's high in fat and cholesterol, and the great apes cannot" (Mayell 2005). Another significant advantage to eating meat is the evolution of our brain, which is bigger now than it was millions of years ago. Katharine Milton, a professor in the Department of Physical Anthropology at the University of California, Berkeley, enlightens, "[Evidence shows that] human ancestors who roamed the savannas of Africa about 2 million years ago began to include meat in their diets. It was this new meat diet, full of densely packed nutrients, that provided the catalyst for human evolution, particularly the growth of the brain" (Milton). So, examination of the human body would suggest that our bodies are now made to consume meat.

Does that make it ethically ok to eat non-human animals, though? The act of cannibalism is highly stigmatized and shunned against because it is considered morally wrong to eat another human being. But, humans, homo sapiens, are

animals just as cows and pigs and chickens are animals, yet we consume these animals on a upward trending basis. What is the difference in these two cases? Does one have to be a right-holder before it is considered a moral wrong to be eaten? Proponents of the rights position, who argue that animals should be entitled to rights, would argue that it is morally reprehensible to take the lives of animals to satisfy our pallets while there are other ways of acquiring nutrients. From the utilitarian perspective, the pleasure and satisfaction we gain from indulging in a tender t-bone does not outweigh the pain, suffering, and loss of life of the cow. Rights activists do support the belief that non-human animals should have rights, so this does support the notion that holding rights is necessary before it is a moral wrong to be eaten.

However, rights activists believe that non-human animals have an intrinsic worth and as a result should be granted rights. But, the idea of non-human animals possessing a moral worth precedes the belief non-human animals should have rights. So, suffice it to say, the idea of having a moral worth, for supporters of the rights theory, is enough to grant non-human animals protection from being eaten under the moral umbrella. On the other hand, welfarists do not believe non-human animals have rights, that non-human animals can be considered property, and that non-human animals can be used by humans so long as they are treated humanely. So, a welfarist would not object to the consumption of a non-human animals. What a welfarist would be concerned with would be the living conditions of the animals prior to their deaths and the manner in which they were killed.

The right way of approaching the question of whether it is morally wrong to eat non-human animals without turning to the economic side of the equations is by weighing the non-human animals' intrinsic value with our palate's desire for and our evolutionary instinct to eat meat. While it was once thought that meat provided a significant source of our daily nutrient, in more recent times, the on going debate is that there are many other plant-based sources that provide just as much nutritional value as meat. Also, some dieticians even say a meat-based diet may actually harm one's overall health, rather than benefit it (Dwyer, 1988). However, there are many variables to take into consideration with this claim, such as exercise in addition to meat consumption, the food the animals consumed prior to their deaths, whether the animal were given antibiotics or growth hormones, pre-existing health concerns, etc. Aside from the possible health benefits, one of the most important aspects worth examining is the issue of intrinsic worth. In my definition of a right holder, I showed that because non-human animals do not fit all three criteria necessary, they should not be granted rights; however, because they meet the first two (sentience and the ability to be harmed), they are deserving of moral consideration.

As a new welfarist, I believe phasing out the use of non-human animals for meat consumption and scientific testing is a distant goal that must take baby steps to reach. We must work towards making sure the living conditions of the animals we raise for slaughter are humane, that the non-human animals are treated with

respect and are killed as painlessly as possible, they are not killed unnecessarily or excessively, and work towards better educating the public.

It is also important to understand that humans are flawed creatures and that although we may respect non-human animals and want to see an improvement in the way non-human animals are treated, we may also enjoy the taste of a chicken sandwich. That is why education is so vital. Learning about the cognitive abilities of non-human animals, treatment of non-human animals raised for slaughter prior to their deaths, and alternatives to a meat-based diet can help one better understand the moral debate surrounding the argument for vegetarianism. Peter Singer claims that he became a vegetarian after one of his vegetarian friends shared his reasoning for giving up meat consumption (Singer 2009). If people even cut down their meat consumption to three or four days a week, that could still cut the number of non-human animals used for food down significantly. Ultimately, the end result would be phasing out the number of animals raised for slaughter. Thus, at present, a more efficient use of our efforts in the fight for, as Singer put it, animal liberation would be to work towards better, more human treatment and living conditions of non-human animals raised for slaughter, rather than trying to eradicate non-human animals use over night.

Animal Experimentation

The use of non-human animals in science is a practice that has been in place for hundreds of years. The treatment of non-human animals has changed since the

practice was first implemented, but we are still a far cry away eliminating all non-human animal experimentation. Renee Descartes lived during France's Scientific Revolution. During this time, the emergence of modern science left people hungry for scientific experiments and advancements. Descartes's theory that non-human animals were nothing more than machines incapable of experiencing pain or suffering led people to conduct cruel experiments and vivisections on animals without the use of anesthesia. Fortunately, our understanding of the capabilities of non-human animals has led to a more careful approach to our handling of animals in the laboratories. And the use of non-human animals in research has led to many scientific and medical advancements. However, there are those who believe non-human animal use in research is deplorable and ethically wrong, regardless of the benefits. Is the use of non-human animals for scientific tests justifiable if, in exchange for the human benefits, non-human animals suffer and die in the process?

In an article by the European Molecular Biology Organization, people in the UK were polled on their opinion of non-human animal testing. In 1999, 84% of those polled accepted the use of non-human animals for serious medical purposes so long as suffering was kept at a minimum and alternatives were first considered, in 2002, 90% of people held this belief, and in 2005, the percent of people who agreed dropped one percent to 89% of people (Festing and Wilkinson 2007). It is clear that there is support for non-human animal use in testing. However, would it be morally valid to use other beings who also do not meet the criteria for being rights holders, such as infants or the mentally disabled, for testing purposes? It certainly would

seem to make more sense to use human subjects to test out medicine created to cure human diseases. As Singer describes, some non-human animals used for testing do not yield an accurate reflection of how the treatment would react with humans (Singer 2009). If people generally agree it is alright to use non-human animals for scientific testing because they do not have rights and because the end result would justify the pain and/or suffering imposed on them, why is it also not alright to use a non-right holding human? Many people balk at the idea of performing scientific tests on humans—those are examples of atrocities performed during the Holocaust and to prisoners in Holmesburg. It can be agreed that humans are beings with more than just instrumental value, but rather an intrinsic worth. But we have already established that non-human animals have an intrinsic value that makes them worthy of moral consideration. So, the difference in this instance is the ability to be a holder of rights, and if non-human animals, as beings incapable of holding rights, can be used in scientific research, those humans who also do not fit the criteria of rights holder should also be viable candidates for scientific testing.

The difference in these two instances is the sort of social network each has. While non-human animals may have a social network consisting of other non-human animals who are also incapable of holding rights, the human individual who cannot hold rights has a social network made up of people who are capable of holding rights. In these instances, the right holders speak on behalf of the one who does not have rights and, in turn, functions as an extension of that individual. It

would be morally wrong to impede on the individual's freedom and well-being if his or her social network disapproves.

Thus, with this understanding, it seems that a majority of the concern of non-human animal testing revolves around the reasons they are used and what the benefits are. If we are to use non-human animals for testing purposes, we should ensure the ends justify the means and that the animals are treated humanely in the process. Alternative means are morally preferable in every case, and we have the obligation to not only use them, but also seek them out. Until we develop alternative means that can be used for all scientific tests, we must continue our use of non-human animals for testing or risk the alternative of forgoing any sort of medical advancement. In the meantime, scientists should employ alternative means whenever possible, and the type of testing should be limited to that which is necessary to some sort of medicinal advantage. Examples of unnecessary versus necessary testing include using animals in psychological experiments simply because those tests have never been conducted before versus using animals to help develop a cure for cancer. In the former case, the test is completely unnecessary because what it boils down to is testing for testing's sake. There is no substantial gain or human benefit from many of these sorts of tests. The latter example, on the other hand, can be considered a necessary test because the end result would be a great benefit to mankind.

Changes are already being made in the UK to cut down the number of animals that are killed yearly for scientific purposes. The Animals Scientific Procedures Act of 1986,

> …requires that proposals for research involving the use of animals must be fully assessed in terms of any harm to the animals. This involves detailed examination of the particular procedures and experiments and the numbers and types of animal used. These are then weighed against the potential benefits of the project (Dwyer 1988).

Measures, such as these, work toward the end goal of phasing out non-human animal testing by cracking down on the conditions necessary to justify the use of non-human animals. Slowly, with the advancement of technology, there will be no need to perform tests on non-human animals. However, until that day comes, we have a moral obligation to limit the number of animals that have to suffer, as well as amount of suffering.

5. A Look at Factory Farms and Potential Policy Change

Farm or Factory?

When we go to the grocery store and buy our meat, we rarely think about where the meat we purchase came from, or even associate it with a once living being. Most manufacturers do a good job of assisting in this veil of ignorance by certifying that their meat is farm-raised or by depicting pastoral images on the labels. Because we live in an age of consumerism, we are always comparing prices and looking for the cheapest deal, but this convenience on our part comes at a cost. Non-human animals raised for slaughter are treated deplorably, subjected to poor living conditions, and killed without concern for their feelings or dignity. The truth is, the old days of farming have been taken over by a systematic assembly line approach to slaughtering non-human animals. Today, we do not raise these animals for slaughter on a farm, but rather in a factory. CAFOs, or Concentrated Animal Feeding Operations, have taken over Old McDonald's farm. While once free to roam, graze, and have mobility to move about and engage in innate behavior, non-human animals raised for slaughter today are kept indoors in cramped spaces and barren environments. We no longer treat these non-human animals with the care and concern for their well-being as we once did, but instead look upon them as dollars and dinner menu items.

If the public knew the truth about the way non-human animals are raised for slaughter, they might be deterred from wanting to eat meat. For this reason, the

truth is very carefully hidden. Scientific innovation have made it possible to raise more animals in less time and in less space. Today, we can raise 100,000 chickens under one roof (Kenner 2008). Whereas in 1959 it took seventy days for a chicken to reach maturation, as of 2008 it only takes forty days (Kenner 2008). This is because we have modified the rate at which chickens grow by giving them hormones and vaccines. Additionally, we have also altered how chickens grow. Because people prefer white meat, these growth hormones make the chickens' breasts grow larger. We have artificially manipulated chickens to grow larger in less the time. The rapid rate at which a chicken grows in the factory farm has negative consequences on the health of the chickens. Their bones and internal organs cannot keep up with the pace at which their body is growing and as a result, their bones cannot support their weight. Many chickens cannot take more than a couple steps before falling over (Kenner 2008). Despite these negative heath conditions, these non-human animals do not receive the veterinary care that they deserve. Two poultry scientists were asked whether, "It is more profitable to grow the biggest bird and have increased mortality die to heart attacks, ascites [an illness due to the rapid growth rate] and leg problems or should birds be grown slower so that birds are smaller, but have fewer heart, lung, and skeletal problems" (Farm Animal Welfare 119). They responded by saying it is more important to grow larger birds than be concerned with the chicken mortality rate due to growth hormones (Matheny and Leahy 2007).

From the meat manufacturer's point of view, there is no economic advantage in caring for ill animals. Many of the factories believe it is cheaper to let the chickens die than provide them care (Matheny and Leahy 2007). A testament to this attitude is the fact that there are only 220 veterinarians responsible for looking after more than nine billion farm animals (Nat'l Institute for Animal Agric.).

Chickens raised in factory farms for meat (known as broiler chickens), though larger than normal, do not have adequate space to move about freely. Tens of thousands of chickens are crammed together in a space so small that they are unable to fully extend their wings or engage in natural behavior such as perching and nesting (qtd. in Matheny and Leahy 329). They also never see sunlight, in poorly ventilated areas. These stressful triggers lead to behaviors such as feather-pecking and cannibalism. The solution to this is a barbaric process, in which the chickens are debeaked. This procedure has been around since the 1940's. It is done without any anesthesia and causes severe pain to the chickens. In the 1987 edition of *The Animal Welfare Institute Quarterly,* it is reported:

> There are many cases of burned nostrils and severe mutilations due to incorrect procedures which unquestionably influence acute and chronic pain, feeding behavior and production factors. I have evaluated beak trimming quality for private broiler companies and most are content to achieve 70% falling into properly trimmed categories…Replacement pullets have their beaks trimmed by crews who are paid for quantity rather than quality work (qtd. in Singer 2009).

This means that thirty percent of the chickens that are debeaked are done so incorrectly and must suffer much pain afterwards. Again, no care is paid to these animals because it would be more economically feasible to let the chicken suffer or

die than to spend the time and resources caring for them following the ill-performed debeaking procedure.

The conditions of egg-laying hens are just as bad as are the broiler chickens'. When they first hatch, the chicks are sorted by sex. For laying purposes, the male chicks are of no commercial value, so they are discarded like trash. Some companies gas them, but to save money, a majority of companies just throw them into a plastic bin where the weight of all the chicks crush and suffocate those on the bottom. Once the bin is full, they are ground up to make feed for the female chicks that will become laying hens. This is done while some chicks are still alive (Singer 2009).

When the hens get old enough to lay eggs, they are debeaked like the broilers to prevent the pecking and cannibalism that results from the stress of being cramped together in tight quarters. These hens spend their lives in what are known as battery cages, where they share a twelve by twenty inch cage with up to five other hens. Each hen has approximately less than half a square foot of area to move about, which means they do not even have room to adequately spread their wings. This leads to bone weakness and fractures (Singer 2009). The cages have a sloping wire floor, which are painful and uncomfortable for the hens, but make it more convenient for the eggs to roll down where they can be collected or where they fall onto a conveyer belt that leads to a packing plant. Many times, the hens will cut the bottom of their feet on the wire or get their toenails caught, which further inhibits their movement (Singer 2009). By the time they finish two laying cycles, these hens have a lay-rate that is ten times higher than is natural (Matheny and Leahy). They

are “physically wrecked” by this time, and around ninety percent of these hens suffer from conditions such as osteoporosis, while a quarter of the hens experience one or more bone fractures (Matheny and Leahy).

The truth behind factory farming has been hidden for almost a century now. However, more and more is being exposed about the conditions. Undercover investigators and reporters are following in Upton Sinclair’s footsteps by providing the public with insight into the cruel world of factory farming. One of the most recent examples of this is the 2009 HBO documentary *Death on a Factory Farm*. In this documentary a man named “Pete” poses as an employee at the Wiles Hog Farm near Creston, Ohio, and captures secret footage of abuse and animal cruelty inflicted on the animals. Throughout the first half of the eighty-three minute long video, we see the atrocious living conditions of the pigs. They are cramped together in small pens and are forced to stand in piles of their own manure. Many of them have manure caked all over their bodies. The female pigs that are kept impregnated are put into gestation crates, where they stay until they give birth (Simon and Teale 2009). This can take up to 114 days, and during this time, they have no room to turn around or move. If they want to lay down, they have to fall straight down onto their stomachs because they cannot lay down on their sides. When they finally have their piglets, they are moved to another pen where they have a little more room to lay on their sides and allow their piglets access to their nipples. However, they are unable to move away from their piglets, which causes their nipples to bleed, and

they often get bruises on their bodies from rubbing up against the iron bars of the pen (Simon and Teale 2009).

When the piglets are barley old enough to be weaned from their mothers, the workers take them away to move them to a different location where they can grow bigger. The workers grab the baby piglets by the legs or by the ears and throw them across the room, sometimes several feet away, into tin bins which are used to transport the piglets to another location. Sometimes, the piglets hit the edge of the bins and fall to the concrete floor. The video shows the piglets crying and squealing in fear and in pain, but this does not influence the manner in which the workers handle them. The baby piglets are piled atop each other until the bin is full. Once it is, they are transported to another location where they can be fatten up before they are slaughtered. The mother pig will sometimes try to bite the workers through the bars when they come to take her piglets away. One former Wiles Hog Farm employee explained that she has seen instances where the mother pig refused to eat after her piglets were taken from her, and she eventually died of starvation (Simon and Teale 2009). Pigs, like humans, have motherly instincts to protect their young, and the separation of the mother and child can cause the pigs stress or depression, just as it would within our own species.

If the workers think a piglet is too weak or sick to survive into adulthood, they use of a method of "thumping" to kill them, because if a sick piglet is eating the feed, it is considered a waste of money (Simon and Teale 2009). Thumping is the act of bludgeoning a piglet to death by bashing its head against the floor, the wall, or

some other hard surface. This usually takes multiple attempts before the piglet actually dies, causing it tremendous pain and suffering. In the video, you can see the farm workers laughing as they smash a baby piglet's head by throwing it into a concrete wall from across the room. The piglet falls into a bucket where it can later be disposed of. The piglet did not die and can be seen twitching and convulsing in pain. Instead of being put out of its misery, it is left to bleed out until dead. Some employers prefer to bash the piglets' heads in with a hammer. When asked why they do not kill the piglets in a less painful manner, such as by shooting them, one employee responds that it is cheaper to do it this way (Simon and Teale 2009).

This is the world of factory farming—do whatever costs the least to the farmer or company, even if it results in the pain and exploitation of the animals. This is definitely evident in the instance of Wiles Hog Farm workers asphyxiating a "down," or sick, sow by wrapping an iron chain around its neck and hoisting it up with a crane. Before the pigs were killed, they were taken out of their pens. Some of the sows could barley walk on their own from injury or malnutrition and are seen being kicked, dragged, and beaten by the workers. Once out of their crates, they are dumped onto the ground outside where they are tied up with the iron chain. They fall from a four foot high ledge before they reach the ground. The pigs resist being tied up, and once they are lifted by their necks with the crane, they are seen thrashing around for up to five minutes before their movements cease completely. All the while, employees looked on in amusement (Simon and Teale 2009). While there were other means of putting down ill or injured pigs, this method was cheap.

The Wiles Hog Farm was charged with ten counts of animal cruelty as a result of this undercover video, but were only convicted of one. The penalty was a $250 fine and a year of attending an animal welfare training program (Simon and Teale 2009).

The treatment of calves that are raised for veal may be one of cruelest aspects of factory farming. These calves are tethered by the neck or confined to a wooden crate that is so small, they cannot turn around or stretch their legs for the sixteen to eighteen weeks they are alive (Singer 2009). The meat of the calves is supposed to be as light in coloring as possible, as this is a consumer preference. To achieve this, calves are kept, essentially, immobile to inhibit muscle development which would turn the meat a darker color. Additionally, the calves are kept anemic because the less iron the calves have in their muscles, the lighter to coloring of the meat (Singer 2009). They are kept on an all liquid diet to limit the amount of iron they imbibe, and are not given any water to drink. This is also the reason the calves are kept in wooden instead of metal crates. The calves' desire for iron is so strong that if they were in an metal crate they would suck on the bars to satiate their appetite. This unnatural diet is not good for the calf's stomach and can cause ulcers, diarrhea, and chronic indigestion from hair balls (Singer 2009).

As calves grow older and their hair gets longer, they develop the naturally desire to groom themselves, but they are unable to because they cannot move around comfortably in their crates. They are also unable to rest their heads comfortable in front of them. Additionally, calves are rejected the ability to suck on

an object as they would naturally suck on their mother's utter (just as a baby has the natural desire to suck on its thumb). Furthermore, these baby animals are kept in the dark at all times except when they are being fed. The room is usually hot and not well ventilated, causing sweating a severe discomfort to the calf (Singer 2009). It is clear that the farmers completely disregard for the welfare of the calves. The calves are not treated with respect for their inherent value at all, but are instead raised to suffer. Commonly, one out of ten calves do not survive fifteen weeks of their confinement (Singer 2009).

Cattle see more sunlight than any other non-human animal raised for slaughter, but this does not mean that their overall condition is much better. They are raised on feedlots where there are nine hundred or more cows to the acre (Singer 2009). Cows are fed corn because it is cheap and will make them grow larger, quicker. Because their stomachs are not equipped for this kind of diet, it can result in the contraction of *E. Coli* (Kenner 2008). Cows stand knee deep in their manure every day. By the time they reach the slaughterhouse, their skin is caked in it. Because the slaughter and processing of cow meat is done quickly, if manure gets into the processed meat, it can cause an out break of the *E. Coli* virus.

One of the main problems with feed lots is that cows are, for the most part, exposed to the elements without shelter. In the summer, cows do not have anywhere to seek shade from the heat of the sun's rays, and in the winter, they commonly do not have protection from the cold or from the snow. Their bodies are not made to withstand severely cold weather, and many die from exposure (Singer 2009).

Dairy cows are considered nothing more than milking machines. They are kept pregnant to keep their utters lactating. Typically kept in small pens with only enough room to stand up and to lie down, their claves are taken away from them when they are barely able to survive on their own. This is a very stressful and traumatic experience for both the mother and the child, and is marked by their constant calling and bellowing that can last for days following their separation. Singer explains what happens to the calves that are taken away from their mothers:

> Some female calves will be reared on mild substitutes to become replacements of dairy cows when they reach the age, at around two years, when they can produce milk. Other calves will be sold at between one to two weeks of age to be reared as beef in fattening pens or feedlots. The remainder will be sold to veal producers, who also rely on the dairy industry for the milk diet that is fed to calves to keep them anemic (Singer 2009).

Once the dairy cow is free of its calf, it is milked two or three times a day for ten months. After this time, the cow will become impregnated again, and the cycle continues. Dairy cows can survive like this for about five years before their bladders tear significantly and they are considered spent. After that, they are slaughtered and become either hamburger meat or dog food (Singer 2009).

While there is much more that can be said about the process by which non-human animals are raised for slaughter, this recounts some of the horrible cruelties that go on everyday in factory farms. The once pastoral image on the red barn and white picket fence has disappeared as science and technology have made it possible to grow large animals in a short time, and in less space. Today, it is almost comical to call what we do to non-human animals raised for slaughter farming. It is really

more of form of manufacturing, and it takes place inside a factory. Little has changed over what has almost been a century in the way these non-human animals are treated. Because farm animals make up ninety-eight percent of animals that are raised and killed in the United States, other forms of animal cruelty almost pale in comparison. This is not to say that adequate attention should not be paid to the other ways in which we use and/or harm animals, such as animal testing, hunting, fishing, poaching and trapping, zoos, rodeos, circuses, etc., but rather, the focus of this policy section is to better the welfare of the largest industry of animal suffering. With this in mind, it is time to look at the ethical implications of factory farming.

Is Factory Farming Ethical?

In the previous chapter, I laid down the moral argument for whether it is morally permissible to eat animals. The conclusion was that while the long term goal is to eliminate animal consumption altogether, it is unreasonable to expect such a drastic change to take place over night. Aside from our appetite for meat which has evolved over the course of millions of years, devastating economic setbacks and complications would ensue as a result of a quick eradication of meat production and consumption. So, although it is a painful truth to accept, meat consumption will continue for a while longer. However, if we care about the welfare of non-human animals, there are things we can do to aid in the eventual elimination of this practice, such as eating less meat, eating organic and free-ranging meat, and educating others on the topic. All these will be fleshed out a little later. Our job now

is to turn our attention to the ways in which we raise non-human animals for slaughter. Can we morally approve of factory farming? The answer is no. Factory farming causes tremendous pain, suffering, and animal exploitation, which does not take the welfare or preferences of the non-human animals into account. Even if animals are incapable of holding rights, they are still beings who deserve our moral consideration, and the deplorable conditions of factory farms illustrate that we are not respecting their worth as beings capable of feeling pain and suffering, but instead view them as a commodity, nothing more than means to an economic end. If we are to continue the process of meat distribution a little longer, we must reform the entire system.

To deprive any sentient, feeling being the ability to move around as he or she chooses is a form of punishment and torture. To deny any sentient, feeling being the ability to engage in natural, ingrained behavior is not taking his or her welfare into consideration. To subject any sentient, feeling being to constantly wallowing in its own feces, eating food its body was not meant to process, and physical mutilation is nothing short of barbaric. And yet, this behavior is part and parcel to the farming industry. This is how we treat non-human animals on a daily basis. The average person eats 200lbs of meat per year (Kenner 2008). This number has risen drastically as the age of science and technology has made it possible to produce[6] more meat in less time. The ability to produce more meat in less time has increased the demand, which in turn inspires companies to find new ways to produce even

[6] I use the word produce to suggest a parallel between non-human animals raised for slaughter and commercial goods.

more meat in even less time, and so the cycle continues. As you read these words, a chicken is being crudely debeaked without the use of anesthesia, a baby cow is trying, unsuccessfully, to turn around in a tiny wooden crate that it is forced to spend its entire life inside, a female cow is being impregnated for the second time this year to keep her utters lactating, a piglet's head is being smashed in with a hammer because it is sick or not big enough to fit the standard. Some may argue that these animals are going to be killed for food anyway so it does not matter what happens to them or what kind of conditions they live in prior to their deaths. This is entirely the wrong attitude to have. Each animal is a sentient being that can feel pain and that can suffer. To inflict unnecessary pain onto any sentient creature capable of feeling pain is wrong.

We look back on slavery with a shameful eye; however, animals in factory farms are subjected to similar, if not worse conditions, as slaves brought over in the middle passage. Just as with slaves, we have taken non-human animals out of their natural environments in order to use them for pure utility purposes. Today, it is possible to continually create non-human animals for slaughter. As this attitude is perpetuated, people lose sight of the value inherent in the life of the animal itself and treat them without any regard for their preferences and wellbeing. Although in the business of raising animals for slaughter the end is inevitable, we have it within our power to respect the needs of these non-human animals and to ensure that they live in comfortable and humane living conditions, as well as take measures to treat

them in such a way as to limit the amount of pain and suffering they endure. This is the attitude we need to adopt.

Is a Gradualist Approach Justified?

Many rights activists criticize new welfarests for taking a gradualist approach to factory farming. They believe that since non-human animals have an inherent value just as we do, they deserve a right to life and that any sort of policy change to aid in the welfare, treatment, and living conditions of the animals is not serving any sort of improvement, but rather is encouraging the system. The fact alone that non-human animals are sentient beings capable of pain and suffering should be enough to work immediately towards redress.

However, one of the main reasons rights activists oppose a gradualist approach is because they believe it is unacceptable to prolong our consumption of non-human animals when to do so means to disregard the value of their lives. If slavery were still in effect today, we would fight to end it, regardless of whether to do so would have any economic consequences or if it meant sacrificing the pleasure one may receive from having a slave. Yet in the case of non-human animals, we use these reasons to justify a gradualist approach and our continuation of raising non-human animals for slaughter. Is this ethically justified?

The answer is much more complicated than rights activist make it out to be. While it is true that non-human animals are sentient beings with more than mere instrumental value who deserve equal moral consideration, we must look at the

effect of factory farming and how its elimination would impact the lives of those with ties to the industry. At this point, many would balk and claim that they would rather prevent taking the lives of any more non-human animals raised for slaughter than alleviate any inconvenience the elimination of factory farming would cost to the millionaire meat packing owners. However, there are many small farmers that are tied to the factory farming business that already owe much debt at present. In the documentary *Food, Inc* a small farmer who has a contract with Perdue Chicken describes how many farmers are kept in debt through their contracts with the meat companies. She goes on to say that his is how the large meat companies keep control over them and prevent them from leaving their contract. To illustrate, observe that an average farmer who owns two chicken houses has borrowed over $500,000 but only makes around $18,000 per year (Kenner 2008). Because they need to make money to pay back the debt they owe, they must continue working for the companies. But, factories continually tell farmers to update their equipment so they have to keep borrowing money and, subsequently, must keep working to pay off the debt.

This is a vicious cycle in which the farmers are somewhat slaves to the companies which they work for. If we were to completely and abruptly eliminate factory farming, there would be serious financial repercussions for the small farmers involved in the industry. To take away their significant source of income would thrust them into even more debt, result in an increase in the nation's unemployment rate, and leave these farmers with any steady financial income. This

would have a negative aggregate effect on the economy, and would impact not just the farmers or those involved in factory farming, but the nation as a whole. Additionally, most of the workers in these factory farms are low-income citizens and minorities. This is a motivating factor because we should not further harm those who are already harmed by lack of financial security and opportunity. Like with the farmers, abolition of all farming would negatively impact the welfare of these individuals, too.

These are some of the basic economic issues that will play a role in the elimination of the factory farming industry. While there is much more that could be explored on this topic, this is paper will only address them for the purpose of provided the most basic understanding and to better explain the benefits, and in truth, the necessity of a gradualist approach. Because we must weigh the preferences and interests of the non-human animals involved along-side those of the farmers and workers who depend on factory farming for a living, we can not, practically, justify the immediate wipe out of the factory farming industry.

To take the interests of humans into account in this debate is not a way of arguing that humans have a greater value or worth than non-human animals. This is not what I am proposing. Rather, both non-human animals and humans are going to be affected by the shift from factory farming to its elimination, and it is best to make this a slow and smooth transition, even if this means prolonging the raising of non-human animal for slaughter. What we can do in the meantime, however, is switch over to a more humane form of farming to guarantee that the welfare of the

non-human animals are given sufficient consideration and to prevent them from suffering undue pain. We must take baby steps and move towards change, gradually. I believe within our lifetime, a change in the way we look at our relationship with non-human animals will take place. More energy is being spent to make people aware and eager for change. Until then, we can work towards smaller, more immediate changes, such as the way we raise non-human animal for slaughter.

One major tool we have in our fight for better conditions for non-human animals is education. Many Americans are ignorant about the factory farming, largely a result of the efforts of meat corporations to mask the truth about where the meat comes from and how the non-human animals are raised for food. When we go to the grocery store to buy food, rarely do we think about where the food came from. Instead, we focus on the price, more times than not trying to find the best deal. This is all playing into the hands of these big name meat companies. Today, while there are approximately sixty major beef-packing companies in the United States, eighty percent of the meatpacking market is controlled by four companies: Tyson, Cargill, JBS, and National Beef, respectively, with Tyson reigning largest in the world (High County News). These companies have become a household name for many Americans, and as a result, many people do not question the methods by which these companies package their meat. We are in the dark about the truth of the industry, partially by the companies' efforts to mask the truth of factory farming, but also due to our acceptance of this ignorance. A Zogy poll from 2003

found that seventy-one percent of respondents feel, "in general, farm animals are treated fairly in the United States" (Zogby Int'l). This needs to change.

One of the reasons the United States has such few laws to protect non-human animals raised for slaughter in factory farms and worse farming conditions compared to Europe is because of the amount of education and exposure Americans have regarding factory farming (or perhaps it would be better to say the *lack* of education and exposure). As is explained in the article *Farm-Animal Welfare, Legislation, and Trade,* "The legal protection of farm animals in Europe can be credited to Europe's long history of animal-protection outreach and educational campaigns, public awareness of farming practices, and investment in animal-welfare research" (Matheny and Leahy). Thus, if we spent more time educating the public, people would be more supportive of enacting changes to better the welfare of animals raised for slaughter, and the eventual phasing out the system altogether. Surveys indicate that people who learn about the conditions of factory farming readily support change and government regulation to outlaw the abusive farming practices (Matheny and Leahy).

It seems that more and more people are trying to raise awareness with such documentaries as *Food, Inc.* and *Death on a Factory Farm*, as well as through literature. However, there should be a greater push for enlightenment. Add campaigns, school talks, and more reports and undercover footage since the public are currently not allowed to visit a factory farm, are excellent ways to get the people involved in the fight for animal welfare. Word of mouth and exchange of knowledge

are also smaller ways of influencing the public. The companies try to keep people out of their farms and in the dark, but we must not complacently sit by as millions of non-human animals spend their entire lives in pain to satisfy our appetites and financial gain. We must break free from the veil of ignorance and take a stand to help those who do not have a voice to help themselves.

Ways to Adjust the System

In south Georgia, in a little town called Bluffton, lies a family owned and operated farm that prides itself on its commitment to animal welfare. The Harris family have been running White Oaks Pastures going on five generations. During the turn of the 20th century, founder James Edward Harris owned a small farm that raised cows, pigs, and chickens. Every morning, he would butcher enough of his animals to sell to the general store, local hotel, and boarding house in a town three miles away. As the years moved on, the changing times brought with them a changing attitude towards farming. The traditional values of farming and integrity shown towards the animals diminished as science introduced new chemicals and tools into the farming industry. More animals were raised, kept, and slaughtered for less of the cost. Even the Harris family farm succumbed to the economic lure of factory farming. Profits were more important than the welfare of the animals. Today, the farm has come full circle, and White Oak Pastures is fully committed to free-ranging animals and environmental sustainability. Will Harris III, the current owner of White Oak Pastures, explains his commitment to animal welfare:

> No normal person enjoys watching a hen in a battery cage or a sow in a farrowing crate, or a steer wading in its own excrement. Our animals…spend their entire lives roaming our lush pastures and eating sweet grasses, as nature intended…Nature abhors a monoculture. All of our animals roam freely and breed naturally; they never set foot on concrete until the day of processing. We do not use hormones or antibiotics…[W]e are committed to offering [our animals] a dignified death (Harris).

I had the chance to visit White Oak Pastures and see first-hand how the animals lived and how they were killed. If we have a moral responsibility to taking the welfare and preferences of non-human animals into consideration, we should do away with factory farming altogether and switch over to organic farming. Not only does this ensure a dignified and humane treatment of animals raised for slaughter during their lives and deaths, it also provides benefits to consumers and the environment. In an interview with owner Will Harris III and his daughter Jenni, I learned much about the pros and cons of switching over to this type of farming. As opposed to factory farms that kills hundreds of thousands of animals a day, White Oak Pastures (WOP) only kills 1,000 chickens per day and 30-40 cattle per day. In order to kill their animals, WOP uses the protocol established by Dr. Temple Grandin in order to ensure their animals suffer from the least amount of stress and anxiety from the time they are born to the time they are slaughtered. When asked if they raised veal in the manner that most factory farms do, Harris said the method used to raise veal in factory farms is one of the most abhorrent cruelties that an animal can suffer and all the cows on their farm are kept to graze and roam with up to three generation of family cows (Harris).

What makes WOP stand out from other organic farms is that it is the only farm in America that has both a beef and chicken slaughterhouse[7] on site. Benefits of this include a quick and stress-free way of killing the animals which the chicken and cattle would endure if they had to be transported to a slaughterhouse. This is an aspect of factory farming that should be given much more consideration. Transportation of animals to slaughterhouses cause tremendous stress to animals, for they are pact together in a dark and stuffy truck and are deprived of food and water. In 1877, the Twenty-Eight Hour Law was enacted, which requires animals not be transported for more than twenty-eight hours without being unloaded for at least five hours of rest, watering, and feeding. However, this act excludes trucks, which is what ninety-five percent of all farm animals are transported in (Matheny and Leahy 2007). In 2006, a filed petition challenged this exclusions of trucks, to which the USDA conceded that, "the plain meaning of the statutory term "vehicle" in the Twenty-Eight Hour law includes trucks" (Matheny and Leahy 2007). Still, however, this is far from being perfect. This act does not include poultry and is rarely enforced. In establishing an on-site slaughterhouse, the Harris family is making a commitment to extend their concern for animal welfare all the way to the time of the animal's death. Harris describes, all the efforts to make WOP an organic and environmentally sustainable farm with free ranging animals only to ship the cattle out west for slaughter would be like, "raising your little girl to be a princess and then sending her to work in the whore house" (Harris).

[7] Mr. Harris prefers to call it an "abattoir," but I prefer not to sugarcoat it with fancy names.

Harris quotes the philosophy of George Washington Carver when he says, "in nature, there is no waste" (Harris). Every part of the animals they kill at WOP is used in some way: the meat is sold, the skin of the cattle is sent to leather refineries, the blood is filtered through their state of the art filtration system and used for grass food, and the bones are left out in the sun to dry out before they are ground up to feed the microbes within the soil. The benefits of using this natural fertilizer instead of harsh chemical and pesticides is that the grass is healthier, which makes the animals that eat the grass healthier, which in turn makes the people who eat the animals healthier. Harris believes that plants and animals should have a symbiotic relationship with each other. This practice is not just about caring for the welfare of non-human animals, but also caring for the welfare of the environment, too (Harris).

The turn to organic, sustainability is relatively new for the Harris family. They built their beef plant in 2008 and their chicken plant in 2011. It took three years for them to see a profit for their beef plant, and as of this year, they have yet to see a profit for their chicken plant. However, they are optimistic, explaining they see a change on the horizon. When asked if they were satisfied with their decision to switch to free range, organic farming, both Harris and his daughter explained they were and that they hope to see other farmers follow the example and treat the non-human animals more humanely. Harris explains:

> Man has added knowledge with each generation, which has given us dominion over other species. Maybe it shouldn't be that way, but it is. We have the ability to annihilate, but we have the obligation to

> steward. All the other species have a right to be here like we do, and we have a responsibility to care for them (Harris).

WOP seeks to educate people about their practices and about the process of raising and caring for farm animals by advertising in magazines, speaking at different universities, and by allowing an open door policy in which people are able to tour the farm and talk to workers to learn more about what they do. They have a member on the board of the Georgia Organics Association, and have been certified humane by four animal welfare organizations: Humane Farm Animal Care, Animal Welfare Approved, American Grassfed Association, and Global Animal Partnership. They are an example of the way farms should raise and kill non-human animals for slaughter, and more farms should switch over to this organic, free-range farming style if we are to better animal welfare.

In reforming the way we treat non-human animals that we raise for meat, we should take some queues from Europe, who seem to have advanced us in their factory farming reformation. They have amended certain regulations, such as requiring a minimum floor-space requirement by weight for rearing pigs, as well as husbandry standards, regulation on slaughter and transport, and animal welfare training for all operators involved in farm-animal production (Druce and Lymbery). Within the past five years, bans on battery cages have become effective in Germany and Austria, and they have also outlawed all cages beginning in 2012 and 2020 (qtd. in Matheny and Leahy 340). Switzerland has also prohibited the use of all cages, though they have taken a different legislative approach. They have not passed an

outright ban on cages, but instead have required provisions that are not conducive or practical to cage use. Thus, there are two different ways of looking at how we can eliminate battery cages—or cages in general—in America. Either we can pass a law that directly and explicitly bans the use of cages in factory farms, or we can circumvent this obstacle by creating standards and restrictions that are hard to follow with the continued use of cages. There is also the approach of providing incentives, such as government subsidies, to companies that eliminate their use of cages. Including perches, nest boxes, scratching mechanisms, litter area for dustbathing, etc. into the living area of chickens will provide them with better welfare because they would be able to engage in the innate behaviors and tendencies they are not allowed to do in traditional cages. This should be in addition to providing them with more room to move about freely. Producers in the European Union are beginning to phase out battery cages and in some countries, cages in general, opting instead for either non-cage barn systems that allow them to move about indoors, or free range systems that combine a barn system with the outdoor area (Matheny and Leahy 2007). The market share for cage-free eggs is much higher in Europe than it is here. It is twenty percent for Germany, forty-two percent for the United Kingdom, fifty percent for the Netherlands, and sixty percent Sweden.

Chickens are not the only animals in which there is legislation underway to improve their welfare. There is also a movement to eliminate the conventional gestation crate in exchange for group-housing systems where sows would be kept

together in large pens. This gives them the opportunity to move about more freely, as well as interact and socialize with the other pigs. Today in Europe, more than four million sows are kept in group housing (Turner 2000). Additionally, veal crates are also being substituted for group housing.

While production costs to better accommodate non-human animal welfare may be a deterrent to the owners of factory farms in America, these expenses can be offset by increasing the price that consumers pay. Kuo Huang and Binh-Hwan explain that prices for eggs, meat, and dairy are inelastic. Assuming there are no other substitutable products, producers as a group can pass increased costs on to consumers without losing a profit (Huang and Binh-Hwan 2000). This is because the potential decrease in demand would be offset by the increase in price. The total increase in cost of purchasing only free-range animal products would amount to twenty-seven dollars annually per capita (Matheny and Leahy 2007). Surveys suggest that consumers would be willing to pay more for their food if they have welfare assurance (Zogby Int'l).

In addition to legal measures, education and exposure are two of the best ways to bring public awareness to the issue. Earlier, I described the benefits of education to promoting animal welfare. Grocery stores should follow in the footsteps of Whole Food's 5-Step Animal Welfare Rating System. The rating system should be implemented because it would bridge the disconnect that most people have about where their meat came from. Further, it would help people make more informed decisions about the food they purchase, including the conditions under which they

were raised, as well as what kind of growth hormones or antibiotics they were given to speed up their growth process. If this information was readily available, people would be able to change the market. If more people opted for the more organic meat, the prices would level out, making it more affordable.

6. Closing Remarks

I set out in the beginning of this paper to provide a philosophical examination of the way we should think about animals with an emphasis on how we treat non-human animals in the factory farming industry, and I ended with suggestions for potential policy changes to better animal welfare in factory farms. When thinking philosophically about animal ethics, people generally fall into one of three camps: animal rights activists, animal welfarists, or a newer school known as new welfarists. Rights activists and welfarists differ because rights activists believe that because non-human animals possess an intrinsic value in and of themselves, they should be granted rights, mainly the right to life. As a result, people must have respect for non-human animals and cease all forms of non-human animal use. Welfarests, in contrast, agree that non-human animals should be treated with respect, but they look upon non-human animals as property and condone their use in science or for food, so long as they are treated with respect, their living conditions are humane, and they are not caused any excessive harm or unnecessary suffering. However, the best position out of the three is the new welfarist position which recognizes that non-human animals have an intrinsic value and should be worthy of equal, moral consideration.

This stance works towards the eventual phasing out of non-human animal use in food and in science, but in a slower and more progressive way. New welfarists appreciate the practicality behind the conundrum of wanting to end non-human animal suffering and bring about a sort of animal liberation, yet, accepting that to

attempt to bring this about immediately is a rather impossible task. The economic factors tied into factory farming, for example, are complicated, and must also take into consideration the welfare and preferences of the small farmers and low-income workers tied to the factory farming business who depend on their salary for a living. While non-human animals deserve moral consideration, they cannot possess rights, and therefore, their needs, while they should be weighed equally against our own, do not automatically trump the welfare of the humans involved.

When deciding if a being is capable of being a rights holder, there are three criteria he or she should meet: 1) the right(s) holder must be sentient, 2) the right(s) holder must be able to be harmed if their rights were abused, and 3) the right(s) holder must 1) have cognitive abilities in which they understand their rights and 2) be able to respect the rights of others. Sentience is more than just being alive. If this were the case, we would say that grass or sea cucumbers are sentient beings, which we do not. Sentience is attributed to a living being who also has the ability to experience pain and pleasure and different emotional states. Observations and study have given us proof that non-human animals behave and react similarly to us in different situations. For instance, if they experience pain, they will whelp or cry out in response; if they are scared, they cower; if they are happy, they express it through their body language, etc. Thus, non-human animals must be considered sentient beings. While I concede that there is not yet enough research to say whether all non-human animal species are fully sentient, we must consider the average mammal and bird to be sentient and leave room for other non-human

animal species to also be granted the title of sentient with further observation and research.

The second prong of this three prong test involves harm, which is broken down into physical harm and psychological harm. These are non-exclusive, for I can harm myself physically without causing myself any sort of mental distress, such as when I stub my toe on an end table, or I can suffer psychological pain without any sort of bodily injury, such as a prisoner might suffer when locked up in confinement for a very long time. One may also experience physical harm and psychological harm at the same time. For instance, if one escaped from a house fire in his or her youth, burning his or her hand with a match causes physical pain and may cause mental distress due to the past event, as well. Non-human animals may experience either or both of the two types of harm. When looking at the factory farming industry as an example, non-human animals experience tremendous bodily pain and suffering on a daily basis due to the harsh and fast-paced techniques that the companies use to grow animals quickly and cheaply. The HBO documentary *Death on a Factory Farm* shows graphic footage of workers throwing baby piglets from across a room into tin bins, bashing their skulls in if they are sick or too small, and even hanging down sows to death. These are just a few instances of the physical harm suffered by non-human animals. They can also experience psychological harm at the hands of rights holders. Chickens are crammed together in cages where they do not even have enough room to spread their wings. This causes stress and agitation, and the chickens must be debeaked to prevent any pecking or

cannibalism that may result in reaction to their stress. Chickens and pigs are also unable to engage in innate, natural behavior when kept in cages, baby calves raised for veal are unable to turn around their entire lives, and baby animals are commonly separated from their mothers at a very early age. Thus, non-human animals are capable of being harmed by other rights holders, and thus, they meet the criteria in the second prong of qualifications of right holders.

It is the last criterion that non-human animals do not meet. For the most part, non-human animals lack the cognitive abilities to understand the notion of rights, and are unable to recognize that other beings also possess rights that should not be infringed upon. It is important that a being meet both parts of this criteria because it signifies the two-way nature of rights. While certain non-human animals may feel a sense of ownership over something, or what we call a right to something, such as the squirrel who gets possessive over a nut he or she gathers, they do not recognize that it is wrong to take something from another because it is an infringement on the others rights. Thus, although non-human animals meet the first two criteria necessary for being a rights holder, as of our current understanding of non-human animals, they do not meet the last, making them incapable of holding rights.

This does not mean that we can treat them in any way we choose, however. Non-human animals, we have said, are sentient beings that may be harmed, and therefore, they are worthy of moral consideration. Their preferences and welfare should be taken into account. Thus, their inability to hold rights does not prohibit

us from continuing to work towards enacting change and phasing out the use of non-human animals. Rather, it means we have a duty to take their welfare into account. After taking everything into consideration, this may mean a gradualist approach is the necessary course to take, which is fine. In the meantime, there should be measures taken to ensure that non-human animals raised for meat or used for science live lives free of stress and suffering. We have come a long way in our regard for non-human animals since the days of Descartes; however, we still have much to improve on. In the factory farming industry, there are changes that should be made to improve the living conditions of non-human animals, such as establishing more organic, free range farms, creating a rating system to be used at all supermarkets, and enacting laws such as those which have already been put in place in Europe to ensure that these non-human animals are comfortable and free of stress. Education and awareness are key to progress. So long as we make an effort to educate and bring to light the cruelties of practices such as factory farming, we are one step closer to changing the system.

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