

Why Animals Do Not Have Rights

The consequences of holding that animals have rights are intolerable, as we have just seen, yet there is widespread reluctance to assert forthrightly that animals do not possess rights, for two reasons. One is the fear that we will be thought callous if animal rights are denied. Most of us care a great deal about animals, and we want not to undermine that reputation.

But the major reason we hesitate to deny that animals have rights lies in a widespread confusion about the relation between our obligations to animals and the claim that animals possess rights. Humans do have many obligations to animals, as I have earlier insisted and as all decent persons will agree. Does it follow from this that animals must have rights? Many assume that it does and therefore suppose that if animal rights were to be denied, the obligations owed to animals would need to be denied as well. This is a common and unfortunate mistake. Denying the reality of animal rights does not entail the denial of our obligations to animals. Most certainly it does not, as I will explain.

Reflect for a moment on the obligations we humans owe to others. Some of these obligations may be traced to the fact that we are the targets of their rights. My obligation to repay the money I borrowed from you is the obverse of the right that you have to my payment of the debt. So, plainly, *some* of my obligations do arise from the rights of others against me. But that is by no means true of all obligations. A correct understanding of the true relation between rights and obligations is absolutely essential for sound moral judgments.

The common readiness to assent to the proposition that animals have rights is mainly a result of the hasty supposition that if we have obligations to them (which we surely do), they must have rights against us. But this is not so. Recognizing (correctly) that we are not morally free to do anything we please to

animals, it is supposed (incorrectly) that they must therefore have “rights”—and once that supposition is granted, all the problems discussed in the previous chapter unavoidably confront and confound us.

The premise that underlies such reasoning is the supposition of the *symmetrical reciprocity* of obligations and rights. It is a false premise, and its falsity is easy to discern. Between rights and obligations the relations are not symmetrical. Rights do entail obligations on the targets of those rights, of course, as earlier noted. If you have a right to the return of money you lent me, I have the obligation to return that money, and so on. But we may not correctly infer, from the fact that all rights impose obligations on their targets, that all obligations owed arise because one is the target of the rights of another.

A logical confusion underlies the mistake. From the true proposition that all dogs are mammals we certainly may not infer that all mammals are dogs. Universal affirmative propositions of the form “All dogs are mammals” or “All rights entail obligations” cannot be *converted simply* and retain their truth. *Some* mammals are dogs, yes, and *some* obligations do arise from rights. But it is a confusion of mind to conclude, from the fact that all dogs are mammals, that all mammals are dogs. It is no less a confusion of mind to conclude that, because all rights entail obligations, all obligations are entailed by rights.

Very many of the moral obligations borne by each of us are owed to other persons or other beings who have no *rights* against us; reflection on everyday experience confirms this quickly. Our obligations arise from a great variety of circumstances and relations, of which being the target of another’s right is but one. Illustrations of this rich and important variety are everywhere to be found; here are some:

1. Obligations arise from *commitments* freely made by a moral agent. As a college professor, I promise my students explicitly that I will comment at length on the papers they submit, and from this express commitment obligations flow, of course. But my students understand that they have not the right to demand that I provide such comment.
2. Obligations arise from *the possession of authority*. Civil servants are obliged to be courteous to members of the public; presiding officers at a public forum ought to call on representatives of different points of view in alternation; arbitrators have the obligation to listen patiently to the arguments of parties disputing before them—but such obligations are not grounded in rights.
3. Obligations arise as a consequence of *special relations*: Hosts have an obligation to be cordial to their guests, but guests may not demand cordiality as a right.
4. *Faithful service* may engender obligations: Shepherds have obligations

to their dogs, and cowboys to their horses, none of which flow from the *rights* of those dogs or those horses.

5. My son, eight years old as I write this, may someday wish to study veterinary medicine as my father did. I will then have the obligation to help him as I can, and with pride I shall—but he has not the authority to demand such help as a matter of right. *Family connections* may give rise to obligations without concomitant rights.
6. My dog has no right to daily exercise and veterinary care, but I do have the obligation to provide these things for him. *Duties of care* freely taken on may bind one even though those to whom the care is given have not got a right to demand it. Recognizing that a beloved pet is suffering great pain, we may be obliged to put it out of its misery, but the tormented animal has no claim of right that that be done.
7. An act of *spontaneous kindness* done may leave us with the obligation to acknowledge and perhaps return that gift, but the benefactor to whom we are thus obliged has no claim of *right* against us.

And so on and on. The circumstances giving rise to obligations are so many and so varied that they cannot all be catalogued. It is nevertheless certain, and plainly seen when we consider the matter with care, that it is *not only* from the rights of others that our obligations arise.

How, then, are rights and obligations related? When looked at from the viewpoint of one who holds a right and addresses the target of that right, they appear correlative. But they are plainly not correlative when looked at from the viewpoint of one who recognizes an obligation self-imposed, an obligation that does not stem from the rights of another. Your right to the money I owe you creates my obligation to pay it, of course. But many of my obligations to the needy, to my neighbors, to sentient creatures of every sort, have no foundation in their rights. The premise that rights and obligations are *reciprocals*, that *every* obligation flows from another's right, is utterly false. It is inconsistent with our intuitive understanding of the difference between what we believe we *ought* to do and what others can justly *demand* that we do.

This lack of symmetry is of enormous importance. It helps to explain how it can be true that, although animals do not have rights, it does not follow from this fact that one is free to treat them with callous disregard. It is silly to think of rats as the holders of moral rights, but it is by no means silly to recognize that rats can feel pain and that we have an obligation to refrain from torturing them because they are beings having that capacity. The obligation to act humanely *we owe to them* even though the concept of a right cannot possibly apply to them. We are obliged to apply to animals the moral principles that govern *us* regarding the gratuitous imposition of pain and suffering. We are the moral agents in this arena, not the rats. Act toward lesser creatures,

as the saying goes, “not merely according to their deserts, but according to your dignities.” We are restrained by moral principles in this way, but being so restrained does not suggest or suppose that the animals to whom we owe humane regard are the possessors of rights.

Animals cannot be the bearers of rights because the concept of right is *essentially human*; it is rooted in the human moral world and has force and applicability only within that world. Humans must deal with rats—all too frequently in some parts of the world—and must refrain from cruelty in dealing with them. But a rat can no more be said to have rights than a table can be said to have ambition or a rock to exhibit remorse. To say of a pig or a rabbit that it has rights is to confuse categories, to apply to its world a moral category that can have content only in the human moral world.

Try this thought experiment: Imagine, on the Serengeti Plain in East Africa, a lioness hunting to feed her cubs. A baby zebra, momentarily left unattended by its mother, becomes her prey; the lioness snatches it, rips open its throat, tears out chunks of its flesh and departs. The mother zebra is driven nearly out of her wits when at first she cannot locate her baby; finding its carcass at last she will not leave its remains for days. The scene may cause you to shudder, but it is perfectly ordinary and common in the world of nature. If that baby zebra had any rights at all, it certainly had the right to live; of all rights, that one is surely the most fundamental and the one presupposed by all others. So, if in that incident of natural predation, the prey has rights and the predator infringes those rights, we humans ought to intervene in defense of the zebra’s rights, if doing so were within our power. But we do not intervene in such matters even when it is in our power; we do not dream of doing so. On the other hand, if we saw (or even suspected) that the lioness was about to attack an unprotected human baby playing at the edge of the forest, we would respond with alacrity, protecting the baby in every way possible.

Now I ask: What accounts for the moral difference between those cases? Not convenience, merely; protecting the baby may be dangerous, while intervening to save the baby zebra may be easy and safe. Humans are often in a position to intervene to avoid predatory killing, yet we deliberately refrain. Our responses to threatened humans differ fundamentally from our responses to threatened zebras. But why? No doubt we have greater empathy for the endangered human. But we also recognize, consciously or subconsciously, that profound differences exist between the moral status of the baby zebra and the moral status of the baby human. The human baby, we might say if later asked, has a right not to be eaten alive, and it has that right because it is a *human* being.

Do you believe the baby zebra has the *right* not to be slaughtered? Or that the lioness has the *right* to kill that baby zebra to feed her cubs? Perhaps you are inclined to say, when confronted by such natural rapacity (duplicated in

various forms millions of times each day on planet earth) that *neither* is right or wrong, that neither zebra nor lioness has a right against the other. Then I am on your side. Rights are pivotal in the moral realm and must be taken seriously, yes; but zebras and lions and rats do not live in a moral realm—their lives are totally *amoral*. There *is* no morality for them; animals do no moral wrong, ever. In their world there are no wrongs and there are no rights.

One contemporary philosopher who has thought a good deal about animals puts this point in terms of the ability to formulate principles. Referring to animals as “moral patients” (i.e., beings *upon* whom moral agents like ourselves may act), he writes:

A moral patient [an animal] lacks the ability to formulate, let alone bring to bear, principles in deliberating about which one among a number of possible acts it would be right or proper to perform. Moral patients, in a word, cannot do what is right, nor can they do what is wrong. . . . [E]ven when a moral patient causes significant harm to another, the moral patient has not done what is wrong. Only moral agents can do what is wrong.

Just so. The concepts of wrong, and of right, are totally foreign to animals, not conceivably within their ken or applicable to them, as the author of that passage clearly sees. His name is Tom Regan.¹

Here is yet another thought experiment that illuminates our intuitive judgments about the moral status of animals: Imagine that, as you were driving to work the other day, a squirrel suddenly reversed its course and ran in front of your car. It being impossible for you to avoid hitting it, you clenched your teeth as you heard the telltale thump from beneath the automobile. Pained by the thought that the squirrel had been needlessly killed by your car, you silently express to yourself the hope that, if indeed it was killed, it was caused no great suffering; and you drive on. But now suppose that it was not a squirrel but a human toddler who ran into the path of your car and whom you hit through absolutely no fault of your own. Swerving in panic, we will suppose, you avoid a killing blow, but you cannot avoid hitting the child and it becomes plain that she has been badly injured by the impact. Anguish, fear, *horror* overwhelm you. Most assuredly you do not drive on but stop in wretched torment, to do what can be done for the injured child. You rush it to medical care; you contact her parents at the earliest possible moment, imploring their understanding. Nothing you could possibly have done would have avoided the terrible accident, you explain—and yet you express tearfully your profound regret. At the first opportunity you arrange to visit the recuperating child; you bring her a present, wish her well; her injury and her recovery will be forever on your mind. And so on.

What accounts for the enormous difference between the response you make to the death of a squirrel and to the injury of a human child, you being the cause

of both, and in both cases entirely innocent of fault? Does that difference not spring from your intuitive grasp of the difference in the moral status of the two, your recognition that the one has rights, which you would not for all the world have deliberately infringed upon, while the other, although sentient and perhaps endearing, has no rights on which you could possibly infringe?

The obligation of scientists to act humanely no one will contest. But medical investigators, using animals in research to advance human well-being, can never violate the rights of experimental animals because, to be blunt, they have no rights. Rights do not apply to them.

Humans, on the other hand, certainly do have rights. And at this point we are likely to ask how this difference is to be accounted for. Rabbits are mammals and we are mammals, both inhabiting a natural world. The reality of the moral rights that we possess and that they do not possess we do not deny, and the importance of this great difference between us and them we do not doubt. But we are unsure of the ground of these rights of ours, their warrant, their source. Where do our rights come from? We are animals, too; we are a natural species, too, a product of evolution as all animals are. How, then, can we be so very different from the zebras and the rats? Why are we not crudely primitive creatures as they are, creatures for whom the concept of moral right is a fiction?

Philosophers and theologians have long struggled, and struggle still, to explain the foundations of natural human rights. In this book, dealing chiefly with the claim that animals have rights, it is not to be expected that a definitive account of the human moral condition will be given. I do not propose to offer here the resolution of the deepest questions confronting human beings. But the sharp divide between the moral status of animals and that of humans we can say something more about.

It will be helpful to reflect, if only briefly, on the *kinds* of explanations of human rights that have been given by the greatest of moral philosophers. What has been generally held to account for the fact that humans, unlike animals, do have rights?

Divine gift. Many have thought that the moral understanding of right and duty, by humans, is a *divine gift*, a grasp of the eternal law for which we have been peculiarly equipped by God. So thought St. Thomas of Aquinas, who argued tightly in defense of that view in the thirteenth century: All things, said he,

are ruled and measured by the eternal law. . . . Now among all others, the rational creature is subject to divine providence in the most excellent way, in so far as it partakes of a share of providence. . . . Wherefore it has a share of the eternal reason, whereby it has a natural inclination to its proper act and end: and this par-

ticipation of the eternal law in the rational creature is called the natural law. Hence the Psalmist after saying . . . "Many say, Who showeth us good things?" in answer to which question he says: "The light of Thy countenance, O Lord, is signed upon us";² thus implying that the light of natural reason, whereby we discern what is good and what is evil, which is the function of the natural law, is nothing else than an imprint on us of the divine light.³

The power to grasp the binding power of moral law, and therefore the capacity to understand human rights and to respect them, is on this account divinely endowed. No one has put this view more cogently than St. Thomas. The account he gave was not new in his day, nor has it lost its authority for many today.

Long before St. Thomas marshaled such arguments, other fathers of the Church, perhaps St. Augustine most profoundly, had pointed out that if God has made us in his own image as we are taught, and therefore with a will that is truly free and "knowing good and evil,"⁴ we, unlike all other creatures, must choose between good and evil, between right and wrong.⁵

Human moral community. Philosophers have very commonly distrusted such theological reasoning. Many accounts of the moral dimension of human experience have been offered that do not rely on inspired texts or supernatural gifts. Of the most influential philosophers, many have held that human morality is grounded not in the divine but in the human moral community. "I am morally realized," wrote the great English idealist, F. H. Bradley, "not until my personal self has utterly ceased to be my exclusive self, is no more a will which is outside others' wills, but finds in the world of others nothing but self." What Bradley called "the organic moral community" is, he thought, the only context in which there can be right. "Realize yourself as the self-conscious member of an infinite whole, by realizing that whole in yourself."⁶

Before him the great German idealist, Georg W. F. Hegel, accounted for human rights as a consequence of the self-conscious participation of human beings in "an objective ethical order."⁷ And there have been many other such accounts of rights, accounts that center on human interrelations, on a moral fabric within which human beings must always act, but within which animals never act and never can *possibly* act.

Direct intuitive recognition. Such reasoning is exceedingly abstract, and many find it for that reason unsatisfying. A better account of rights, an account more concrete and more true to their own experience, some think to be that given by ethical intuitionists and realists who rely upon the immediate moral experience of ordinary people. Human moral conduct must be governed, said the leading intuitionist H. A. Prichard, by the underivative, intuitive cognition of the rightness of an action."⁸ Would you know how we can

be sure that humans have rights? Ask yourself how you know that you have rights. You have no doubt about it. There are some fundamental truths, on this view, for which no argument need be given. In that same spirit Sir David Ross explained our grasp of human right as our recognition of moral “suitability”—“fitness, in a certain specific and unanalysable way, to a certain situation.”⁹ And that was the view of my teacher and good friend of happy memory, Professor C. D. Broad. Rights surely are possessed by humans, he thought; by humans but never by animals the knowledge of right is immediately and certainly possessed.

Natural evolutionary development. For those who seek a more naturalistic account of ethical concepts, there are, among others, the writings of Marx and his followers who explicitly repudiated all moral views claiming to have their foundation in some supernatural sphere. “The animal,” Marx wrote, “is one with its life activity. It does not distinguish the activity from itself. It is its activity. But man makes his life activity itself an object of his will and consciousness. . . . His own life is an object for him. . . . Conscious life activity distinguishes man from the life activity of the animals.” Hence, humans can concern themselves with humankind, and humans alone can understand their species; humans, unlike animals, make judgments that can be “universal and consequently free.”¹⁰ Moral judgments are typically universal in this sense. That is why, Lenin later wrote, “There is no such thing as morality taken outside of human society.”¹¹ Every conception of moral right, on this view, is a reflection of the concrete conditions of life, but always the conditions of *human* life.

A more sophisticated ethical naturalism was presented by the American pragmatists, John Dewey and George Herbert Mead, who shared the view that morality arises only in human community but who emphasized the development of self within that community. We humans create our selves, selves that develop and become moral, Mead wrote, only through “the consciousness of other moral selves.”¹²

Which among all these families of moral positions is most nearly true? Readers will decide for themselves. Differing ethical systems have been very briefly recapitulated here only to underscore the fact that, however much great thinkers have disagreed about fundamental principles, *the essentially human (or divine) locus of the concept of right* has never been doubted. Of the finest moral philosophers from antiquity to the present not one would deny—as the animal rights movement does seek now to deny—that there is a most profound difference between the moral stature of humans and that of animals, and that rights pertain only to the former.

The extraordinary departure of the animal rights movement from near universal moral convictions may be exhibited in the following way. Protecting animals is viewed by many in that movement as a noble struggle against a bru-

tal holocaust. A fiery leader in defense of the moral equality of all animal species is Ingrid Newkirk, long the codirector of the largest animal protection organization, People for the Ethical Treatment of Animals (PETA). In her view, it is cruelly wrong to give special consideration to the human species. Research using animal subjects, no matter its aim or beneficial outcomes, she calls "fascism" and "supremacism." Her belief, and that of her followers, is that there is no fundamental moral difference between animals and humans. "There is no rational basis [says she] for saying that a human being has special rights." But in this she is profoundly mistaken; there *is* a rational basis for this distinction, a distinction of the deepest importance. The failure to grasp and respect that distinction leads some zealots to interfere with medical research using animals in every way they find feasible.

The moral issue is epitomized by Newkirk's notorious and often-quoted remark: "A rat is a pig is a dog is a boy. They're all mammals." To be fair, she probably did not mean in saying this that rats and pigs and human boys are of equal importance in our lives; we care more about little boys, mother rats care more about little rats, of course. But she and PETA certainly do mean and contend unreservedly that humans do not possess rights in any way that rats and pigs cannot possess them equally. In *that* sense she really does believe that "a rat *is* a pig *is* a dog *is* a boy." This conviction—well meaning but deeply mistaken—pervades the animal rights movement. It is both dangerous and absurd.

The depth of the mistake will be appreciated more fully when we reflect on what it is that differentiates acts by humans from the acts of rats or rabbits. Returning as moral thinkers commonly do to the work of Immanuel Kant, we may say with him that critical reason reveals at the core of *human* action a uniquely moral will; we recognize the unique capacity of humans to formulate moral *principles* for the direction of our conduct. Human beings can grasp the maxim of the principles we devise, and by applying those principles to ourselves as well as to others, we exhibit the autonomy of the human will. Humans, but never rodents, confront choices that are purely moral. Humans, but certainly not pigs or chickens, lay down rules, moral imperatives, by which all moral agents are thought to be rightly governed, ourselves along with all others. Human beings are *self-legislative*, morally *autonomous*.

To be a moral agent is to be able to grasp the generality of moral restrictions on our will. Humans understand that some acts may be in our interest and yet must not be willed because they are simply wrong. This capacity for moral judgment does not arise in the animal world; rats can neither exercise nor respond to moral claims. My dog knows that there are certain things he must not do, but he knows this only as the outcome of his learning about his interests, the pains he may suffer if he does what had been taught forbidden. He does not know, he cannot know (as Regan agrees¹³) that any conduct is *wrong*. The proposition "It would be highly advantageous to act in such-and-

such a way, but I may not do so because it would be morally wrong” is one that no dog or rabbit, however sweet and endearing, however loyal or loving or intelligent, can ever entertain, or intend, or begin to grasp. *Right is not in their world.* But right and wrong are the very stuff of human moral life, the ever-present awareness of human beings who *can* do wrong and who by seeking (often but not always) to avoid wrong conduct prove themselves members of a moral community in which rights may be exercised and must be respected.

Every day humans confront actual or potential conflicts between what is in their own interest and what is just. We restrain ourselves (or at least we can do so) on purely moral grounds. In such a community the concept of a right makes very good sense, of course. Some riches that do not belong to us would please us, no doubt, but we *may* not take them; we refrain from stealing not only because we fear punishment if caught. Suppose we knew that the detection of our wrongdoing were impossible and punishment out of the question. Even so, to deprive others of what is theirs by right is conduct forbidden *by our own moral rules.* We return lost property belonging to others even when keeping it might be much to our advantage; we do so because that return is the act that our moral principles call for. Only in a community of that kind, a community constituted by beings capable of self-restricting moral judgments, can the concept of a *right* be intelligibly invoked.

Humans have such moral capacities. They are in this sense self-legislative, members of moral communities governed by moral rules; humans possess rights and recognize the rights of others. Animals do not have such capacities. They cannot exhibit moral autonomy in this sense, cannot possibly be members of a truly moral community. They may be the objects of our moral concern, of course, but they cannot possibly possess rights. Medical investigators who conduct research on animal subjects, therefore, do not violate the rights of those animals because, to be plain, they have none to violate.

One *caveat* of the utmost importance I repeat though it was earlier emphasized: It does not follow from the fact that animals have no rights that we are free to do anything we please to them. Most assuredly not. We do have obligations to animals, weighty obligations—but those obligations do not, because they cannot, arise out of animal rights.

An objection is sometimes raised to this view that deserves response and deserves also to be permanently put aside.

It cannot be [the critic says] that having rights requires the ability to make moral claims, to grasp and apply moral laws, because, if that were true, many human beings—the brain-damaged, the comatose, infants and the senile—who plainly

lack those capacities must be without rights. But that is absurd. This proves [the critic concludes] that rights do not depend on the presence of moral capacities.¹⁴

Objections of this kind are common but miss the point badly. They arise from a misunderstanding of what it means to say that humans live in a moral world. Human children, like elderly adults, have rights *because they are human*. Morality is an essential feature of human life; all humans are moral creatures, infants and the senile included. Rights are not doled out to this individual person or that one by somehow establishing the presence in them of some special capacity. This mistaken vision would result in the selective award of rights to some individuals but not others, and the cancellation of rights when capacities fail. On the contrary, rights are *universally* human, arise in the human realm, apply to humans generally. This criticism (suggesting the loss of rights by the senile or the comatose, etc.) mistakenly treats the essentially moral feature of humanity as though it were a screen for sorting humans, which it most certainly is not. The capacity for moral judgment that distinguishes humans from animals is not a test to be administered to human beings one by one. Persons who, because of some disability, are unable to perform the full moral functions natural to human beings are not for that reason ejected from the human community. The critical distinction is one of kind. Humans are of such a kind that rights pertain to them *as humans*; humans live lives that will be, or have been, or remain *essentially* moral. It is silly to suppose that human rights might fluctuate with an individual's health or dissipate with an individual's decline. The rights involved are human rights. On the other hand, animals are of such a kind that rights never pertain to them; what humans retain when disabled, rats never had.

The contrast between these two very different moral conditions is highlighted in the world of medical experimentation itself. In addition to the animals used there, many humans are experimental subjects as well. But humans are capable of moral choice; therefore, humans must *choose* to allow themselves to be the instruments of scientific research, and where they have moral authority their choices must be respected. Humans do have moral authority over their own bodies, and thus we insist that humans may be the subject of experiments only with their informed and freely given consent. Investigators who withhold information from potential subjects or who deceive potential subjects, thereby making it impossible for them to give genuinely voluntary consent to what is done, will be condemned and punished, rightly. But this consent that we think absolutely essential in the case of human subjects is *impossible* for animals to give. The reason is not merely that we cannot communicate with them or explain to them or inquire of them, but that the kind of moral choice involved in giving consent is totally out of the question for a dog or a rat.

An objection of a different kind is raised by some advocates of animal rights. It goes like this:

Animals have internal lives far more rich and complicated than most people realize; many animals are, as Tom Regan points out, “psychologically complex” beings. Therefore [this critic argues] the effort to distinguish the world of humans from the world of animals by pointing to some special capacity of humans cannot succeed. Although in lesser degree than humans, animals do have the capacities we commonly associate with humanity. Humans are rational, but animals can reason too; animals communicate with one another, not with languages like ours of course, but very effectively nonetheless. Animals, like humans, care passionately for their young; animals, like humans, exhibit desires and preferences. And so on and on. So there is no genuine moral distinction to be drawn.¹⁵

This objection has much popular appeal, but it misses the central point. *Cognitive* abilities, the ability to communicate or to reason, are not at issue. My dog certainly reasons, if rather weakly, and he communicates rather well. Nor is it *affective* capacities that are at issue; many animals plainly exhibit fear, love and anger, care for one another and their offspring, and so on. Nor is it the exhibition of *preference*, or memory, or aversion that marks the critical divide; no one doubts that a squirrel may recall where it buried a nut or that a dog would rather go on the walk than remain in the car. Remarkable behaviors are often exhibited by animals, as we all know. Conditioning, fear, instinct, and intelligence all contribute to individual success and species survival.

Nor is the capacity to suffer sufficient to justify the claim that animals have rights. They surely can suffer—that is obvious; they can feel pain. And because they are sentient in that way, they are properly a concern of morally sensitive humans; they are, we may say, morally “considerable.” Of course. And that is why the moral principles that govern us oblige us to act thoughtfully, humanely, in our use of them.

But with all the varied capacities of animals granted, it remains absolutely impossible for them to act *morally*, to be members of a moral community. Emphasizing similarities between human families and those of monkeys, or between human communities and those of wolves, and the like, cannot ground the moral equality of species; it serves only to obscure what is truly critical. A being subject to genuinely moral judgment must be capable of grasping the *maxim* of an act and capable, too, of grasping the *generality* of an ethical premise in a moral argument. Similarities between animal conduct and human conduct cannot refute, cannot even address, the profound moral differences between humans and rodents.

Because humans do have rights, and these rights can be violated by other humans, we all understand that humans can and sometimes do commit *crimes*. Whether a crime has been committed, however, depends utterly on the actor’s moral state of mind. If I take your coat from the closet honestly believing that it

was mine, I do not steal it. A genuine crime is an act in which the guilty deed, the *actus reus*, is accompanied by a guilty state of mind, a *mens rea*. Humans can commit crimes not merely because we realize that we may be punished for acting thus-and-so but because we recognize that there are duties that govern us; to speak of such recognition in the world of cows and horses is literally nonsensical. In primitive times cows and horses were sometimes brought to the bar of human justice and punished there. We chuckle now as we look back on that practice, realizing that to accuse a cow of a crime marks the accuser as inane, confused about the applicability of moral concepts. Animals never can be criminals, obviously—not because they are always law-abiding but because “law-abiding” has no sense in this context; moral appraisals do not intelligibly apply to them. And that is why it is not true, and never can be true, that animals have moral rights.

The fundamental mistake is one in which a concept (in this case, moral right) that makes very good sense in one context is applied to another context in which it makes no sense at all. It may be helpful to reflect on other spheres, very distant from morality, in which mistakes of the same general kind have been commonly made at great cost.

The world of metaphysical thinking is riddled with mistakes of that kind. In his *Critique of Pure Reason*, Immanuel Kant explains at length the metaphysical blunders into which we are led when we apply concepts fundamentally important in one sphere to another sphere in which those concepts can have no grip. In our human experience, for example, the concepts of time and space, the relations of cause and effect, of subject and attribute, and others, are inescapable, fundamental. But these are concepts arising only within the world of our human experience; when we forget that we may be misled into asking: “Was the world caused, or is it uncaused?” “Did the world have a beginning in time, or did it not?” Kant explains—in one of the most brilliant long passages in all philosophical literature—why it *makes no sense* to ask such questions.¹⁶ “Causation” is a concept that applies to phenomena we humans encounter; it is a category of our experience and cannot apply to the world as a whole. “Time” is the sequential condition of our experience, the way we experience things, not a container within which the world could have begun. In his discussion of the *paralogisms* of pure reason, and after that his analyses of the *antinomies* of pure reason, Kant patiently exhibits the many confusions arising from the misapplication of the categories of experience. Whatever our judgment of his conclusions about the limits of reason, his larger lesson in these passages is powerful and deep. The misapplication of concepts leads to fundamental mistakes, to nonsense.

So it is also when we mistakenly transfer the concept of a right from the human moral world in which it applies to the world of animals in which it has no possible applicability. To say that rats have rights is to apply to the world of rats a concept that makes very good sense when applied to humans, but makes no sense at all when applied to rats. That is why rats, like the other ani-

mals used in biomedical research, cannot have rights. Ascribing rights to animals is a mistake.

Notes

1. Regan, *Case*, 152–53.
2. The reference by St. Thomas is to Psalm 4, line 6.
3. St. Thomas Aquinas, *Summa Theologica*, First Part of the Second Part, Question 91, Second Article.
4. *Genesis*, chap. 3, verse 22.
5. St. Augustine, *Confessions*, book 7, 397 A.D.
6. Francis Herbert Bradley, “Why Should I Be Moral?” from *Ethical Studies* (Oxford: Clarendon, 1927).
7. Georg Wilhelm Friedrich Hegel, *Philosophy of Right* (1821).
8. H. A. Prichard, “Does Moral Philosophy Rest on a Mistake?” in *Moral Obligation* (Oxford: Oxford University Press, 1949).
9. Sir David Ross, *The Foundations of Ethics* (Oxford: Clarendon, 1939), chap. 3.
10. Karl Marx, *Economic and Philosophical Manuscripts* (1844).
11. V. I. Lenin, “The Tasks of the Youth Leagues” (1920), reprinted in *The Strategy and Tactics of World Communism*, Supplement I (Washington, D.C.: U.S. Government Printing Office, 1948).
12. George Herbert Mead, “The Genesis of the Self and Social Control,” in *Selected Writings*, ed. A. J. Reck (Indianapolis: Bobbs-Merrill, 1964).
13. See n. 1.
14. Tom Regan makes this objection explicitly in “The Moral Basis of Vegetarianism” in *All That Dwell Therein: Animal Rights and Environmental Ethics* (Berkeley: University of California Press, 1982).
15. Objections of this kind are registered by Dale Jamieson, “Killing Persons and Other Beings” in *Ethics and Animals*, ed. H. B. Miller and W. H. Williams (Clifton, N.J.: Humana, 1983), and by C. Hoff, “Immoral and Moral Uses of Animals,” in *The New England Journal of Medicine* 302 (1980): 115–18.
16. The analysis of these mistakes is given in what Kant calls the “Transcendental Dialectic,” which is the Second Division of the Second Part (Transcendental Logic) of the Transcendental Doctrine of Elements. The position Kant is defending is deep and difficult—but the general point he makes in the Transcendental Dialectic is readily accessible. Confusions and errors resulting from the misapplication of concepts in thinking about our *selves* he treats in a chapter called “The Paralogisms of Pure Reason”; confusions and errors resulting from the misapplication of concepts in thinking about *the world as a whole* he treats in a chapter called “The Antinomy of Pure Reason”; confusions and errors resulting from the misapplication of concepts in thinking about *God* he treats in a chapter called “The Ideal of Pure Reason.” In all three spheres the categories (of which causation is only one example) that make sense only when applied to phenomena in our direct experience cannot be rationally employed. His analyses are penetrating and telling; the metaphysical blunders he exposes result in every case from the attempt to use categories having applicability only in one sphere in a very different sphere where they can have no applicability whatever.