

## One right for all

We treat animals how we used to treat human slaves. What possible justification is there for that, asks **Gary Francione**

DO ANIMALS have moral rights? What kind of legal status should we afford them? This debate has become hugely confused. Some animal rights campaigners maintain that we should allow animals the same rights enjoyed by humans. That is, of course, absurd. There are many human rights that simply have no application to non-humans.

I would like to propose something a little different: that a sensible and coherent theory of animal rights should focus on just one right for animals. That is the right not to be treated as the property of humans.

Let me explain why this makes sense. At present, animals are commodities that we own in the same way that we own automobiles or furniture. Like these inanimate forms of property, animals have only the value that we choose to give them. Any moral or other interest an animal has represents an economic cost that we can choose to ignore.

We have laws that supposedly regulate our treatment of our animal property, and prohibit the infliction of “unnecessary” suffering. These laws require that we balance the interests of humans and animals in order to ensure that animals are treated “humanely”. It is, however, a fallacy to suppose that we can balance human interests, which are protected by claims of right in general and of a right to own property in particular, against the interests of animals which, as property, exist only as a means to the ends of humans. The animal in question is always a “pet” or a “laboratory animal” or a “game animal” or a “food animal” or a “circus animal” or some other form of animal property that exists solely for our use. We prohibit animal suffering only when it has no economic benefit. The balance is unbalanced from the outset.

There are parallels here with the institution of human slavery. While we tolerate varying degrees of human exploitation, we no longer regard it as legitimate to treat anyone, irrespective of their particular characteristics, as the



property of others. In a world deeply divided on many moral issues, one of the few norms steadfastly endorsed by the international community is the prohibition of human slavery. Some forms of slavery are worse than others, yet we prohibit all of them – however “humane” – because they more or less allow the fundamental interests of slaves to be ignored if it provides a benefit to slave owners. We recognise all humans as having a basic right not to be treated as the property of others.

Is there a morally sound reason not to extend this single right – the right not to be treated as property – to animals? Or to ask the question another way, why do we deem it acceptable to eat animals, hunt them, confine and display them in circuses and zoos, use them in experiments or rodeos, or otherwise treat them in ways in which we would never think it appropriate to treat any human irrespective of how “humane” we were being?

The response that animals lack some special characteristic that is possessed solely by humans not only flies in the face of the theory of evolution, but is completely irrelevant to whether it is morally permissible to treat

non-humans as commodities – just as differences among humans would not serve to justify treating some as slaves. Also of no use is the response that it is acceptable for humans to exploit non-humans because it is “traditional” or “natural” to do so. This merely states a conclusion and does not constitute an argument.

The bottom line is that we cannot justify human domination of non-humans except by appeal to religious superstition focused on the supposed spiritual superiority of humans. Our “conflicts” with animals are mostly of our own doing. We bring billions of sentient animals into the world in order to kill them for reasons that are often trivial. We then seek to understand the nature of our moral obligations to these animals. But by bringing these animals into existence for reasons that we would never consider appropriate for humans, we have already decided that animals are outside the scope of our moral community altogether.

Accepting that animals have this one right does not entail letting cows, chickens, pigs and dogs run free in the streets. We have brought these animals into existence and they depend on us for their survival. We should care for those currently in existence, but we should stop causing more to come into being to serve as our resources. We would thereby eliminate any supposed conflicts we have with animals. We may still have conflicts with wild animals, and we would have to address hard questions about how to apply equal consideration to humans and animals in those circumstances.

Recognising animal rights really means accepting that we have a duty not to treat sentient non-humans as resources. The interesting question is not whether the cow should be able to sue the farmer for cruel treatment, but why the cow is there in the first place. ●

**“We cannot justify our domination of animals except by appeal to religious superstition”**

**Gary Francione is professor of law and Nicholas deB. Katzenbach Distinguished Scholar of Law and Philosophy at Rutgers University School of Law, New Jersey**