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Gary Francione: Questions and Answers on *Introduction to Animal Rights: Your Child or the Dog?* (an interview done in 2000)

There is a great deal of confusion surrounding the public debate on the matter of animal rights. This confusion is attributable in large part to the fact that there has been to date no theory of animal rights that is easily accessible and does not require that the reader have a background in philosophical theory or law. In an attempt to provide a theory of animal rights that explains the rights position in a simple and straightforward way, I have written a book entitled, *Introduction to Animal Rights: Your Child or the Dog?*, published by Temple University in July 2000. The following questions and answers cover some of the topics that I address in the book.



Is there a difference between the animal rights position and the animal welfare position?

Yes. The animal rights position holds that that we ought to abolish the institutionalized exploitation of nonhumans. The animal welfare position holds that it is acceptable for us to use animals for at least some purposes, but that we must regulate animal use so that we treat animals 'humanely' and do not impose 'unnecessary' suffering on them. Animal welfare advocates maintain that we must 'balance' human and animal interests to determine whether animal use is appropriate in particular circumstances. The animal welfare position is reflected in laws, such as state anticruelty laws, or federal regulatory laws, such as the Animal Welfare Act, which concerns the use of animals in experiments, or the Humane Slaughter Act.

Does the animal welfare position succeed in providing any significant protection to animals?

No. There can be no meaningful balance of human and animal interests because animals are our property. They are commodities that we own and that have no value other than that which we as property owners choose to give them. It is simply nonsense to talk about balancing the interests of property against the interest of property owners. If someone suggested that you balance your interests against those of your automobile or your wristwatch, you would quite correctly regard the suggestion as absurd. Your automobile and your watch are your property.

They have no morally significant interests; they are merely things that have no value except that which you, the owner, accord to them. Because animals are merely property, we are generally permitted to ignore animal interests and to inflict the most horrendous pain and suffering or death on animals when it is economically beneficial. The failure of animal welfare cannot be doubted: there have been animal welfare laws of various types in existence for almost 200 years and we are using more animals today, and in more horrific ways, than we were in 1850.

If animals have rights, does that mean that they have all the same rights as do humans?

No, of course not. It would make no sense to say that animals have a right to vote or drive, or a right to an education, or a right to be free from discrimination in the workplace. The animal rights position maintains that animals have one right: the right not to be treated as the resources or property of humans. Treating animals as property is inconsistent with according animals any moral significance at all; as long as animals are property, then they will necessarily be excluded from the moral community.

Our various uses of animals for food, clothing, entertainment, and science all assume that animals are our resources, and none of these forms of institutionalized exploitation would be permissible were we to recognize that animals have this one right not to be property.

What is a 'right'?

There is a great deal of confusion that surrounds the concept of rights. For our purposes, we need to focus on only one aspect of the concept of a right that is common to virtually all theories about rights: a right is a particular way of protecting interests. To say that an interest is protected by a right is to say that the interest is protected against being ignored or violated simply because it will benefit someone else to do so. We can think of a right of any sort as a fence or a wall that surrounds an interest and upon which hangs a no trespass sign that forbids entry even if it would be beneficial to the person seeking that entry. For example, my right of free speech protects my interest in self-expression even if other people do not value that expression and would stifle my speech merely because it would benefit them or because they disagree with me.

My right to liberty protects my interest in my freedom regardless of the value that others attach to that interest. If other people think I should be imprisoned for no other reason than that my imprisonment will benefit them, my right to liberty will prevent such treatment. To say that an animal has a right not to be treated as our property means that the animal's interest in not being treated as an economic commodity should be protected and should not be violated simply because it would benefit humans to do so.

What is the basis of an animal's right not to be treated as our property?

The basis is the principle of equal consideration, which holds that as a fundamental moral matter, we ought to treat like cases alike. Human and nonhuman animals are alike in at least one respect and unlike everything else in the universe - they are sentient, or capable of experiencing pain. Nonhuman animals have an interest in not suffering just as humans have an interest in not suffering.

We recognize that among humans there is a wide range of interests in that almost no two humans prefer or want or desire the same things. Some humans prefer La Boheme; others prefer Pink Floyd. Some humans have interests in obtaining a university education; others prefer to learn a trade; still others may be retarded and have absolutely no interest in either higher education or trade training. But all humans who are not brain dead or otherwise nonsentient have an interest in avoiding pain and suffering. Although we do not protect humans from all suffering, and although we may not even agree about which human interests should be protected by rights, we generally agree that all humans should be protected from suffering that results from their use as the property or commodity of another human. We do not regard it legitimate to treat any humans, irrespective of their particular characteristics, as the property of other humans. Indeed, in a world deeply divided on many moral issues, one of the few norms endorsed by the international community is the prohibition of human slavery. And it is not a matter of whether the particular form of slavery is 'humane' or not; we condemn all human slavery. It would, of course, be incorrect to say that human slavery has been eliminated entirely from the planet, but the institution is universally regarded as morally odious and is legally prohibited.

We protect the interest of a human in not being the property of others with a right, which is to say that we do not allow this interest to be ignored or abrogated simply because it will benefit someone else to do so. And the right not to be treated as the property of others is basic in that it is different from any other rights that we might have because it is the grounding for those other rights; it is a precondition for the possession of morally significant interests. If we do not recognize that a human has the right not to be treated exclusively as a means to the end of another, then any other right that we may grant her, such as a right of free speech, or of liberty, or to vote or own property, is completely meaningless.

To put the matter more simply, if I can enslave you and kill you at will, then any other right you may have will not be of much use to you. We may not agree about what other rights humans have, but in order for humans to have any rights at all, they must have the basic right not to be treated as a thing.

The principle of equal consideration requires that we treat similar interests in a similar way unless there is a morally sound reason for not doing so. Is there a morally sound reason that justifies our giving all humans a basic right not to be the property of others while denying this same right to all animals and treating them merely as our resources?

The usual response is to claim that some factual difference between humans and animals justifies this dissimilar treatment. For example, we maintain that animals cannot think rationally or abstractly, so it is acceptable for us to treat them as our property. In the first place, it is as difficult to deny that many animals are capable of rational or abstract thought as it is to deny that dogs have tails. But even if it is true that animals are not rational or cannot think in abstract ways, what possible difference could that make as a moral matter? Many humans, such as young children or severely retarded humans, cannot think rationally or in abstract terms, and we would never think of using such humans as subjects in painful biomedical experiments, or as sources of food or clothing. Despite what we say, we treat similar animal interests in a dissimilar way, and thus deprive animal interests of moral significance.

There is no characteristic that serves to distinguish humans from all other animals. Whatever attribute that we may think makes all humans 'special' and thereby different from other animals, is shared by some group of nonhumans. Whatever 'defect' we may think makes animals inferior to us is shared by some group of us. In the end, the only difference between them and us is species, and species alone is not a morally relevant criterion for excluding animals from the moral community any more than is race a justification for human slavery or sex a justification for making women the property of their husbands. The use of species to justify the property status of animals is speciesism just as the use of race or sex to justify the property status of humans is respectively racism or sexism. If we want animal interests to have moral significance, then we have to treat like cases alike, and we cannot treat animals in ways in which we would not be willing to treat any human.

If we apply the principle of equal consideration to animals, then we must extend to animals the one basic right that we extend to all human beings: the right not to be treated as a thing. But just as our recognition that no humans should be the property of others required that we abolish slavery, and not merely regulate it to be more 'humane,' our recognition that animals have this one basic right would mean that we could no longer justify our institutional exploitation of animals for food, clothing, amusement, or experiments. If we mean what we say and we regard animals as having morally significant interests, then we really have no choice: we are similarly committed to the abolition of animal exploitation, and not merely to its regulation.

Is anything more than sentience required for an animal to have a basic right not to be treated as our property?

No. There are some who argue that chimpanzees or other great apes should have rights because of the genetic and mental similarities between great apes and human beings. But this position merely reasserts the arbitrary moral hierarchy of human characteristics: the great apes have moral status because they are like us and it is our characteristics that define moral significance. Dogs are not similar to humans in the same ways that the great apes are, but dogs are still beings who are conscious of pain. If we predicate moral status on the possession of human characteristics, we exclude from the moral community more than 99.5% of the animals that we exploit.

Will animals ever have a legal right not to be treated as things before there is a change in our general social attitudes about animals?

No. There will be no significant change in the status of animals as property as the result of court cases or legislation until there is a significant social change in our attitude about animals. That is, it is not the law that will alter our moral thinking about animals; it must be the other way around. It was not the law that abolished slavery; indeed, the law protected slave ownership and the institution of slavery was not abolished by the law but through the Civil War. Women did not get the right to vote until the United States Constitution was amended. Animal exploitation is not going to be ended by a pronouncement of the Supreme Court or an act of Congress—at least not until a majority of us accept the moral position that the institution of animal property is morally unacceptable. The present-day world economy is far more dependent economically on animal exploitation than were the Southern United States on human slavery. Legal protection for animal interests in not being property will only come after we as a society become repulsed by our domination of animals as we were repulsed by human slavery.

Often people say domestic animals, such as cows and pigs, and laboratory rats, would not exist were it not for us bringing them into existence in the first place for our purposes. So is it not the case that we are free to treat them as our resources?

No. The fact that we are in some sense responsible for the existence of a being does not give us the right to treat that being as our resource. Were that so, then we could treat our children as resources. After all, they would not exist were it not for our actions—from decisions to conceive to decisions not to abort. And although we are granted a certain amount of discretion as to how we treat our children, there are limits: we cannot treat them as we do animals. We cannot enslave them, sell them into prostitution, or sell their organs. We cannot kill them.

Indeed, it is a cultural norm that bringing a child into existence creates moral obligations on the part of the parents to care for the child and not to exploit the child. It should be noted that one of the purported justifications for human slavery in the United States was that many of those who were enslaved would not have existed in the first place were it not for the institution of slavery. The original slaves who were brought to the United States were forced to breed and their children were considered as property. Although such an argument appears ludicrous to us now, it demonstrates that we cannot assume the legitimacy of the institution of property—of humans or animals—and then ask about whether it is acceptable to treat property as property. The answer will be predetermined. Rather, we must first ask whether the institution of animal (or human) property can be morally justified. We cannot justify the institution of animal (or human) property simply because we are responsible for bringing certain beings into existence because to do so would beg the central moral question from the outset. Indeed, it is the property status of animals that creates the conflicts between humans and animals that we seek to resolve through our moral analysis of the human/animal relationship.

Isn't human use of animals a 'tradition' or 'natural' and, therefore, morally justified?

Every form of discrimination in the history of humankind has been defended on the grounds that it represents a 'tradition.' For example, sexism is routinely justified on the ground that it is traditional for women to be subservient to men: 'A woman's place is in the home.' Human slavery has been a tradition in most cultures at some times. The fact that some behavior can be described as traditional has nothing to do with whether the behavior is or is not morally acceptable.

In addition to relying on tradition, some characterize our use of animals as 'natural' and then declare it to be morally acceptable. Again, to describe something as natural does not in itself say anything about the morality of the practice. In the first place, just about every form of discrimination has also been described as natural as well as traditional. The two notions are often used interchangeably. We have justified human slavery as representing a natural hierarchy of slave owners over slaves. We have justified sexism as representing the natural superiority of men over women. Moreover, it is a bit strange to describe our modern commodification of animals as natural in any sense of the word. We have created completely unnatural environments and agricultural procedures in order to maximize profits. We do bizarre experiments in which we transplant genes and organs from animals into humans and vice versa. We are now cloning animals. None of this can be described as natural. Labels such as 'natural' and 'traditional' are just that: labels. They are not reasons. If people defend the imposition of pain and suffering on an animal based on what is natural or traditional, it usually means that they cannot otherwise justify their conduct.

A variant of this question focuses on the traditions of particular groups. For example, in May 1999, the Makah tribe from Washington State killed its first gray whale in over 70 years. The killing, which was done with steel harpoons, anti-tank guns, armor-piercing ammunition, motorized chase boats, and a \$31,000 grant from the federal government, was defended on the ground that whaling was a Makah tradition although no living member of the tribe had ever participated in a whale hunt. But the same argument could be (and is) made to defend clitoral mutilations in Africa and bride-burning in India. These are cultural traditions that are required for cultural identity. The issue is not whether conduct is part of a culture; all conduct is part of some culture. The issue is whether the conduct can be morally justified.

Finally, some argue that since nonhuman animals eat other nonhumans in the wild, our use of animals is 'natural.' There are four responses to this position. First, although some animals eat each other in the wild, many do not. Many animals are vegetarians. Moreover, there is far more cooperation in nature than our imagined 'cruelty of nature' would have us believe. Second, whether animals eat other animals is beside the point. How is it relevant whether animals eat other animals? Some animals are carnivorous and cannot exist without eating meat. We do not fall into that category; we can get along fine without eating meat, and more and more people are taking the position that our health and environment would both benefit from a shift away from a diet of animal products. Third, animals do all sorts of things that humans do not regard as morally appropriate. For example, dogs copulate in the street and eliminate wastes in a rather public fashion. Does that mean that we should do so? Fourth, it is interesting that when it is convenient for us to do so, we attempt to justify our exploitation of animals by resting on our supposed 'superiority.' And when our supposed 'superiority' gets in the way of what we want to do, we suddenly portray ourselves as nothing more than another species of wild animal, as entitled as foxes to eat chickens.

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