

Government and the Welfare of Animals

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Human beings have for some time now possessed both the technological ability to eliminate their dependence on animal products and the cognitive ability to consider the welfare of non-human animals in moral decisions. Meanwhile, the last century has seen further institutionalization and increased severity of the exploitation of non-human animals. In this paper I will outline some reasons why non-human animals should be considered in moral decisions which affect them and show that governments are correct to intervene on the behalf of these animals. Further, I will argue that the correct position for a government interested in following the harm principle, despite any policy of neutrality, is to seek the abolition of the status of non-human animals as the property of human beings. Governments are obligated not only to protect the interests of animals, but to aggressively move towards the abolition of animal exploitation.

Before deciding whether or not the government of a human society ought to involve itself in the treatment of non-human animals, it must be examined whether or not there is a moral obligation to treat animals a certain way. The focus of much of this paper will involve the most obvious and pervasive aspect of our relationship with animals, namely the raising and killing of food animals. The ethical argument against the consumption of meat, or rather the one that argues in the interest of animals, is fairly simple. In raising and killing

animals for meat the suffering inflicted on animals, along with the life they are deprived of, is more valuable than the few moments of taste that a human being enjoys when eating them. This becomes even more important in societies that allow so-called factory farming, which emerges from the preference of commercial farmers of profit over the well-being of livestock.

In terms of the human benefit of eating meat, taste is indeed the issue. Although human animals do obtain nutrition from eating other animals, the ingestion of animal flesh and other animal products is not necessary to a healthy diet. In a joint article, the American Dietetic Association and Dietitians of Canada established that "[well-planned] vegan and other types of vegetarian diets are appropriate for all stages of the life cycle, including during pregnancy, lactation, infancy, childhood, and adolescence" ("Position: Vegetarian Diets"). Further, it is also shown that vegetarian diets have "nutritional benefits", and are in fact healthier than diets that include meat ("Position"). So, not only is it unnecessary for humans to consume animals and animal products as a part of their diet, but humans are better off, at least in terms of physical health, not doing so.

There are, of course, other considerations that must be addressed when considering animal exploitation as a whole. For instance, the current uses of non-human animals by human animals have an impact on other areas of life, such as local and global economies, as well as local and global ecosystems. For our purposes, however, it is enough to know that exploitation of animals is currently widespread, and that in at least some cases, it is unnecessary to human survival or health.

This brings up the central question of this discussion. Since human beings are exploiting animals for the enhancement of their own lives at the expense of the animals'

lives, there may be a case for the intervention of government on behalf of non-human animals. *Prima facie* whether or not the state should intervene on behalf of animals seems to hinge on a policy of state neutrality. After all, even though many are satisfied by the arguments against animal exploitation, the number of people in favour of actually doing something about it, at the cost of their own habits, is fairly low. For an issue that will hardly be decided unanimously, it would seem that a state with a policy of neutrality would be forced not to act on the issue.

Of course, a policy of total neutrality on the activity of members within a society is not possible if there is to be a government for that society. At a minimum, it seems that governments serve the purpose of protecting members of that society. So, there is a case for government to take a stance on animal welfare, if non-human animals count as members of the moral community considered by the society. This amounts to the question of whether or not the harm principle applies to non-human animals.

The harm principle, as formulated by John Stuart Mill, states that “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others” (Mill 52). When attempting to determine whether or not non-human animals fit into the picture, this formulation may seem to exclude them. After all, as much as one may consider animals to have important value, it would be extremely difficult to defend the view that non-human animals are generally ‘civilized’ without rendering the definition of civilization pointless.

So far, we’ve been examining a divide within the animal kingdom, namely that between human animals on the one hand, and all other animals on the other. However, the view that this a morally significant distinction must be defended if it is to provide the

framework for an ethical discussion of animals.

Peter Singer points out that, since some human beings have severely deficient in mental development, "it is clearly not the case that all humans have cognitive ability above all nonhuman animals" (Singer, "Speciesism" 570). Douglas Hofstadter takes a similar approach in *I Am a Strange Loop*, in which he considers the 'souledness', or level of consciousness, among different animals and species of animals. On his account, the idea is that "some souls, provided they were 'small enough', could legitimately be sacrificed for the sake of the desires of 'larger' souls" (Hofstadter 14). He then attempts to plot various sorts of entities along a scale ranging from "lots of consciousness" to "little or no consciousness", with normal adult humans at the top and microbes, viruses and then atoms at the bottom (19). However, unlike Singer, Hofstadter counts normal adult human beings as the most conscious, followed by "mentally retarded, brain-damaged and senile humans" (19). His list is not complete, since it immediately progresses to dogs rather than mentioning any other primate species, or other supposedly intelligent animals, but it is unclear whether Hofstadter considers some animals to have adequate 'souledness' to be more valuable than some humans.

Indeed, this inequality between different animals does create an apparent gap between the 'normal' adult human and the next non-human animal, even if some human beings fall below the cognitive capabilities of some animals. This gap opens up a potential dividing line for moral consideration. Opponents of animal rights, such as R. G. Frey argue that "human life is of a much higher quality than animal life [...] because of richness; and the value of a life is a function of its quality" (Frey 194). This assessment may be correct, but this does not give human beings a wholesale warrant to use animal life as it sees fit, for

any purpose that improves its own quality of life. One may even argue that human beings should strive for greater balance between species, seeking to improve the quality of life for non-human animals, perhaps even at the cost of the quality of human life. Indeed, the distinction between levels of cognition may not be the relevant issue at all. Singer demands that equal consideration be given to all animals not on their intellectual merits. Instead, he follows Jeremy Bentham in requiring that any animal's "suffering be counted equally with the like suffering — in so far as rough comparisons can be made — of any other being" (Singer, "All Animals are Equal" 175). That is, although human and non-human animals may vary in the richness of their thoughts, they experience pain, discomfort and other suffering similarly. As such, the suffering of all animals deserves equal consideration; any other position is speciesist, allowing "the interests of [one's] own species to override the greater interests of members of other species" (175).

One may object that non-human animals do not properly belong in the moral community of a society, because when they are not exploited for labour, food or materials, they do not contribute to that society. These animals generally do not participate in the development or functioning of a human state. They do not partake in the economy, or pay taxes which would entitle them to protection from the state. In the Hobbesian sense, they cannot leave the state of nature; they do not enter into contracts and therefore do not give up any rights for state protection. For most modern, western societies, this idea does not stand up to scrutiny. The foreign policies of many developed nations include efforts to defend human rights in nations which they do not govern. Severe human rights violations are often met with opposition from these countries, even though the people involved are not participants in the intervening state's government or economy, nor have they formed any

contract with the state aiming to protect them. In many cases, the goals of the intervening state are political in nature, but they are at the very least purported to be in the interest of protecting human rights and punishing those who violate them. This view is inconsistent with the claim that non-human animals are therefore outside of the realm of moral consideration simply because they are not social participants.

It seems that, given the way modern states operate, if they are to be consistent they must abandon a speciesist position and give serious consideration to the inclusion of non-human animals into their range of moral consideration, and consequently their policy-making. Non-human animals are relevant members of the moral community, and, consequently, they are entitled to state protection under the harm principle.

From this, it must be determined what form such a policy would take. There must be a decision on whether non-human animals have certain legal rights (or natural ones, as is often said) in the same manner as human animals. It is clear rather immediately that not all rights currently granted to human beings are relevant to other animals (Singer, "All Animals are Equal" 172). For instance, the right to vote and the right to religious freedom do not seem particularly helpful to a dolphin or a dormouse. The right to life and to certain freedom of movement, on the other hand, may be, if rights are deemed the appropriate means of creating consistency in policy.

The decision on whether or not non-human animals are entitled to rights, in either the legal or natural sense, has an important consequence. Among those who advocate for animals, there are currently two camps: those in favour of the abolition of current human practices involving animals, and those promoting animal protection (or animal welfare). The difference is in the degree of strength afforded to the cause of non-human animals. The

abolitionist position holds that non-human animals deserve certain rights, be they natural rights or legal ones. As a result of these rights, abolitionists hold that human beings cannot view other animals as their property, and cannot exploit them for personal or economic gain. The protectionist or welfarist position, on the other hand, allows for the exploitation of animals provided that certain minimum conditions, which vary between those that hold this position, be met. Generally, those advocating animal protection argue that animals must be raised and treated humanely, and among those that allow the killing of animals for food, slaughtered in as painless a manner as possible.

One confusion in the above descriptions ought to be cleared up. There are many who fall appropriately in the welfare camp who also have an aim of eliminating the exploitation of animals, just as the abolitionist does. These include Robert Garner, who draws an important distinction between "what is prescribed by ethics and what is achievable politically or strategically" (Francione and Garner 105). The fact that abolition is a hard sell politically means that, at least at present, those interested in protecting animals ought to take steps to improve their predicament. For Garner, "animal welfare measures that do reduce suffering *are* preferable to not acting" (122). For Garner, animal welfare is worth having for its own sake, not only as a step towards abolition, because it reduces suffering. Further, Garner credits the presence of the issue to those acting in the protectionist fashion. He argues that these actions which led to the growth in vegetarianism are the "only reason promoting veganism is now a more credible goal" (123). So, on Garner's view, the actions of those taking the welfare strategy are essential to achieving abolition, if abolition will ever be achievable.

Gary L. Francione argues that this transition doesn't work, because "the welfarist

and rights positions are in fundamental and irreconcilable tension" (Francione and Garner 5). For Francione, the welfarist position is utilitarian (13) because it holds that its consequences are desirable and as such, it ought to be taken up. However, he argues that the utilitarian perspective opens up the door to animal exploitation because it considers human benefit superior to the prevention of harm for animals. As was seen with Singer, Hofstadter and Frey, human beings are considered more valuable than animals because of their cognition. This manifests in two forms: where "animals do not have an interest in their own lives" (13) and where animal "interests generally are of lesser weight relative to those of cognitively superior animals" (13). The value of human life above that of non-human animals is counted because humans are actively aware of the consequences of their own deaths, and because they have superior capabilities and richness of life, as Frey argues. This is incompatible with the animal rights view, because rights must be viewed on equal footing. Under the animal rights position of the abolitionist, the exploitation of animals is never acceptable, even when it is less severe than the worst of cases. So, the proponent of animal rights can never allow for any exploitation of animals, and supporting welfarist strategies is inconsistent.

Francione also states that the animal welfare position damages the abolitionist one, because it "makes the public feel more comfortable about using animal products" (Francione and Garner 26). That is, people accept animal products on the grounds that the animals were treated 'humanely'. For the animal rights advocate, 'humane' exploitation is still unacceptable. Francione also shows that this is reflected in law, as legal welfarism has not had such a positive impact. This sort of protectionism "effectively [permits] any animal treatment that is part of an institutionally recognized use of animals" (161). In effect, the

welfare strategy is incapable of overturning widespread animal exploitation.

Given this failure, it seems that in order to fulfill their obligations to non-human animals shown above, human states must adopt an abolitionist position towards animal exploitation.

Our particular topic of examination was the human consumption of meat, as it is perhaps the most widespread exploitations of animals in the developed world. Garner says that only "if eating meat is unnecessary, in the sense that it does not serve any significant human benefit, can it be prohibited from an animal welfare perspective" (Francione and Garner 111). But, as we have seen above, eating meat is unnecessary, as a vegan diet can provide all the requisite nutrition. The only human benefit to be obtained is that of taste. Admittedly, the taste of meat is something that many human beings enjoy and would have trouble abandoning, but compared to the scale of the burden this puts on other animals, it may not be worthwhile when considering a complete moral community. Vegetarian and vegan menus, meanwhile, are not devoid of flavour, and even some respectable approximations of the taste of meat do exist. So, it seems that a state is warranted in prohibiting the eating of meat from both the abolitionist, rights-based perspective, and the protectionist, animal welfare perspective. Given that the harm principle seems to favour the stronger, abolitionist perspective, governments ought to prohibit the human consumption of meat.

One point on behalf of the welfare position is that animal exploitation cannot be abolished overnight without significant harm to human societies. Economic problems would result from the loss of jobs in the farming industry. If taken absolutely and immediately, the animal rights position could result in immediate food shortages, as the

crops currently grown to feed animals are not prepared for human consumption.

Agribusiness will need to be converted to be entirely plant-based rather than animal-based, and this will take time. However, the abolitionists are correct to say that this should not be what stops abolition from moving ahead. If the state must consider animals as eligible for protection under the harm principle, it must immediately begin action. If farms cannot be converted immediately, then the minimum amount of time required to transition a society to a vegetarian, and then a vegan one, must be established and acted upon. The more time that is wasted in this progression, the greater the failure of the state to act in the defence of those it is morally obligated to defend.

Another important consequence of granting animals rights, to the extent that they cannot be regarded as property, is the keeping of animals as pets. If non-human animals cannot be property of human beings, it would seem as though they would not be able to live with humans. After all, many domesticated animals, even though they seem to be genuinely happy in their homes, will instinctively leave if they are allowed to, even if merely to explore or chase a passing animal or object. In some cases, the animal would desire to return 'home', but may not be able to find their way. In this case, it seems as though giving animals full liberty would prevent them from feasibly living in environments with human beings, and would discourage the reproduction of domesticated animals.

Similar questions arise from the breeders of animals, such as dogs or birds, who select mating partners for their animals. If animals are meant to be autonomous, free individuals, it would seem that the selective breeding would be morally wrong, and would have to be legally prohibited if the abolition of animal ownership were adopted.

One alternative option to granting non-human animals some rights, but still

allowing them to live as pets, or at least companions, to human beings is to regard these animals as under the guardianship of certain humans. In this sense, they are not property of these humans, but they are under the care of certain humans, in much the same way as a child is under the care of his or her parents or guardians. This leaves open questions about what is acceptable for the breeding. Although these animals tend to voluntarily breed, the breeder does make selections for the animal in a way that does not generally coincide with a parent's role in a modern liberal society.

The allowance of guardianship for pets seems to open up exploitation of animals in the labour and testing cases. In order to prevent this, there would have to be a legally established minimum level of freedom for non-human animals who are domesticated. For instance, a prohibition on certain kinds of labour and on certain types of biological testing would have to be set on all animals under human guardianship. Once again, this works analogously to how a child is to be raised. Despite the fact that children have limited rights in society, compared to adults, and are under the guardianship of their parents or legal guardians, there are minimum living conditions and standards of treatment that must be met. Failing to adequately provide for and protect a child, or causing harm to a child, can be met with a loss of status as guardian, as well as other legal consequences. For animals, a similar system could be adopted. In this case, guardianship is welfarist, in Francione's sense, but at least it grants some value to the animal in itself, compared to the property position. This is dangerous ground, as in the case of the eating of animals it is arguably damaging to give human beings excessive control over how animals are treated. As such, it may be an appropriate last issue to resolve in the move towards abolition.

Abolition of exploitation is the appropriate stance for government to take towards

the treatment of non-human animals. It has been shown that, in accordance with the harm principle, these animals are eligible for protection by a society that also protects its human members and seeks a coherent, consistent system of law. It has also been seen that the most institutionalized and commonplace exploitation of non-human animals is unnecessary, and so whether one seeks animal rights or a weaker protection of animals, some of these institutions must be abolished. Further, welfare-focused protection measures are inadequate to enact changes within society, and so abolition is necessary to meet the required state position.

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