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Animal Rights: Mapping the Debate

Gary L. Francione and Robert Garner, *The Animal Rights Debate: Abolition or Regulation?* Columbia University Press, New York, 2010. 288pp., \$24.50 / £17.00 pb

Tony Milligan, *Beyond Animal Rights: Food, Pets and Ethics.* Continuum, London, 2010. 168pp., £12.99 pb

1. The heterogeneous galaxies of studies revolving around the issue of animal ethics agree on one point: nonhuman animals endure unacceptable levels of suffering due to human exploitation, and this suffering ought to be eliminated. For the rest, philosophers and activists working in this field agree to disagree: they disagree on the moral status of nonhuman animals, on the major goals of pro-animal activism, on the actions to be taken to ameliorate animals' conditions, on the strategies to adopt, and on the results achieved by the various movements to date. The diversity of theoretical positions and practical approaches, and the growing number of works addressing the problem, have generated an intense *internal* debate. Two books published in 2010, Gary Francione and Robert Garner's *The Animal Rights Debate* and Tony Milligan's *Beyond Animal Rights*, help giving a sense of what is presently going on in philosophical circles and mapping the theoretical territory of the animal ethics discourse.

The two books certainly do not (and do not claim to) cover the entire territory, nor attempt to summarize the entire debate; rather, the three authors offer three distinct — and discordant — positions which, though all advocating a revolution in the human treatment of animals, are as distant as the stars in a constellation. Francione and Garner argue that the debate between abolition and regulation of the human use of animal is at the center of modern animal advocacy, and propose two solid and consistent set of arguments: Francione is in favor of the abolition of the human use of animals, while Garner defends a protectionist approach, according to which at least some uses of animals may be justifiable. Milligan, on the other hand, does not propose a thesis or a consistent “package,” but rather attempts a different approach which explores different issues in different ways without relying on fixed and one-dimensional baselines.

2. *The Animal Rights Debate* consists of three parts: a first chapter in which Francione defends the reasons of animal rights, a second chapter in which Garner defends the

reasons of animal protectionism, and a third part reporting a dialogue between Francione and Garner which re-proposes and expands the arguments presented in the two previous chapters. In the first chapter, Francione argues that the animal rights theory, when properly understood, requires the *abolition* of animal use and equates thus “animal rights” with “abolitionism.” The “rights” of animals are encapsulated in *one* right: the right not to be treated as the property of humans, from which derives the recognition that we should stop our institutionalized exploitation of animals, cease bringing domesticated animals into existence, and stop killing non-domesticated animals. The label “animal rights” is therefore misused when adopted for any measure thought to benefit animals in some ways, and this misuse, he argues, has caused a great deal of confusion in the social discourse concerning animal ethics. His argument is in fact explicitly and sharply directed against what he calls the “new welfarist” position, which focuses on the regulation of animal exploitation and is represented here by Garner.

The discussion begins precisely with the rejection of the fundamental premise of the animal welfare approach, that is, that animal life has a lesser moral value than human life, and that, therefore, it is morally justifiable to use animals for human purposes as long as they are treated “humanely.” The abolitionist position states instead that all sentient beings have the same moral value as humans and that we have therefore a moral obligation to abolish animal use irrespective of how “humane” our treatment of animals may be. “Sentience” as a “means to the end of continued existence” (Francione and Garner 15) confers a right to life which protects the right holder irrespective of gains and consequences: “right” is thus defined as “a way of protecting an interest,” and “the interest is protected even if the general welfare would be increased or improved if we ignore that interest” (20). This entails both a rejection of the “welfarist” position defended by Garner and of the utilitarianism *à la* Peter Singer, whom Francione aggregates to the “new welfarism” (on this Garner disagrees). For such a position, veganism is the only “clear and unequivocal moral baseline” (22).

Francione fiercely attacks therefore the claim that the regulation of animal use provides significant protection for animal interests: because animals are chattel property, that is, economic commodities, animal welfare regulation can provide very limited protection for animals, cannot reduce animal suffering in any significant way, and will not lead to either the reduction or the abolition of animal use. On the contrary, Francione argues that animal welfare reforms generally increase production efficiency so that it actually

becomes cheaper to produce animal products. Even worse than that, welfare reforms do make the general public feel more comfortable about animal exploitation, and lead to the disturbing partnership between animal advocates and institutionalized exploiters. The main point is though that animal welfare laws do not question *use* and purport only to regulate *treatment*; that is, for them, “the moral issue is not *that* we are using animals, but only *how* we use them, and that our use of nonhumans is morally justifiable as long as our treatment is acceptable” (57). Moreover, both lawmakers and organizations (Francione’s main examples are PETA and the American Humane Association) defer to the industry to set the standards for “humane” care: therefore, “the level of protection for animal interests is linked to what is required to exploit animals in an economically efficient way” (29).

The critique of the “welfarist” position is aimed at the defence of the abolitionist position against claims that it is unrealistic, idealistic, utopian, and does not provide any practical normative guidance: Francione argues that the animal rights position does indeed offer a plan for practical incremental change that has ethical veganism as its foundation. What is required is a “paradigm shift” away from the status of animals as “property” and towards the position that animals are “moral persons,” which is inconsistent with any animal use, however “humane.” Ethical veganism as “definite normative guidance for incremental change” becomes thus “the *only* position that is consistent with the recognition that for the purposes of being treated as a thing, the lives of humans and nonhumans are morally equivalent,” and “*must* be the unequivocal moral baseline of any social and political movement that recognises that nonhuman animals have inherent or intrinsic moral value” (62). On a social level, this translates into “creative, non-violent education about veganism and the need to abolish, not merely regulate, the institutionalized exploitation of animals” (64). The polemical note on which Francione concludes his chapter gives a sense of the heated tones and of the litigiousness that characterize the debate *within* the so-called animal-rights camp: “welfare reforms are probably *worse than useless* in that they actually encourage people to feel more comfortable about animal exploitation and encourage the perpetuation of our moral schizophrenia” (84-85, emphasis added).

3. Robert Garner begins his chapter on an apparently more restrained tone: he does not want to criticize animal rights *per se*, and even states that “a great deal of the ethics of animal rights is convincing” (103). However, soon after he adopts a language that is not second to Francione’s in harshness and condemnation: what he opposes is the “abolitionist” version of the animal rights theory, which he characterizes as “fundamentalist,” “inflexible,” and “dogmatic”; like a fundamentalist religion, it is

based on “essential truths” and on an “unwillingness to compromise” in order to achieve incremental short-term goals that fall short of the ideal end point; as such, it is irreconcilable to the “political art of the possible” (104). Garner advocates the position Francione called “new welfarism” but that he prefers to label “animal protectionism,” which defends a “politics” of incremental and “feasible” legal reforms aimed at ameliorating the conditions of animals.

In the attempt to provide the ethical parameters on which this “politics” is founded, however, Garner puts forward a striking argumentative line. He writes: “it is important to distinguish here between what is prescribed by ethics and what is achievable politically or strategically. In the case of ethics, we are dealing with normative arguments that are a qualitatively different kind from empirical ones” (105). This premise leads to the conclusion that “we should therefore seek to avoid confusing pronouncements on the treatment of animals that our ethics lead us to suggest and pronouncements about what we think is politically feasible at any particular time” (ibid.). This argument would of course not make sense *philosophically* without the following specification: “animal welfare amounts to applying utilitarianism for animals, but the ethical treatment of humans is to be judged in an entirely different way, in the sense that significant human interests cannot be traded off in a similar way” (108). That could be summarized by saying that *ethics* applies only to humans, whereas an empirical and disenchanting *Realpolitik* applies to animals. That is, only humans have *rights*. The moral baseline of Garner’s position is thus that “humans are morally superior to animals but that, because animals have some moral worth, we are not entitled to inflict suffering on them if the human benefit thereby resulting is not necessary” (107).

Though he rejects the accusation, it is hard not to consider Garner’s position, at least to some extent, as a form of “speciesism.” In order to justify philosophically the animal welfare ethics, Garner proposes thus the usual arguments against animals’ “personhood,” which lead to the conclusion that, “although it is wrong to kill an animal, it is not as great a wrong as killing a human” (107). The moral baseline becomes thus: “animals have a right not to suffer rather than a right to life and liberty” (128), and the rationale of the animal protection movement is identified therefore in the concept of “unnecessary suffering.” *Contra* Francione, Garner argues that neither veganism nor the abolition of animals’ property status are *necessary* conditions for the advancement of animal rights. The focus, on the contrary, must be on the fact that most, if not all, of the

ways in which animals are currently treated are unnecessary in the sense that they do not produce human benefits or that such benefits can be achieved in other ways. This provides a great *political* advantage: “focusing on what is unnecessary has the crucial strategic utility of maximizing public and movement support” (142).

The issue remains, for Garner, the disconnection between *ethics* and *politics*, and great part of his chapter is thus devoted to demonstrating that the abolitionists’ “moral crusade” does not work: “insofar as the moral crusade strategy is not accompanied by alternative political campaigns that aim at legislative change, it is deeply flawed” (147). The important question is that of *agency* and of a *political strategy* designed to achieve legislative change. And since in the political arena it is interests rather than ideas that are the main determinant of public policies outcomes, and since interests are associated with important social groupings, Garner advocates some kind of pragmatic lobbying: “animal advocates should look for social groupings, interests and corresponding ideological tradition that can justify or, even better, require the incorporation of animal interests” (155). Hence, in the pursuit of allies, the animal protection movement should be “flexible” and recognize that different allies and different ideological traditions may be appropriate in particular circumstances. Pragmatism should move the focus away from a *moral* explanation and toward a *political* explanation for our action.

Garner is aware, however, that this pragmatism lends itself to easy criticism. In particular, his insistence on adhering to the “moral orthodoxy” — a term repeated throughout the chapter — constitutes a strong argument against the effectiveness of the reforms he proposes. It is important, he argues, to be aware of the real disparity between some modern animal ethics and the “moral orthodoxy” that dominates the way animals are thought about in our societies. But — as he acknowledges — the risk of conforming too much to what he calls the “community’s narrative discourse” is that it results in a defence of the status quo (168). His pragmatism, that is, can easily be accused of conformism and even of conservatism. Though aware of the philosophical fragility of his “political art of the possible,” Garner decides to conclude by re-asserting the necessity of this fragility: “a valid moral discourse about animals must take into account *both* ethical principles and the dominant narrative about their status. This narrative is at present dominated by welfare principles, but of course this may change in the future. It remains the case, however, that in the animals debate, there is a need for the ethics to be checked by the narrative if it is to speak affectively to an important contemporary concern” (ibid.).

4. Francione and Garner, though at the opposite poles of the debate, both provide a theoretically and practically consistent “package.” Moreover, their arguments are designed as much *against* the opponent’s position as *for* an affirmative thesis; their tone, therefore, is often more defensive than proactive. A much more nuanced discussion of these themes is offered by Tony Milligan’s *Beyond Animal Rights*, which not only questions the limits of the “animal rights” debate and of the language of “rights,” and attempts thus to open up the discussion to a wider number of ethical concepts, but also gives their due to a wide range of counterarguments, which are exposed and analyzed beyond the emotional bias of activism and proselytism. Milligan does not only offer a different take on the themes of food, pets, and experimentation, but rather proposes an approach as distant from Francione’s puritanism as from Garner’s pragmatism: a *pluralist* ethics which allows to be constrained by a variety of reasons.

Like Garner, Milligan does not reject *tout court* the idea of animal rights, but believes that we are liable to miss a great deal if we appeal only or primarily to the language of “rights”: he argues that we have a “much richer body of ethical concepts at our disposal” (Milligan, ix) concerning harm, cruelty, care, brutality, authority, suffering, and well-being, which help us articulate our relations to each other and to other creatures. Unlike the language of “rights,” which is used intermittently, these concepts are part of our everyday lives as ethical agents and are thus in almost daily use. They constitute the necessary background for any rights claims, which, if they can sometimes “clarify” matters, tend to make sense only against this broader picture. The ways of our daily interaction with other humans and other creatures are informed by a wider range of ethical concepts, which must therefore also constitute the armature of any ethical deliberation.

Milligan thereby positions himself within the tradition of “practical deliberation,” which does not appeal to any “knock-down argument” for or against animal rights, nor restricts the analysis to one (or few) big claim(s), but rather considers a variety of factors in order to construe a richly argued ethical pattern. This is a position Milligan explicitly calls “pluralist”: we do not need, he argues, a single, “sovereign” concept; we do not need to enshrine a single concept (rights, consequences, the Good, virtue) as sovereign over all moral deliberations; what we do need is instead a rich ethical vocabulary. Pluralism allows our actions to be constrained by a variety of reasons rather than reducing our deliberations down to a “single binary matter of deciding that everyone should do one thing or else that they (we) should all do the opposite” (Milligan, xi).

Himself a vegan, Milligan recognizes that not everybody has the same reasons as him to adopt this diet. The language of “rights,” he contends, erases all cultural, social, economic or class differences and rather encourages precisely the all-or-nothing approach that necessarily ends up in philosophical, practical or ethical impasses.

The background idea that guides the book is that of the “scale of reasons,” whereby ethical deliberation is contextualized within a range of historical, cultural, economic, or even health factors. Milligan does not shun, however, to make some stronger statements: it is one of the premises of the book that most of the readers — especially healthy and reasonably well-off urbanites — probably do not have enough good reasons to eat meat produced through cruel systems of industrial farming; in turn, the fact that we tolerate such systems weakens — if not invalidates — our moral authority in other areas, in particular with regard to animal experimentation for serious purposes. But Milligan is often too eager to balance any such claim with counterarguments whose value he attempts to assess. Each chapter guides thus the reader through philosophical patterns which explore the arguments pro and contra meat-eating, vegetarian vs. vegan, pet-keeping and scientific experimentation.

The bulk of the book is devoted to the analysis of meat-eating, since this is “at the core of our ways of relating to animals” (Milligan 5). Milligan guides the reader to explore first the arguments and background picture any ethical analysis should consider, in order to construe then his own argument based on the relation between *eating-well* and *well-being*. One of the aims of the book is to wrestle vegetarianism/veganism away from the accusation, or even self-representation, of “puritanism” — of which Francione could be an example — which for Milligan limits and misrepresents the ethical stakes of the no-meat choice. He then explores the “interests” and “benefits” of farmed animals, and the ecological implications of the debate. He never dismisses any idea or argument, but rather analyzes them through to their final consequences, and at time this leads him to concede terrain to arguments (mostly of ecological order) against a universal vegetarianism. The last two chapters consider (briefly) the issues of pet-keeping and of scientific experimentation with animals.

Unlike Francione and Garner, whose disagreement is *internal* to the animal ethics camp, Milligan opens up the discussion to a greater range of inputs, which help nonetheless to locate the debate against a wider background. What Milligan does not offer, unlike Francione and Garner, is a political strategy: he proposes a *personal* analysis of a number of issues based on a pluralist set of considerations, which however ends up often in an argumentative stalemate or in a sort of situational ethics. Unlike Francione’s and Garner’s, his voice is not that of an activist, but rather that of a philosopher, sometimes

too detached and doubt-ridden to be able to offer the simplification that action requires. His book is therefore to be read in the context of a wider discourse. Together with Francione and Garner, Milligan provides some coordinates to orient the reader within the current philosophical and practical debate concerning animal ethics.