

A black and white photograph of three cows standing behind a barbed wire fence. The cows are looking towards the camera. The fence is made of several strands of barbed wire, with the top strand being the most prominent. The background is a blurred field and sky.

Animal Rights: The Abolitionist Approach

Presents

Animals as Property

by Professor Gary L. Francione

There are very few moral principles that
are embraced by almost everyone.

One such principle is that we should treat animals “humanely” and should not impose “unnecessary” suffering on them.

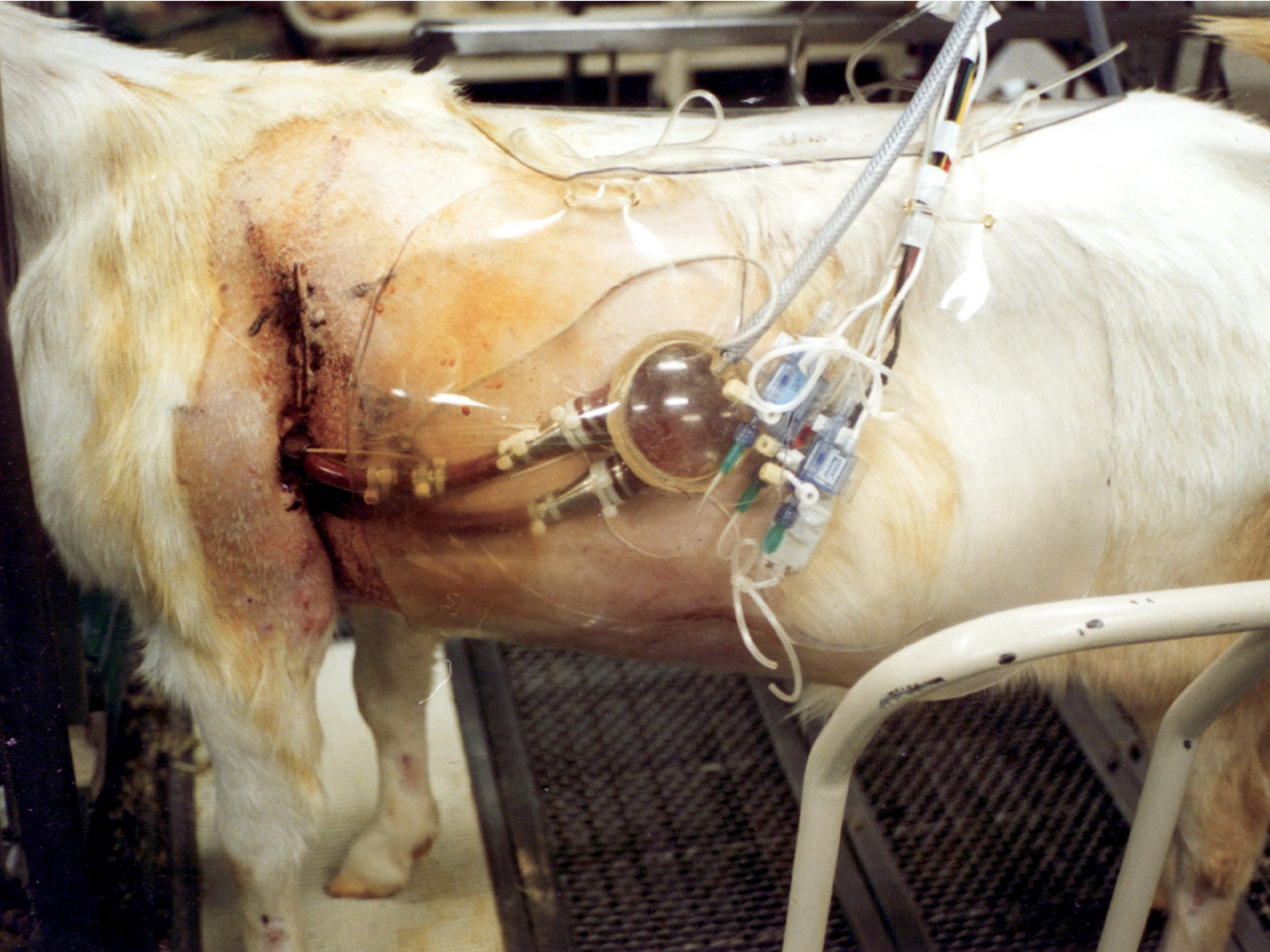


This principle is so entrenched in our moral culture that the legal systems of the United States, Great Britain, and other countries have incorporated it into laws known as “animal welfare laws.”

Animal welfare laws are of two types:

General animal welfare laws, such as anticruelty statutes, purport to prohibit cruel treatment without reference to a particular use or context.

Specific animal welfare laws apply to particular uses, such as the use of nonhumans in biomedical research, or to particular contexts, such as the slaughter of animals for food.



Although there is a tendency to believe that animal welfare laws provide meaningful protection for animals, the reality is that these laws provide very little or no protection.







Animal welfare laws often contain explicit exemptions and do not even apply to many of our uses of animals.

But even if the laws apply, they provide
little, if any, protection.

The reason for this failure is that nonhumans are the *property* of humans.

Animals are *things* that we own and that have only extrinsic or conditional value as means to our ends.

We may as a matter of personal choice attach a higher value to our companion animals, such as dogs and cats, but as far as the law is concerned, even these nonhumans are nothing more than commodities.



As a general matter, we do not regard animals as having any intrinsic value and we protect animal interests only to the extent that it benefits us to do so.

Animal welfare laws supposedly require a “balance” of the competing interests of humans and nonhumans.

But because animals are property,
there can be no meaningful balance.

Animal interests will almost always be regarded as less important than human interests, even when the human interest at stake is relatively trivial and the animal interest at stake involves the life or the suffering of the nonhuman.



The result of any supposed balancing of human and nonhuman interests required by animal welfare laws is predetermined from the outset by the property status of the nonhuman as a “food animal,” “experimental animal,” “game animal,” et cetera.







This inability to balance the interests of property owners against the interests of their property is precisely why the law also failed to protect the interests of slaves.

It was simply not possible to balance the interests of a slave against those of a slave owner.

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Although animal welfare laws supposedly prohibit the infliction on animals of “unnecessary” suffering, we do not ask whether particular animal uses are necessary even though most of the suffering that we impose on animals cannot be characterized as necessary in any meaningful sense.

Rather, we ask only whether particular treatment is necessary given the ways that we want to use animals, but we do not challenge the necessity of the use itself.

To determine whether treatment is necessary and, therefore, “humane,” we look to the customs and practices of the various institutions of exploitation.

We assume that those involved in the activity would not inflict more pain and suffering than required for the particular purpose because it would be irrational to do so, just as it would be irrational for the owner of a car to dent her vehicle for no reason.







For example, although it is not necessary for humans to eat meat or dairy products and these foods may well be detrimental to human health and the environment, we do not ask about the necessity per se of using animals for food.

We ask only whether the pain and suffering imposed on animals used for food go beyond what is regarded as acceptable according to the customs and practices of animal agriculture.

To the extent it is customary for farmers to castrate or brand farm animals, both very painful activities, we regard such actions as “necessary” because we assume that farmers would not mutilate animals for no reason.



The result of this is that the level of care required by animal welfare laws rarely rises above that which a rational property owner would provide in order to exploit the animal in an economically efficient way.

Because animals are property, we consider treatment to be “humane” that we would consider torture if it were inflicted on human beings.



Could we provide better protection for
animals even if they remain our
property?

Sure. But the property status of animals militates very strongly against this. Any significant improvement in animal welfare will cost money. It has to be something that we, as a society, are willing to “purchase.”

And even if we treated nonhumans better, we would still have to confront a fundamental moral question:

What is our moral justification for treating animals as property at all, irrespective of how humanely we treat them?



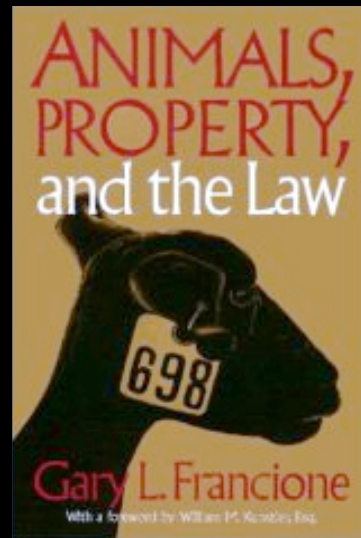
Why do we think that human slavery—even “humane” slavery—is still wrong, but that it is acceptable for us to own and to use nonhuman animals?

There is no morally sound reason to
continue to treat nonhumans as the
property of humans.

So what is the answer?

We should stop treating animals as property. We should *abolish*, and not merely *regulate*, animal exploitation.

This presentation was based on:



Animals, Property, and the Law

Please note: This presentation was not intended to be a complete statement of Professor Francione's views, but only a brief and general introduction to the problems presented by the property status of animals.

*For a further discussion of why we should
not treat nonhumans as our property,
please see our presentation of:*

Theory of Animal Rights

*For a further discussion on the distinction
between the abolition and regulation of
animal exploitation, please see our
presentation of:*

Animal Rights vs. Animal Welfare

Thanks to the Humane Farming Association and Gail Eisnitz for supplying us with some of the slaughterhouse and factory farm photos used in this presentation.

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A black and white photograph of three cows standing behind a barbed wire fence. The cows are looking towards the camera. The fence is made of several strands of wire, with the top strand being barbed. The background is a hazy, open field.

*For further discussions of these and other
animal rights related issues, please visit:*

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