

## If Animals Had Rights

All that has been thus far said about rights applies to human beings. We humans certainly do have rights, and few matters are of greater importance to us than the protection of our rights. The words of the Declaration of Independence are more than rhetoric: "To secure these rights governments are instituted among men. . ." But the rights secured by governments are not created by governments; they are ours by nature, because we are human beings. The centrality of rights is understood everywhere; rights belong to all humans because they are humans; that is the point of the Universal Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations. Practice is not always consistent with profession, of course, but nearly all the nations of the planet profess the recognition of life, liberty, the security of person, and freedom of thought, conscience, and religion as universal human rights. Tom Regan and his followers in the animal rights movement accept that universality, too, and that far they are on solid ground.

But are those rights, all of the greatest consequence for humans, possessed by the lower animals as well? Do rats have rights? Here we reach the heart of the debate with which this book is concerned. Regan and company believe that animals are the bearers of rights, just as surely as those Jews the Nazis used in their hypothermia experiments were the bearers of rights. Not all the same rights, of course, but rights in the same sense. Animal rights advocates need not suppose (and generally, when they are sensible, they do not suppose) that animals have all the rights that humans do; that wouldn't even make sense, of course. That rats have the right to freedom of religion they do not urge. But they do earnestly believe that animals have some very important rights and that those rights that they do have, they have in the very same sense that the Jews

in Germany had theirs. And the rights of animals (they say), like the rights of Jews, *demand* respect. Some animal rights advocates therefore look on contemporary uses of animals by American medical researchers exactly as we look on the uses of Jews in the 1940s by Nazi medical researchers.

In pressing this analogy between the Jews in Hitler's Germany and the rats in the modern American laboratory, they are entirely consistent. Their point is this: Animals may not have all the rights that humans do, but if they have any rights at all, they certainly have the right not to be killed to advance someone else's convenience. If animals have any rights at all, they have the right to be respected as beings with rights, the right not to be used like inanimate tools to advance human interests. And this is true, they contend, no matter how important we think those human interests to be.

This animal rights position must be taken seriously because rights must be taken seriously. If animals have any rights at all, we do have the duty to respect those rights. Seeking to evade the force of this argument some will rejoin, "Well, they [the animals] may have rights, but we humans have rights, too, and our rights override theirs." This, unfortunately, cannot suffice to justify our killing the rats. No doubt we humans do have rights, and if animals have rights also, it may be true in some cases that our rights conflict with theirs and in such cases may be held to override theirs. But most of our uses of animals, and certainly our uses of animals in medical experiments, although they serve good purposes, are not essential to protect our rights. We want very much to devise a vaccine that will protect humans against malaria, and AIDS, and so on, and we do have a very weighty interest in learning how to achieve these objectives, as the Nazis had a serious interest in learning how to deal with hypothermia. But we don't have a *right* to learn, at any cost, what may be useful to us, any more than the Nazis had such a right. When animals (or humans) attack us, we have the right to defend ourselves and may in such cases be justified in killing, to preserve our lives. But the animals we kill in medical research are not killed in self-defense; to claim so would be flatly dishonest. The helpless and innocent mice that die in our efforts to understand and defeat cancer never did attack us.

In short, animal rights advocates make a very strong hypothetical point: *If* animals have any rights at all, they certainly must have the right not to be killed to advance the interests of others.

Therefore (in this animal rights view), what we did to animals in developing the polio vaccine and what we are doing to animals as we now try to learn how to immunize against malaria or AIDS or any other disease is as profoundly wrong, as plainly *unjust*, as what was done by Nazis to those Jews not so very long ago. This is not for them hyperbole. Animal rights advocates need not hold (and generally do not hold) that contemporary medical scientists are as vicious as the Nazis were. They simply believe that in the same way that what the Nazis did was morally unacceptable, what is being done to animals

now is morally unacceptable. If it is wrong, there is no excuse for it. It will be no answer to explain how useful the results of doing it may prove to be. Rights trump interests.

The vast majority of animals used in biomedical investigations (as earlier noted) are rodents, guinea pigs and ferrets, but mainly mice and rats. The rat may be appropriately taken, and is generally taken by the animal rights advocate, as the best exemplar of animals whose moral status is in dispute. If rats have rights, then dogs and rabbits surely do, and so on. This use of the rodent as exemplar is very helpful; it enables us to grasp the sweep of the animal rights movement. The thrust of their attack on medical experimentation using animals is expressed dramatically in the work of the most celebrated advocate of animal rights. Tom Regan has no doubt that rats have rights and believes that because they do, they *may not* be used in biomedical investigations. Regan does not hide or cheat. He sees the consequences of his view and accepts them forthrightly. He writes:

The harms others might face as a result of the dissolution of [some] practice or institution is no defense of allowing it to continue. . . . No one has a right to be protected against being harmed if the protection in question involves violating the rights of others. . . . [N]o one has a right to be protected by the continuation of an unjust practice, one that violates the rights of others. . . . Justice *must* be done, though the heavens fall.<sup>1</sup>

That last line echoes Immanuel Kant, who in turn had borrowed it from a venerable tradition: *Fiat justitia, et percat mundus* (Let justice be done though the world perish). That is Regan's view: Doing justice entails protecting the rights of rats to life; he is not daunted by the consequences. Believing that rats have rights as humans do, that they are bearers of rights in the same fully moral sense, he concludes consistently (but not for the sake of consistency alone) that killing rats in medical research is "morally intolerable." Regan writes. "On the rights view<sup>2</sup> we cannot justify harming a single rat merely by aggregating 'the many human and humane benefits' that flow from doing it. . . . Not even a single rat is to be treated as if that animal's value were reducible to his *possible utility* relative to the interests of others."<sup>3</sup>

If Regan were correct in this, we are forbidden by morality from doing the experiments that alone might yield the vaccines, drugs, and other compounds and therapies that humans desperately need. Can this extraordinary conclusion possibly be true? It *is* true, say Regan and his followers; we *are* so forbidden. But (we answer) the result of your principles is that very many humans will suffer terribly; many humans will die who might otherwise live happy lives if (as on your view) the rights of rats trump human interests. Perhaps that is

so (they rejoin), but if there are some things we will not be able to learn because animals have rights, well, as Regan puts it bluntly, “so be it.”

These are the conclusions to which one is certainly driven if it be true that animals have rights. No compromise is possible here. If animals have rights, they have the right to be respected. If they have the right to be respected, they have the right not to be killed to advance our interests. The premise that animals possess rights may be utterly false, as indeed it is, but Regan reasons correctly once that premise is granted: If rats have the moral standing that gives them rights, we humans can have no right, ever, to kill them for our benefit—not in the laboratory or in our basements or in the back alleys of Chicago or Boston. A rat that attacks a human may be killed in self-defense. Medical investigations in which rats are routinely killed cannot be honestly described as self-defense. Scientific experiments relying on the use of rats, or mice, or any other animal subjects—and this will include most medical studies and nearly all the most important studies of certain kinds—must therefore come to an end, not gradually or eventually but immediately. Recall that the replacement of animal subjects by computers or by anything else (except human subjects) is, as a practical matter, out of the question. All biomedical investigations using animal subjects, and of course all uses of animals as food or clothing too, are morally forbidden and must *stop*.

Readers who reflect on the scientific impact of this conclusion are likely to think it bizarre. We might suppose that those who insist on such an outcome are out of their minds. But the fact that the consequences of the view are outrageous cuts no mustard for the zealots of the animal rights movement. They are not consequentialists. The consequences of animal use may be very good for us, they will allow, but it is wrong; acts that are morally wrong cannot be made right by listing the many good things they serve to bring about. The interests of humans—the universal human desire to be freed of disease and relieved of pain—are understood well enough by the animal rights movement. But from the perspective of its consistent members, of whom Tom Regan is the paramount example, these human interests cannot outweigh the rights of *a single rat*. The issue for them is one of simple justice, and the use of animals in medical experiments, in their view, is simply not just.

Talk about the rights of animals appears to many to be harmless. It’s just a way to encourage the greater protection of innocent animals, many think. To say that animals have rights, they suppose, is no more than a formal recognition of the fact that there are some things we ought not do to animals. Not so. The supposition of animal rights entails very much more than that. The animal rights movement, as we have seen, explicitly aims for the *total abolition* of the use of animals in science and the *total dissolution* of commercial animal agriculture. These objectives are the logical consequences of believing that animals have rights. Seeing this clearly will give most of us good reason

to think carefully before giving assent to claims about animals that appear superficially to be innocuous.

The inescapable consequences of imputing rights to animals are so very bad, so damaging to medical science, that we owe it to ourselves to weigh very skeptically what are put forward as arguments in support of that claim. Do you, the reader, believe that you and all other humans have the strongest moral obligation never to eat meat of any kind, never to use animal products of any kind? Do you believe that the scientific work done in eradicating polio and smallpox, along with the work of all other medical investigators past and present who rely on animal subjects, is morally wrong? Probably you do not. If you do not, you must reject the premise from which these fanatical convictions flow.

Do you approve of the scientific experiments using animals that have in fact resulted in the protection of millions of human beings, probably including yourself and your children, from diphtheria, hepatitis, measles, rabies, rubella, and tetanus? Do you believe that the scientific studies now in progress to combat AIDS, Lyme disease, Alzheimer's disease, heart disease, diabetes, and cancer—almost all of those studies relying essentially on the use of animals—are morally justifiable? Probably you do. I surely do, with all my heart. If you would join me in support of the research that vulnerable humans desperately need, you will join me also in concluding that the central claim of the animal rights movement—that rats and rabbits and chickens possess rights in the same sense that humans do—is a profound and gigantic mistake.

### Notes

1. Regan, *Case*, 346–47; emphases in the original.
2. Professor Regan regularly refers to his defense of animal rights as “the rights view.” But of course many philosophers who take rights every bit as seriously as he does do not believe as he does that rights are possessed by animals; the position he refers to as “the rights view” is more correctly called “the Regan rights view.”
3. Regan, *Case*, 384; emphases in the original.