

## Diversifying Syllabi 2015 Text Summary and Teaching Tips

SECTION ONE: to be completed by presenter

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**Article/Essay Title: Animal Rights and the Values of Nonhuman Life**

**Author: Elizabeth Anderson**

**Readability:** Easy/Moderate/Difficult

**Thesis:** Anderson argues for a negative thesis and a positive thesis in this piece. First, negatively, she argues that there can be no simplistic derivation of the intrinsic value or rights of nonhuman life from capacities alone (as the argument from marginal cases would hold). Second, positively, she argues for a rational attitude theory of value that accommodates the plurality of values of nonhuman life.

### **Key Definitions:**

- *Intrinsic value of nonhuman life:* the value something has “in [its] own right, not derived from the ways [it] serve[s] human welfare.”
- *Animal welfare perspective:* The criterion for moral considerability here is sentience or capacity for suffering and the response is equal consideration of interests (regardless of species).
- *Animal rights perspective:* The criterion for moral considerability is subjecthood (understood as sentience plus higher capacities, such as having emotions, propositional attitudes, and narrative self-orientation) and the appropriate response is to recognize the equal rights (such as right to life and freedom to exercise normal capacities) that all nonhuman life with the relevant capacities has (regardless of species).
- *Environmentalist perspective:* The criterion is being a (natural) system of life (such as an ecosystem) and the appropriate response is the preserve and maintain the health of that life.
- *Argument from marginal cases*
  1. “Most humans have morally relevant capacities...that no animal has. Yet we do not treat possession of distinctively human capacities as a prerequisite for having rights or being entitled to equal consideration”
  2. “All such humans have the rights” not to be subject to awful treatment (e.g., killed for food, imprisoned, experimented on, etc.)
  3. “These rights [in 2] are grounded in the possession of morally relevant capacities, such as sentience and will, that nonhuman creatures also have.”
  4. “To be morally consistent, therefore, we must extend these same rights or consideration to any creature with equivalent capacities.”
- *Rational attitude theory of value:* Holds that “to be valuable is to be the proper object of a rationally favorable attitude”

## **Brief Summary:**

In this piece, Anderson wants to *complicate* our view of the intrinsic value of nonhuman life and the rights that non-human animals have. First, she is going to argue that there can be no simplistic derivation of rights from capacities (as those who endorse the *argument from marginal cases* hold), but that rights are dependent on context. Second, Anderson holds that there is a plurality of qualitatively different values in the case of nonhuman life. Anderson thinks that we should favor a *rational attitude theory of value* that will allow us to accommodate the complexity and plurality of values regarding nonhuman life.

## **Three perspectives.**

Anderson starts her article discussing three perspectives that people have brought to bear on the value and rights of nonhuman life (see above for definition): the *animal welfare* perspective, the *animal rights* perspective, and the *environmentalist* perspective.

Anderson then notes how these three different perspectives can conflict with each other—how, for instance, environmentalists might find something called for (e.g., culling a elk population because it is devastating the area's aspen trees) that someone with an animal welfare or rights perspective might find objectionable.

Anderson thinks that she finds something attractive in all of these different perspectives but that none of them successfully “generate[s] a valid principle of action that does justice to all the values at stake” (279). Instead, Anderson is going to argue that we have to pay attention to the *plurality of values* and that the best way to do this is through a *rational attitude theory of value*.

## **The argument from marginal cases**

Anderson notes that the central argument for the animal welfare and rights position draws on what is known as *the argument from marginal cases* (AMC). See above for a reconstruction of the argument.

Anderson is going to argue that the AMC “fails to appreciate the rich complexity of both animal and human lives, and the ways this figures in rights claims” (280). The problem, Anderson says, is that the AMC attempts to *immediately derive* principles of justice from the *intrinsic capacities of moral patients*. This is too simplistic. In addition to the capacities of the patient, we also need to take stock of the *natural of moral agents*, the natural and social *relations* that *moral agents have with moral patients*, and the *social meaning* of those relations.

## **Why is the AMC too simplistic?**

Anderson thinks that the AMC is too simplistic, and that a variety of *test cases* can show this.

## **The language case: chimps, parrots, and toddlers**

Here's the problem case: Suppose that chimps and parrots can be taught language to the level of a toddler. There are some humans whose language acquisition capacities are limited to that of a toddler. The humans have a moral right to be taught a language. If rights depend only on the capacities of the moral patient, then chimps

and toddlers have the right to be taught a language. But this is absurd, and so rights can't only depend on the capacities of the patient.

Anderson mentions a possible modification: change from capacities to *interests*. The reason that the human being has the right is because it has an interest in engaging in a characteristic species life. Chimps and parrots don't have a characteristic species life like this and so they don't have an interest that grounds the right. Anderson says that this is "partly right" but that the "significance of species membership to the good of an animal goes beyond [determining what interests an animal has]" (282). To show this, she turns to the case of dignity.

### **The dignity case: the Alzheimer's patient and the dog.**

Anderson holds, following Nussbaum, that there is a human dignity that involves "matters of making the body fit for human society, for presentation to others" (282). What this means, says Anderson, is that we have to treat others bodies in a way that allowed them to be "dignified, protected from the realm of disgust, and placed in a cultural space of decency" (ibid). The case here is this. Some Alzheimer's patients have the same mental capacities as dogs. But if you were to have the Alzheimer's patient eating from a bowl like a dog, this would be a degrading of that patient. If you were to dress up a dog like a nursing home patient, this would make a mockery of the dog.

Anderson thinks that this sort of case shows that the animal dignity of humans is "essentially tied to their human species membership" and this is conceived "hierarchically in relations to nonhuman animals" (282). There is no way, Anderson says, to "place animals on an equal footing in this system of meaning" (ibid). The take away from this case is that /interests are unintelligible from a system of meanings where species membership, hierarchically conceived, is morally significant/ (283). Anderson holds that this does not *deny* nonhuman animals dignity or moral standing, but that such standing or dignity must be *species-specific*.

### **The provision case: toddlers and starving dolphins.**

The case: Some sophisticated nonhuman animals, like dolphins, have capacities equal to toddlers. Toddlers have a right to food, shelter, love, etc., provided directly by humans in human society. If it's just the patient's capacities that matter, then dolphins have the same rights that toddlers have. But this is absurd, and so it can't just be that the patient's capacities matter.

How could this be handled? Animals have interests in exercising certain species-typical behaviors and to draw animals away from such behavior, through provision of food and shelter, would be "bad for the animals."

Modified case: What if you came across a pod of starving dolphins? Do they have a right to be fed? The environmentalist might think so (if the dolphins are key to the ecosystem), but that wouldn't entail that the individual dolphins have a moral right to food. Anderson holds that "in general, individual animals living in the wild do not have a moral right to our direct protection and provision, even if they need it to survive" (284).

Why should this be so? Anderson holds that the rights of provision *depend on membership in human society*. Merely having similar capacities is not significant to include an entity into human society—that there has to be a further membership

relationship to justify the right. Humans born into society automatically get this provision. This helps us make sense of the different rights that wild and domestic animals have.

### **The vermin case, reciprocity, and cooperation**

Contractualist skeptics about animal rights, Anderson says, hold the following: “animals cannot have rights because they lack the rational capacity to enter into the required reciprocal relations with other rational agents.”

Anderson notes that there are two options for responding to this sort of position here. One is to pursue an AMC-style denial of the claim that reciprocal relations are necessary for the possession of moral rights. Anderson thinks that this isn't going to be very promising.

A second option is to “deny...that animals are incapable of entering into reciprocal relations with humans” (286). Anderson then cites some cases of reciprocal relations that humans have with animals, such as the joint activity of horsemanship, dog training, and so on. What these cases show, Anderson says, is that some animals have the “capacity to engage in a mutual accommodation of interest” with humans and that this could be sufficient to ground rights.

As a negative case here, Anderson provides the example of *vermin*. Vermin are creatures with whom we are in “a permanent state of war” and with whom “there is no possibility of communication, much less compromise” (288). Because of the “essentially antagonistic” relationship that humans have with vermin, vermin can be “killed, deprived of subsistence, and driven out of their human niches” (288).

### **The negative conclusion against the AMC**

Anderson holds that the above cases show that the AMC “misses out on the implicit social background requirements for rights, because it models animal rights claims on human rights claims, where these requirements are taken for granted” (288).

Anderson thinks that there are certain conditions that animals must meet in order to have rights. The first is that, for there to be a *negative right* against interference, there must be a *possible peace* between animals and humans. The second is that, for there to be a right of *positive* provision, there must be *actual incorporation* into human society. The third is that to have a right to be incorporated within human society depends on such incorporation being “necessary to the animal.” The fourth is that to have a right *not* to be incorporated into human society depends on the fact that “such a life would be bad for the animal.”

This means that there are also *historically contingent facts about human beings* that matter for animal rights, such as the situation of humans (e.g., hunter-gatherer society had to hunt animals). If we don't have options for survival but to kill animals, then animals won't have such rights.

### **Positive position**

Anderson argues that “there is no single criterion of moral considerability” and that we need to recognize “a plurality of different values” (290). Anderson offers a *rational attitude* theory for dealing with this. Here's how that's supposed to work. First, Anderson makes a claim about the nature of value: “All claims of value

addressed to human beings are normative for some human response: They prescribe an 'ought' for our feelings, deliberations, and actions" (290–91)

- “Different *kinds* of value are normative for *kinds* of favorable response or ways of valuing”
  - Way of valuing: “a favorable attitude, which is a complex of emotional dispositions toward, beliefs about, and patterns of deliberation and action oriented toward what is valued”
- We are interested in *ways of valuing animals intrinsically*. The intrinsic valuation of animals is valuation “not justified by appealing we care about ourselves” and includes “respect, love, admiration, and consideration.”
- “An evaluative claim is valid when it is apt or rational for us to respond in the prescribed way”
- “Thus, to be valuable is to be the proper object of rational favorable attitude”

There are some attitudes that are rational to take toward animals: sympathy, respectful recognition, admiration and awe. Anderson holds that we can make sense of the plurality of values that we saw in the three perspectives at the start of the essay here: the animal welfare perspective corresponds to sympathy (imagine seeing an animal in pain); the animal rights perspective to respectful recognition (such as recognizing the intelligence of a great ape); the environmentalist perspective to awe of the ecosystem and admiration of the individual animals (e.g., the majesty of a lion). Anderson holds that these are *rational responses* to their objects.

### **No easy answers.**

In this section, Anderson wants to highlight the complexity of the issue. Although she isn't going to provide a list of rights that are absolutely valid everywhere, she is going to talk about a few cases and examples. There is some low-hanging fruit we can all agree on (e.g., wanton cruelty is bad), but many of the other cases are more complex than we think (she doesn't think the ethics of animal experimentation as easy as some think; she holds that the value of ecosystems must be balanced against animal rights; that great apes do have some rights to be protected but that this is complex when humans are living nearby in dire situations, and so on).

The take away is this: “If there is a general conclusion to be drawn from this essay, it is that there are no easy answers. Animals have rights, to be sure. But once we acknowledge the plurality of values, the inadequacy of simplistic moral formulas, the dependence of rights on natural and social contexts, and the consequences of their enforcement, we have a lot more work to do to figure out what they are” (296).

SECTION TWO: to be completed by note taker during discussion

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**Article/Essay Title:** “Animal Rights and the Values of Nonhuman Life”

**Author:** Elizabeth Anderson

**Possible Applications:**

Animal Ethics

Immigration Ethics

Abortion (discussion of Argument from Marginal Cases)

Disability

Environmental Ethics

Critical Thinking

Meta-Ethics (monism and pluralism about value)

Contractarianism

**Complementary Texts/Resources:**

Tom Regan, “A Case for Animal Rights”

Jeff McMahan, “Our Fellow Creatures”

Daniel Dombrowski, “Is the Argument from Marginal Cases Obtuse?”

Cora Diamond, “Eating Meat and Eating People”

Rabbit podcast Australia – “stuff you missed in history class”

Martha Nussbaum, “Incommensurability and Desire” (for meta-ethics angle re: pluralism and monism)

**Possible Class Activities:**

- Have students come up with examples of cases where 3 perspectives conflict
- Give students examples of real cases where 3 perspectives conflict and have them 1) identify which perspectives are relevant to the case and 2) how they would decide the case
- Picking examples where 3 views all line up on an issue, to show where the three views agree

**What traditional texts might this text replace?**

None?