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Speciesism, anti-speciesism and animal rights

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Introduced by Ryder in 1970¹, “speciesism” is defined as a form of discrimination based on species. This concept echoes racism and sexism. First formulated to show the superiority (i.e., the superior rights) that humans attribute to themselves compared to other animals, speciesism then took on board the differences that people attribute to other species. These species differences are based on multiple criteria such as body size, culture, proximity, utility. Whilst we mostly do not like invertebrates compared to vertebrates, we still have preferences inside this taxon, as we love bees but hate wasps². Another instance is based on food culture. It is difficult, and even impossible, for Europeans to eat dogs, yet they eat pork. However, these two species are comparable at multiple levels such as body size, longevity or intelligence. Developing these ideas, Peter Singer³ questions the consideration humans should give to animals as well as the criteria that could assess whether one species should prevail over another one. Peter Singer stipulated that “all animals are equal”. This is not a factual equality between animals, human included, but an equality based on rights. Indeed, humans are not factual equals among themselves, they differ in several ways, but we treat them in the same way and give them the same rights. Peter Singer is not only talking here about skin color, sexual orientation or cultural difference and body size between humans, he is talking about real human differences, for example handicapped or injured persons. These persons, despite lacking sensory awareness and consciousness, and no longer suffering continue to have the same rights as other humans. Peter Singer then asks why humans should not behave in the same way with other animals.

Peter Singer’s views on equal consideration

Even if Peter Singer argues for an animal equality, he differentiates between equal consideration based on interests and equality of treatment or equality of lives. Indeed, animals do not all have the same interests. It is a simple fact that a bird has an interest in flying whilst a fish has an interest in swimming. However, all animals, or at least all vertebrates, have an interest in not suffering. Following this principle, if a mouse suffers or feels pain as strongly as a human feels it, why should we make painful biomedical experiments on this mouse whilst we would not use humans for the same purpose? This is how Peter Singer defines equal consideration of interests. Equal consideration of interests (such as not suffering) is not the same as equality of lives for animal philosophers. Peter Singer suggests that the life of an animal which is self-aware, capable of complex thinking, of a theory of mind (the ability to attribute mental states — beliefs, intents, emotions, knowledge — to oneself and to others), to think about the future and to communicate, etc., is more valuable than the life of an animal without all these capacities. Peter Singer gives the argument of marginal cases. Think about a comatose human, who will never regain consciousness, who feels no pain and who unfortunately will do nothing more in his or her lifetime: why should one not do biomedical experiments on this person instead of on a conscious and sensitive macaque? Here Peter Singer does not encourage biomedical experiments on comatose humans but wants to illustrate the moral schizophrenia of humankind and to define

¹ Ryder, R. D. (2010). Speciesism again: The original leaflet. *Critical Society*, 2, 1-2.

² Sumner, S., Law, G., & Cini, A. (2018). Why we love bees and hate wasps. *Ecological Entomology*, 43(6), 836–845. <https://doi.org/10.1111/een.12676>

³ Singer, P. (1995). *Animal liberation*. Random House.

speciesism. However, Peter Singer links life interest to the capacity to be aware of one's life. The animal has to be conscious that it exists as an entity and that it can die. The simple fact of living and existing is not for Peter Singer an argument which implies that the animal cannot be used as a test subject, or cannot be killed. In this way, for Peter Singer, as mice are not aware of their existence, they can be used in biomedical experiments, but should not suffer. However, this should not be the case with non-human primates as chimpanzees which can suffer as can mice but are also self-aware and, for some scientists, aware that their existence is finite⁴.

The argument of marginal cases can be criticized in various ways. Whether the critics are right or not is more or less a matter of philosophical standpoint. First, Elizabeth de Fontenay⁵ stated that parents of handicapped people could be offended if their child was compared to a non-human animal, such as a mouse or a macaque. Indeed, in 2018, when an animal protection association (269Life) issued a call to free animals on the anniversary of the abolition of slavery, the committee of associations of people of color objected to the conflation of the two actions as many persons were offended by the implied comparison of black people and animals. 269Life admitted a mistake. David Graham also criticized the argument of marginal cases and argued about species normality⁶: The moral status of an individual depends on what is normal for that individual's species, "broken chairs, while they aren't any good to sit on, are still chairs, not monkeys or palm trees". David Graham suggested that as most humans are conscious and that their rights are defined on this basis (among others), then a comatose human has to have the same rights as a conscious one, contrary to an animal not capable of consciousness.

Differences in species and differences in consideration

Contrary to Peter Singer, Tom Regan defends the sacred essence of life. Indeed, he suggests that to have rights, one has to have interests, but following him the simple fact of living is an interest in itself. So, living implies consideration and rights, such as not to be used and not to be killed. However, for an obscure reason, Tom Regan only attributes this creed to more than one-year-old mammals. It is true that most of the criteria used by philosophers about animal use or animal ethics are arbitrary, particularly due to a lack of knowledge about animal biology and behavior. Scientists have now found that some birds can be as smart as mammals, that all vertebrates and also some invertebrates can feel pain and have some mental representation of their environment. Some mammals reach the adult state long before one year. So, limiting the sacred essence of life to one-year old mammals is nonsensical and most mammals are sensitive to their environment even before their birth. So, Tom Regan's argument about one-year-old mammals is very arbitrary. Moreover, if we follow his argument about the sacredness of life, humans should not eat plants either because plants also have an interest in living. Categorizing living beings is the biggest obstacle for animal protectors. Indeed, they have tried not to create categories distinguishing animals from humans, and animals between themselves, for various good and right reasons. However, this non-categorization of animals is also a nonsense and a brake on better consideration for animals because the argument is based on arbitrary and wrong criteria. In France for instance, since 2014, all animals are recognized as sensitive in the rural and penal codes. In this way, humans have to care about how animals are used in human activities. However, no definition of sensitivity is given in the codes. What does it mean to be sensitive? Is it feeling pain and

⁴ de Waal, F. (2019). *Mama's Last Hug: Animal Emotions and What They Teach Us about Ourselves*, Granta Books.

⁵ E. de Fontenay, *Sans offenser le genre humain*, 2009

⁶ Machan, Tibor. *Putting Humans First: Why We Are Nature's Favorite*.

being aware of this feeling? Or is it being receptive to external factors, such as mechanical, thermal, chemical, light factors? If so, plants are also sensitive, they also can make decisions, communicate and have some kind of memory⁷. The question this raises is: why do we care more about eating a simple animal organism and we do not care about eating a plant?

Practical consequences of animal rights theory

A human being grows up in a society where he or she has a job, for which (s)he has a salary and after some years, (s)he can retire. By removing these rights from humans, we make them slaves. No one could say the contrary and could argue against these points. Nevertheless, for animalists, in our societies, some individuals do work without any respect and without any retirement. These individuals are the working animals, such as race horses that finish their lives in a slaughter house, or dogs used in biomedical research and then euthanized because researchers do not need them anymore. Why couldn't these animals have the same rights than humans? Why couldn't they retire? Of course, some animal protection associations such as Graal or White Rabbit (two French associations: <http://graal-defenseanimale.org/>; <https://www.white-rabbit.org/>) have tried to resolve these questions, by rehoming lab animals or retiring race horses; these animals can finish their lives in a family or a large green field. In the same way, Steven Wise, an American legal scholar who specializes in animal protection issues, considers that chimpanzees and elephants – which have self-awareness and some cognitive capacities (knowing what others know or the capacity to anticipate through future projection similar to humans) - should not be kept in cages but rehomed in good and adequate environments. With the Non-human rights project, Steven Wise has used the concepts present in the habeas corpus law, which stipulates the fundamental freedom not to be jailed without judgement. He has used this law to free apes and elephants raised in very bad environments like circus cages.

But is it even necessary to institute animal rights?

Not all animalists defend a theory of animal rights, and consider that it is necessary to give rights to animals. Some philosophers, such as Carl Cohen or Emmanuel Kant, think that giving these rights is not necessary for animal protection. Carl Cohen has stipulated that only humans are moral agents but not animals. He gave this argument: “do you think that the baby zebra has the right not to be killed by a lion? And that the lion has no right to kill the zebra to feed its cubs?” He concluded that animals are neither moral, nor cruel nor mean. There is no good or evil in animal minds and as a consequence, they are not responsible for their acts. Therefore, non-human animals cannot have rights in the same way as humans. Ethics appeals to common sense as Kant suggested: the duties we have towards animals are duties towards human kind because animals are an analogon of humans. A human nasty towards animals will be nasty towards other human beings. As a consequence, Kant proposed not to give rights to animals, but Stephen Clark goes further with the concept of intuitionism. Clark said that we are better than animals as we are able to give consideration to their interests (which animals do not do towards humans or any other species, with a few exceptions such as dolphins helping humans to fish⁸). According to this, we should not attribute rights to them. Clark continued on

⁷ Ruggles L. Beyond the animal brain: plants have cognitive capacities too – Laura Ruggles | Aeon Essays. Aeon Available at: <https://aeon.co/essays/beyond-the-animal-brain-plants-have-cognitive-capacities-too> [Accessed December 25, 2017]

⁸ Neil, D. T. (2002). Cooperative fishing interactions between Aboriginal Australians and dolphins in eastern Australia, *Anthrozoös*, 15(1), 3-18.

the same line as Kant in his argument: People who torture and kill their dog are doing something that should be punished without expecting that the dogs should have rights. Reinforcing human duties or obligations towards animals should be enough to ensure good animal protection. Other philosophers or scientists also encourage animal ethics education as a way to give better care to animals⁹. Teaching about animal behavior, intelligence and sensitivity, respect for their lives and respect for nature should be present from the primary school onwards.

The declarations of animal rights

Despite these philosophers' criticisms, the theory of animal rights has made progress in our societies, and has become increasingly precise about the particularities of each animal species. Thus the Universal Declaration of Animal Rights, co-written by the French Foundation LFDA (Fondation Droit Animal, Ethique et Sciences, <http://www.fondation-droit-animal.org/>) was promulgated in October, 15th, 1978 at Unesco, Paris. This declaration does not forbid the use of animals but encourages human beings to respect animals according to their sentience¹⁰. Sentience, defined as the sensibility of animals but also the self-consciousness with regard to pain and stress, is now well known for all vertebrate species, thanks to Science. Sentience is more difficult to assess for invertebrates as for insects. However, cephalopods are recognized as being as sentient as vertebrates. In Switzerland and Luxembourg, decapods have also been recognized as capable of suffering and their use as test subjects is prohibited by law. Following this approach, in 2011 Will Kymlicka and Sue Donaldson published the book *Zoopolis*¹¹, described as a political theory of animal rights. The authors affirmed that animal rights should be recognized and stated. The book argues that animals live in various relationships with human political communities, which we can categorize as: domesticated, wild and liminal: "Domesticated animals should be seen as full members of human-animal mixed communities, participating in the cooperative project of shared citizenship. Wild animals, by contrast, form their own sovereign communities entitled to protect against colonization, invasion, domination and other threats to self-determination. 'Liminal' means belonging to two different states. Liminal animals who are wild but live in the midst of human settlement (such as crows or raccoons) should be seen as "denizens", resident of our societies, but not fully included in rights and responsibilities of citizenship." However, in this political theory of animal rights, some elements are still difficult to disentangle: Should we give a raccoon or a coleopteran the same rights according to their sentience, and decide whether they are wild or liminal? The crucial question is whether we have to consider all animals in these animal rights categories or only vertebrates or even only mammals. We need to conciliate different elements implied in animal protection and consideration: biology, law, sociology, ethics and philosophy. Otherwise, every time new laws and political theories are created through new categories, new questions will inevitably arise. This is why in 2015 the University of Strasbourg created, for the first time in France, a Master's degree in animal ethics in order to solve these questions and find universal laws. Whilst other diplomas have opened since 2015 in France, this master's degree in animal ethics is still the only one where animal behavior, animal law and animal ethics are taught at the same level. Indeed, animal behavior teaching is needed to better define rules and laws about our relationships with animals.

⁹ « Enseigner l'éthique animale au lycée est une excellente idée ». Available at: <https://usbeketrica.com/article/enseigner-l-ethique-animale-au-lycee-est-une-excellente-idee> [Accessed April 25, 2019]

¹⁰ Clark, A. (2000). *A theory of sentience*. Clarendon Press.

¹¹ Donaldson, S., & Kymlicka, W. (2011). *Zoopolis: A political theory of animal rights*. Oxford University Press.

Respect for animal rights: a human faculty?

Nevertheless, in view of all these animal rights theories and initiatives, we have to recognize that we, humans, are not an animal species in the same way as the other ones¹². Cognitive capacities present in humans can be found in other animal species but not all and not to the same degree. Moreover, some animal capacities are not present in humans (we do not see ultraviolet light, for instance). It is quite difficult to understand and agree how animals are smart¹³. Humans often make errors of anthropomorphism¹⁴. Nevertheless, whilst animals are able to count and to exchange¹⁵, they do not have bills. Whilst animals communicate and have languages¹⁶, they do not have the literacy that allows human cultural accumulation, which has given us so many advantages¹⁷. Indeed, does giving rights to animals reduce the status of humans?¹⁸ Most animal philosophers do not think so. Of course, there are (a few) extremist animalists let loose on blogs who suggest making biomedical experiments on prisoners instead of animals. Some vegetarians would like humans not to eat meat anymore, whatever the tools or the means used. However, they are a small minority flooding internet with nasty and inappropriate comments. Giving rights to animals never meant decreasing or removing rights from human beings. To simplify, saying on the one hand “humans cannot use animals anymore, in whatever way”, or on the other hand “giving rights to animals is decreasing human rights” are arguments used by a minority who fundamentally lack knowledge about philosophy or about animal behavior¹⁹. The founding principles of Human Rights gave birth to the theory of animal rights and respecting animals is the basis of human respect and morality. As Matthieu Ricard²⁰ wrote, taking care of animals raises humans towards a greater humanity. This is also what some philosophers named humanimalism or humanimity²¹. We can think of animals not as a tool or not as a property but as a real partner cooperating with us. Jocelyne Porcher, for instance, developed strong arguments and theory about the ethics of animal labor²². She argues for a moral consideration of animal work relations. Paying special attention to the livestock industry, Jocelyne Porcher challenges the zootechnical denigration of animals for increased productivity while championing the collaborative nature of work. For her, work is not

¹² Bimbenet, É. (2017). *Le Complexe des trois singes. Essai sur l'animalité humaine*, Le Seuil.

¹³ De Waal, F. (2016). *Are we smart enough to know how smart animals are?* WW Norton & Company.

¹⁴ Urquiza-Haas, E. G., & Kotrschal, K. (2015). The mind behind anthropomorphic thinking: attribution of mental states to other species. *Animal Behaviour*, 109, 167-176.

¹⁵ Dufour, V., Pelé, M., Neumann, M., Thierry, B., & Call, J. (2008). Calculated reciprocity after all: computation behind token transfers in orang-utans. *Biology Letters*, 5(2), 172-175.

¹⁶ Pepperberg, I. M. (2017). Animal language studies: What happened?. *Psychonomic bulletin & review*, 24(1), 181-185.

¹⁷ Henrich, J. (2015). *The secret of our success: how culture is driving human evolution, domesticating our species, and making us smarter*. Princeton University Press.

¹⁸ Wolff, F. (2017). *Trois utopies contemporaines*. Fayard.

¹⁹ Burgat, F. (2019). Jean-Pierre Digard, L'Animalisme est un anti-humanisme. *L'Homme. Revue française d'anthropologie*, (229), 199-200.

Digard J. L'animalisme est un anti-humanisme. Paris: Cnrs (2018).

Ariès P. Lettre ouverte aux mangeurs de viande: qui souhaitent le rester sans culpabiliser. Larousse (2019).

McMahan, J. (2010). The meat eaters. *The New York Times*, 19.

²⁰ Ricard, M. (2014). *Plaidoyer pour les animaux*. Allary.

²¹ Sueur, C., & Pelé, M. La rencontre des sciences humaines et des sciences de la vie pour une meilleure prise en compte de la condition animale. *Revue LFDA 97* : <http://www.fondation-droit-animal.org/97-rencontre-sciences-humaines-sciences-de-vie-meilleure-prise-compte-de-condition-animale/>

Freeman, C. P. (2010). Embracing humanimity: Deconstructing the human/animal dichotomy.

²² The Ethics of Animal Labor - A Collaborative Utopia | Jocelyne Porcher | Palgrave Macmillan. (n.d.). Retrieved from <https://www.palgrave.com/gp/book/9783319490694>

merely a means of production but a means of living together in unity. For thousands of years, humans have developed a strong collaboration, as opposed to a use, with dogs, donkeys, horses, cats and so on. These animals, not only humans, have benefited from this cooperation. Sometimes, to be honest, these animals were abused, mostly due to economic reasons, but globally, compared to wild animals, they have profited from a better life, more food, more health care, the lack of predation, etc. This mutualism we have developed with domestic animals could be extended to wild and liminal animals, taking into account the ecosystem services²³ they perform for us. The future is not in the development of new technology, the future is in nature and in the collaboration and reciprocal respect with animals and plants.

²³ Daily, G. C. (1997). *Nature's services* (Vol. 19971). Island Press, Washington, DC.