

Animal Rights Philosopher Tom Regan Addresses a New Generation

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Animal Rights Zone (ARZone) is pleased to present the following wide-ranging interview with preeminent animal rights philosopher Tom Regan. In response to questions from the members of ARZone, Professor Regan explains his ground-breaking rights-based theory of animal rights, recounts his own history of almost 40 years as an animal rights advocate, and looks forward to what the future may hold. Please read this important addition to Professor Regan's impressive body of work as he addresses a new generation of people concerned with the lives of other animals.

"First, permit me to express my thanks to all of you for your thoughtful, challenging questions. I'll do my best to answer them as well as I can. I have not thought systematically about many of the issues raised for quite awhile, having turned my day-to-day work to writing fiction—short stories, actually—in which animals figure sometimes and sometimes not. If you know of a good publisher, let me know!

Some of my answers have been cobbled together from other things I've written or said. I also sometimes go over information already familiar to you. I decided to include it in case you might want to share our 'chat' with family or friends, for example".

Professor Tom Regan

Tom Regan: Animal Rights & Writes

<http://www.animalsvoice.com/regan/>

ARZone: You've been described as "the philosophical leader of the animal rights movement" by the editors of *Utne Reader* (October, 2010), who named you, along with the Dalai Lama, as "one of fifty visionaries who are changing the world." What do you say in response to such laudatory words?

Tom Regan: Well, it certainly was an unexpected honor. *Utne* prides itself on publishing "the best of the alternative press." You won't find Rush Limbaugh gracing its pages. *Utne* is synonymous with progressive, so that's the first thing I hear when I consider the words you quoted: *Utne* sees the Animal Rights Movement as holding its own among other progressive movements. We all can take some encouragement from that.

As for my being "the philosophical leader": I've never represented myself as any sort of "leader." That would be a singularly arrogant thing for anyone to do. I've just tried to make a contribution (writing books, delivering talks, making films, encouraging poets and painters, for example, through the Culture and Animals Foundation) now going on forty years. I think you have to be dead for several generations before you can be elevated to the status of "leader," and the last time I checked I was still breathing.

Tom Regan, "visionary?" That's never been said about me before, to the best of my knowledge. Almost all of my professional writing has been highly analytic. Anyone who has read *The Case for Animal Rights* knows what I mean. A good friend of mine (good friends can needle

one another) often tells me, "Whenever I'm havin' trouble fallin' asleep, I start readin' a page of *The Case* and, slam!, before I know it, I'm snorin'!"

Anyhow, there was one occasion when, along with other philosophers, I was asked to let my imagination run free and to play the unusual role of the "visionary," including (but not restricted to) the future of philosophy. It's reprinted in my book, *The Thee Generation: Reflections on the Coming Revolution*. Chat members who are not interested in learning about "Tom Regan, Visionary" can skip to the next question.

The Thee Generation

I write of a new generation, The Thee Generation. It is a generation of service: of giving not taking, of commitment to principles not material possessions, of communal compassion not conspicuous consumption. If the defining question of the present generation is What can I get for me? the central question of this new generation is What can I do for thee?

The "thee" to be served includes the handicapped and the poor, the illiterate and the homeless, the starving and the abused, those newly born and those soon to die. Race makes no difference. Sex makes no difference. Religion and nationality, these too, make no difference. All who stand in need are served, with those least able to help themselves receiving the greater share. In The Thee Generation, absolute vulnerability finds absolute protection.

This ethic of service-to-the-other is rooted in a reconceptualization of what the human person is. A shared sense of community replaces the void of individual estrangement. Only by acting for the other does one come to know one's self, not in isolation from the ties that bind each to all but in affirmation of them. Apart from such relationships the self is seen to be an empty shell, the word "I" the most impersonal of pronouns. The malign logic of Descartes's cogito is dead. In its place a new declaration is alive: Ego vivo in civitate, ergo sum (I live in community, therefore I am).

Dissolved are the arrogant boundaries of humanism. Possessed of the breath of life, members of The Thee Generation recognize their membership in the life community. Each thing remains what it is, and not another thing. But what each is, is now seen to be connected to all that is. Whereas previous generations saw a world consisting of discrete, isolated atoms of matter (or of mind), The Thee Generation sees interrelated, molecular communities of life.

This change in perspective is more than conceptual. The realization of human embeddedness in nature is a half-truth if limited to some abstract formula, as if all biotic connections could be reduced to the chemical kinship found in the carbon cycle. Human embeddedness is subjectively concrete, affording an immediate, living sense of what it is to be in the world. The landscape remains unaltered, but the perspective is changed. Fundamentally. Radically.

Along with an increased awareness of living-in-community with all life, members of The Thee Generation assume increased responsibility for life. In contrast to previous generations, who saw the alienated human as master, members of The Thee Generation see themselves as protector of the natural world. The question What can I do for thee? is asked not only of vulnerable, disempowered humans but also of the other animals.

The depraved instrumentality by which previous generations have fixed the value of these animals is replaced by the recognition of their inherent worth. That worth is neither respected nor served by allowing commerce in their flesh as food, for example, or by utilizing them as "models" of human disease. An ethic of domination, one that elevates the human to the status of master

species, both accepts and encourages these and many other forms of socially sanctioned barbarity. But not an ethic of service. Such an ethic shakes the very foundations of Western civilization as we know it. In place of the pathological tradition of animal enslavement, The Thee Generation offers a philosophy of liberation, one that calls for freeing these animals from the yoke of human tyranny.

This same philosophy extends to the sustainers of life: the land, the waters, the air. These, too, are protected—these, too, liberated—from the ravages of individual and collective greed. The human walks gently upon the earth, and what once was plundered is now restored.

Familiar problems remain. Members of The Thee Generation are not naked noble savages; they do not abandon human civilization in favor of the traditions of ancestral nomads. Within the network of the evolving human lifeway sources of energy must be found, food and building materials secured, means of transportation developed, the needs of the elderly attended, the young educated. Today's moral, social, and political questions endure.

But not today's answers. And not today's accepted basis for finding them. In place of the false standards of human material prosperity and personal salvation The Thee Generation calls for community integrity and individual service. In The Thee Generation the rights of one person end not only where those of another human's begin but also where the interests of the life community are threatened. The limits of individual liberty are reassessed. If educational practices encourage and reward acceptance of human isolation and domination, they are changed. When the few seek economic power at the cost of massive destruction to the life community, they are stopped. Since pornographic depictions of women subordinate women as a group, they are prohibited.

Because The Thee Generation is still emerging, it today has little by way of a settled philosophy. Indeed, perhaps more than anything else, the philosophical foundations of this emerging worldview—a worldview that tolerates even as it is not hindered by the latest “postmodern” intellectual fad—must receive the most intense exploration. And it is this exploration, not the franchised menu of ideas currently dominating academic philosophy, that define philosophy's real promise in the decades ahead and its debt to the centuries behind. In the best sense, then, philosophy's mission remains the same, as do those of the several sciences, art, religion, and other human creative endeavors. Again, only the perspective has changed.

That perspective already is changing, and the work of philosophers already is helping change it. Each of the insistent voices has its own vocabulary, each its particular agenda. Feminism. Deep ecology. Animals rights. The differences are many, but the aspirations are the same: To rediscover who we are, and what we can (and ought to) be. A revolution is under way—a revolution of the human spirit. All around us the weight of dead theories and decaying institutions is being cast off.

I have written of The Thee Generation as new. Yet in some ways it is ancient. Like St. Augustine's City of God, which has no particular location, The Thee Generation has no specific temporal place. Some members have lived and died. Others live now. Many more are yet to be born. All are united across time by the bonds of shared ideals, communal aspirations, and an unshakable conviction: The day will come when their numbers and influence will be sufficient to cause cultural change, to save not only the whales and the planet but ourselves. Faith demands this. And optimism? Optimism finds cause to celebrate the early signs of restlessness among today's youth, only now beginning to rouse themselves from their parents' dogmatic slumbers: the next generation!

One thing is certain. Whatever hope there is for the flourish-ing of life, within and beyond the human family, requires the demise of those ideas that have brought us here. The ethos of avenging angels is past. Ours is an age when benevolent assassins are asked to bury false ideologies. If philosophers have a future, it is this.

So, to the extent that I am a “visionary,” this is the vision I have. And, yes, I know: it takes a person with an enormous amount of optimism to believe that The Thee Generation will come into being and flourish. In my heart of hearts, I am that optimistic person. I believe in humanity’s boundless potential for the good. If I didn’t I could never have tried to make the contributions I mentioned earlier. Why spend one’s life on a hopeless quest? I’ll have more to say about this later.

QUESTION

In Empty Cages: Facing the Challenge of Animal Rights, you suggested that some Animal Rights Advocates are DaVincians, many are Damascans, and most are Muddlers. Could you explain what you mean by those fascinating terms and would you tell us what journey you took to transform from a one-time butcher into an ARA “Muddler”?

Tom Regan: I’ve met three different types of Animal Rights Advocates—people who are working for true animal liberation. Some are born that way. They don’t need to be convinced; they’re not asking for some sort of proof; it’s just the way they are. That was true of Leonardo, which is why I call these ARAs DiVincians. Others (who I call Damascans) have a life-altering experience, comparable to what happened to Saul on the road to Damascus. They see something, or read something, or hear something and, in the blink of an eye, they are transformed into an ARA. Lastly, there are those I call Muddlers. These are people who grow into an expansive animal consciousness a step at a time. They aren’t born that way. They don’t have a single life-transforming experience. They’re looking for some sort of “proof” to convince them. In other words, they just “muddle along.”

That’s certainly how my wife Nancy and I became ARAs. When it’s appropriate I remind people that (as you mentioned) I once worked as a butcher, bought Nancy a stylish mink hat, and wrote (in a letter to her) that elephants are “things.” So, yes, I was a Muddler most certainly. Increasing my animal consciousness was a journey for me. However, for all Muddlers who complete the journey—and I am speaking from personal experience—a day comes when we look in the mirror and to our surprise we see an ARA looking back at us. That’s what happened to me, a son of the working class. As I often say, if Tom Regan can become an ARA, anyone can become an ARA.

That’s why I dedicate Empty Cages “To Muddlers, everywhere!” I know these folks. I’m one of them. They’re my audience, always. I mean, DaVincians don’t need anything from me: they already have an expansive animal consciousness. And as for Damascans: I’m realistic about my power to change a person into an ARA, in the blink of an eye, because of something I write or say. I’m not in the business of mass conversions. No, I’m in the muck with the Muddlers, trying to encourage them to move forward, to take another step.

As for how I got from where I was to where I am: Let me mention two different occurrences that plodded me along. Here I excerpt portions of an interview conducted by Carol Gigliotti forthcoming later this year in *Antennae*.

First: Nancy and I were active in the anti-war movement back in the days of the Vietnam

War. As a philosopher, I thought I should contribute something philosophical to the effort. The problem was, I had never read any of the relevant literature. So there I was, wandering through the stacks of the NC State library. And I remember, as clearly as if it happened yesterday, I took a book off a shelf. It was called *An Autobiography: The Story of My Experiments with Truth*. I had never heard of it, but I had come across the author's name now and then. The author? Mohandes K. Gandhi. What a fateful choice! Not only did Gandhi help me craft "something philosophical" for the anti-war sentiments so many of us shared, he also opened my (and, of course, Nancy's) eyes to a new way of seeing our world. Because, of course, Gandhi helped us realize that the fork can be a weapon of violence. And it is a weapon of violence anytime we sit down and eat the dead flesh of a once living being. It is no exaggeration to say that reading Gandhi helped change our life. He was the paramount "intellectual motivation" for us.

Second: As is true of so many newly married couples, our first "child" was a companion animal, in our case a miniature poodle. We named him Gleco, which was the abbreviation for a small business (Gleason and Company) we passed everyday, driving from the country, where we lived, into Charlottesville, where Nancy was teaching special education classes (as they were then called) and I was doing graduate work at the University of Virginia. We had been vacationing and left Gleco with what we thought was a responsible caretaker. Shortly before we arrived home, running free, Gleco was hit by a car and killed. We spent a lot of time grieving over our loss. We had so much emotion invested in Gleco—just that one dog, the one we knew so well. It's hard to explain how much emotion was banging around in our hearts. Had it been another dog we had known and loved, we would have reacted the same. Or a cat, as we would learn. Or a calf. Or a hen. Or . . . fill-in the blanks. Not that we embraced every aspect of animal rights as a consequence. For example, we lived for several years as lacto-ovo vegetarians. Still, it is no exaggeration to say that Gleco's death helped change our life. Facing the powerful emotions associated with his death was the paramount "personal motivation" for us.

Fortunately for me, in 1972 I received a Summer Fellowship from the National Endowment for the Humanities; it freed me up from having to teach that summer. That was when I began to try to make a "philosophical contribution" to the vegetarian movement. The research done during that time came to fruition with the publication of "The Moral Basis of Vegetarianism," which appeared in the October 1975 issue of *The Canadian Journal of Philosophy*.

Kai Nielsen was the editor of *CJP* in those days. I remember him telling me that when he read the title of my paper he put it in the "reject" pile, not reading another word. Then (thinking ill of himself for being so judgmental) he began to read it. "Hmm," he said after a few pages. "Hmmm," he said after reading a few more. "I'm not sure I agree with this guy," he told the members of the editorial board, "but it's damn good philosophy!" So it's with the publication of that paper, in the same year that Peter Singer's *Animal Liberation* was published, that I began to try to make a "philosophical contribution." Not that my paper had anything like the public influence Singer's book did. I may be a former butcher but I'm not crazy. Still, I think my paper was among the first cracks (small though it was) in the door of academic resistance to taking animal rights seriously. In fact, Kai told me (and he was a man who was extremely well informed about such matters) that to the best of his knowledge "The Moral Basis of Vegetarianism" was the very first paper on animal rights published in a peer-reviewed journal in philosophy.

Earlier I confessed to being an optimistic person, and it's here that I want to share a reason for my optimism. For one thing definitely has changed for the better in the past forty years. Back in the early 70s there was not a single course at America's four thousand or so colleges and universities that discussed animal rights. Not one. Today I don't think you can find a single college

or university where animal rights is not discussed. And as for philosophy: philosophers have written more on the topic in the past thirty years than our predecessors had written in the previous three thousand. That hasn't made America a nation of ARAs. But it has made a contribution to the seriousness with which this once "crazy idea," animal rights, is taken. The way I would put it is: Back then, in the early 70s, we were loitering outside the moat; today we are inside the castle.

In any event, in my 1975 paper I make the case for vegetarianism using what I call a "rights based" approach. I invoke and defend two rights in particular: the right of nonhumans to be spared gratuitous (unnecessary) pain, and their right to life. "What we can see . . .," I write near the end, "is that the undeserved pain animals feel is not the only morally relevant consideration; that they are killed must also be taken into account." So, yes. pain/suffering are important; but so are death/destruction.

QUESTION

In your experience, is it necessary to talk to people about "rights" in order to talk with them about what is wrong when it comes to how other animals fare in the world? In other words, is a philosophical discussion necessary in common intercourse or should vegans appeal to non-vegans in some other way?

Tom Regan: Different people respond to different opportunities. Over the years I've received letters from total strangers who tell me that reading something I've written "changed their life." I've also received a like number of messages from people who think I'm a total nut case. So my experience has been: some people respond favourably to philosophical arguments; others do not. My advice? Let other people be our guide. Listen to them, to find out where they are in their life. Maybe they think they "have to eat meat." Maybe they think "God gave animals to us." Maybe they think "watching performing animals is great family fun." Go with their flow. Be patient. Be genuine.

Did I say "be patient?" Nancy recently reminded me of something that happened it now must be twenty years ago at least. We were attending a professional meeting and a student stopped us. "What about plants?" he asked, to which a third person who was with us (raising her voice) said, "That is the stupidest question I've ever heard in my life! What do you have, mush for brains?" Then she stormed-off, in a huff. Later that evening, when our paths crossed, she said, "Honest, Tom and Nancy, I swear, people have asked me that question a thousand times! I can't take it anymore." To which Nancy and I replied, "Yes, but that was the first time that young man asked us that question."

The last thing other animals need is another reason not to care about them. How we act towards other people can provide just such a reason. Being rude or judgmental doesn't help any nonhuman. A coping technique I use (to quell my impatience, when I feel it bubbling-up in my throat) is to think of the people who ask questions I've been asked hundreds of times as mirrors. Yes, I think of them as mirrors. When I look at them, in other words, what I see is a reflection of who I used to be.

Like them, there was a time when I didn't know how other animals were being treated.

Like them, there was a time when I knew but didn't care.

Like them, there was a time when I knew and cared but not enough to change how I was living.

Like them, there was a time when I was . . . them!

That's what I try to remind myself. I don't want to come across as self-righteous or arrogant. That would give the questioner another reason not to care about other animals, and I don't want to do that—I don't want to be that reason.

QUESTION

In your speech in support of the Bill of Rights for other animals at the Royal Institute of Great Britain in 1989, which I regard as one of the best speeches I've ever heard, you characterise the perception many in the general public have as one of animal advocates standing against justice and for violence. As you went on to articulate in this same speech, the opposite is true: The philosophy of animal rights does, in fact, stand for peace and against violence. What is your opinion in regard to those who believe it may be possible to end the violence inflicted on other animals by employing violence against humans or their property?

Tom Regan: Thanks for your kind words about my talk. It's hard to remember being as young as I was when I gave it.

Obviously, questions relating to violence are complicated. One question asks what violence is; a second asks whether it can ever be justified. I'll address both questions here excerpting from Chapter 11 of *Empty Cages* as well as from my contribution to *Terrorists or Freedom Fighters: Reflections on the Liberation of Animals*, edited by Steve Best and Anthony Nocella II.

What 'violence' means.

Some ARAs think violence is restricted to causing physical harm to a sentient being, human or otherwise. I personally disagree with ARAs who think this way, and I don't think I am alone. Ask any English speaking member of the general public whether fire-bombing an empty synagogue involves violence. Ask any lawyer whether arson is a violent crime (whether or not anyone is hurt). Ask either of these questions to the people I have described and the answer will be, "Am I missing something? Of course these acts are violent." The plain fact is, our language is not tortured or stretched when we speak of the "violent destruction of property." We do not need to hurt someone in order to do violence to some thing.

Gandhi agrees. "Sabotage [destroying property for political purposes, without hurting anyone in the process] is a form of violence," he writes. Martin Luther King, Jr. sees things the same way. Among the many relevant examples: In March of 1968, shortly before his death, King was leading a march in Memphis on behalf of the city's sanitation workers. "At the back of the line," King's biographer, Stephen B. Oates observes, "black teenagers were smashing windows and looting stores . . . King signalled to [James] Lawson [the local march coordinator] . . . 'I will never lead a violent march,' King said, 'so please call it off.' While Lawson yelled in his bullhorn for everybody to return to the church, King . . . climbed into a car [and sped away]." No one was hurt that day in Memphis, but some serious violence was done.

Or consider what Nelson Mandela said at his trial for violence and sabotage in October 1963. He admitted quite freely that he was guilty of what he was accused of. "I do not deny that I planned sabotage," he told the court. "I did not plan it in a spirit of recklessness, nor because I have

any love of violence. I planned it as a result of a calm and sober assessment of the political situation. Without violence [against property] there would be no way open to the African people to succeed in their struggle.”

ARAs who think that arson and other forms of destruction of property are forms of “non-violent direct action” are free to think what they will. Certainly nothing I say can make them change their minds. I will only observe that, in my opinion, unless or until these advocates accept the fact that some ARAs use violence in the name of animal rights (for example, when they firebomb empty research labs), the general public will turn a deaf ear when their spokespersons attempt to justify such actions.

So the real question, I believe, is not whether some ARAs use violence. The real question is whether they are justified in doing so. Here are the main outlines of a possible justification.

Can violence be justified?

Despite the influence Gandhi had on my moral and philosophical development, I am not a pacifist in the sense in which he understands this idea, at least as I understand his position. He thinks the use of violence is wrong in all circumstances—that it is always wrong. For my part, I believe violence sometimes can be justified. Here is an example that illustrates my point of view.

Suppose a deranged father has kidnapped his children. He is armed and is threatening to shoot them. If the police kill the father before talking to him, their use of violence can be faulted because non-violent alternatives were not explored; they shot first and asked questions later. Moreover, if they used a gun to kill the father when a tazer, say, would have been sufficient, the authorities can be faulted for using excessive violence; they used more when less violence would have been enough.

What could go wrong in this example suggests what makes violence acceptable when it is.

(1) Violence should be used to defend the innocent only after nonviolent alternatives have been exhausted, as the circumstances permit. And (2) the amount of violence used should be “proportionate” to the threat of the harm faced by those who are innocent. For example, we should not take a person’s life because they have stolen our pencil. It will be useful to give a name to the principle expressed when (1) and (2) are combined. I will call it the violent defense principle.

Except for uncompromising pacifists like Gandhi, the violent defense principle commands universal assent. Assuming the requirement of proportionality is met, ask yourself this: If the use of violence is necessary to defend your innocent friends or loved ones who (let us suppose) are at the mercy of a sadistic neighbour, would you rise to insist that no violence be used? I don’t think so. I know I wouldn’t. Well, all that the violent defense principle does is generalize on our judgments. The innocents who are threatened need not be your friends or loved ones, or my friends or loved ones; they can be anybody. And the person threatening the harm need not be a neighbour; that person could be anyone.

Is the violence done by the A.L.F. justified? Given the violent defense principle, it can be justified only if animals are innocent, which they unquestionably are. For example, the mink imprisoned in fur mills and the mice used in toxicity tests have done no wrong that could possibly justify denying them their freedom, injuring their bodies, or taking their very life. So, yes, these animals are innocent.

Proportionality also is required. More violence should not be used when less will suffice. Can A.L.F. actions meet this requirement? Who can deny that they can, not necessarily all of the time but certainly some of the time.

The situation is different when we apply the final requirement embodied in the violent defense principle. We ask, "Have nonviolent alternatives been exhausted, as circumstances permit? Have ARAs in general, the A.L.F. in particular, done all we (realistically) can do, using nonviolent means, to empty the cages?" I honestly do not think that we have. In fact, I think we have done very little in comparison to what we need to do. We haven't even been able to stop toxicity tests on "animal models," for heaven's sakes. No, from my perspective, the A.L.F.'s use of violence is unjustified. ARAs have not exhausted nonviolent alternatives.

Of course, the opposite conclusion can be reached by ARAs who believe enough already has been done by way of non-violent activism. And it is here, not whether members of the A.L.F. are "domestic terrorists," that we find the heart of the matter, the place where ARAs have sincere and often deep disagreements. In any event, in my opinion, people do not cease to be ARAs depending on what position they take on this divisive issue. I don't agree with the A.L.F.'s means. But do I think they are trying to free other animals from the clutches of human tyranny? Yes, I do.

One other thing. In the '80s I supported the A.L.F. and other activists who were breaking into labs and other dungeons of animal abuse, to document how horribly animals were being treated and to liberate the prisoners. With videos and photos in hand, no one could deny the truth. Personally, in retrospect, I think these actions would have been even stronger if the rescues had been open rescues. That said, A.L.F. actions back then, in addition to liberating prisoners, performed a vitally important educational purpose.

Somewhere along the way, between then and now, A.L.F. actions (in my opinion) took a violent turn. When buildings are torched today the story the media tells is about "domestic terrorists," not the dungeons of animal abuse. The vital educational purpose has been lost—in the ashes, so to speak. I have more to say about this in Chapter One of Empty Cages.

QUESTION

Can you explain what you regard as the importance and the accomplishments of your Culture and Animals Foundation <http://www.cultureandanimals.org/> ?

Tom Regan: Permit me to start with a bit of history. I had returned home after teaching (this was back in 1985) and Nancy said, "I just heard the most interesting story on NPR. It was about this performance artist, Rachel Rosenthal, who does a production called 'The Others' that raises consciousness about the plight of animals. And, get this: there are animals, more than twenty of them, who perform with her. Not 'trained' animals. Just tame animals from here and yonder."

"Really?" I said.

"We should bring her here," Nancy said.

"You mean (gulp) here, as in Raleigh?"

"Yes."

More "gulping" on my part.

So, how was CAF born? It was born when, with Nancy in the lead, we decided to bring Rachel and “The Others” to Raleigh, North Carolina. Bringing her here (what a story there is to tell!) also served as the inspiration of the CAF mantra, so to speak: “We’d rather be inside the theatre performing than outside the theatre protesting.”

After that decision was made, we were off and running. If we had hosted a performance art production, why not some music (Paul Winter) and comedy (The Montana Logging and Ballet Company)? Why not an art exhibition? We sponsored several, including a major exhibition by Sue Coe, another by Robert Rauschenberg. What about Pulitzer Prize winning poets? We invited Maxine Kumin, and Galway Kinnell. What about . . . ? Legal theorists? Sociologists? Anthropologists? Historians? Political scientists? Biographers? Novelists? Fill-in the blanks. Our annual International Compassionate Living Festival became an energizing focus of our life as ARAs.

Amidst and amongst these wonderful people, we invited others who were critical of animal rights. Yes, CAF in our mind is synonymous with cultural activism for animals. But we never lost sight of the need to provide ARAs with an opportunity to learn about where those who opposed our thinking were coming from. Some of the best presentations were given by “the enemy.”

In the last few years of ICLF, CAF collaborated with the Animals and Society Institute, the scale of the event having grown beyond CAF’s all-volunteer-capacity to organize. Ours was a pleasant, rewarding collaboration, and we take this opportunity to thank ASI and everyone else who made ICLF possible, for all those many years, including CAF’s current board members (not counting the two of us) Marion Bolz and Mylan Engel.

Today, CAF focuses mainly on our grant program. We are not a wealthy organization. Far from it. That said, we are able to make ten to fifteen grants per year, and while the money is not huge, the grants are helpful to those who receive them. Just this past year we received applications from Chile, Spain, Australia, France, Canada, Finland, England, Italy and, of course, the United States. Obviously, there are creative, inquiring ARAs all over the world committing their time and talent—their life—to the struggle for animal rights. We only wish CAF had the funds to help more.

Carol Gigliotti recently has written that the conferences CAF sponsored and the grants we have awarded “planted the seeds of human-animal studies in the arts and humanities.” That might be true. We certainly were in a different line of business than any other organization. So, if that’s true—if we truly planted the seeds—that would have to rank as CAF’s most important accomplishment.

QUESTION

In ‘The Case’ (esp. chaps. 2-4) and elsewhere it is indicated that you consider that the ability to feel pain does not imply self awareness, in the sense of one having a notion of psychological continuity over time. I therefore believe you must have at least one example of an individual of some species who is sentient but not a subject of a life (even though I still find it difficult to understand such an occurrence from an evolutionary perspective). Who could this individual be?

Tom Regan: A tough question but here’s my best shot. Sentiency usually is defined as capable of experiencing pleasure and pain, while self-awareness, as I understand the idea, involves more than being aware of something, including pleasure or pain. It involves being aware that I-am-the-

one-who-is-aware-of (in this case) pleasure or pain. Without this higher order/unifying awareness, there is no self-awareness.

Second trimester human fetuses, I believe, are not self-aware in this way. Can they be sentient? Yes, I believe they can be. But are they self-aware? Are they aware-that I-am-the-one-who-is-aware-of-these-stimuli? I don't think so. Indeed, I don't think that newly born human infants are aware of themselves, as selves.

There is a concept some philosophers and psychologists explore called the specious present. Roughly speaking, and in this context, it refers to discrete moments of experience that are not united, not held together, by a self. We might think of this sort of mental life as being like a series of disconnected bubbles, each of which lasts only an instant before popping. One bubble, followed by another bubble, followed by another bubble, and so on. In this picture there is no unifying mind or self that carries the memory of the first bubble to the second, then to the third, etc. There is just the series of evanescent, disconnected bubbles, each lasting a moment before popping, none connected to the others.

Could these be the mental states of sentient beings? Could one of the bubbles be pleasant, another painful? Why not? Without self-awareness? Again, why not? Indeed, if we follow this logic, there would be as many discrete sentient beings as there are discrete pleasant and painful bubbles.

Which is why I have never understood how the right to life could be derivable from sentiency. Sentiency, again, means capable of experiencing pleasure and pain. Self-awareness, someone might believe, is not necessary for sentiency. But what sort of mental life would this leave us with? We have one bubble (pain), followed by another bubble (pleasure), followed by another bubble (pain), etc. However, without an enduring self, there isn't anybody who can have a right to life because there isn't anybody to have one. There is just one bubble, followed by another bubble, etc., etc.

So, do all sentient beings have a right to life, just because they are sentient? Not that I can see. Not that I can understand.

Of course, this situation would run counter to evolution if this was the permanent state of developing human and nonhuman life. So at some point in the course of development, a unifying mental order must emerge, a self that carries the memory of the one bubble to the occurrence of the second, and so on. But when, and precisely how this happens: well, I don't think anyone truly knows the answers to these questions.

QUESTION

Hi Professor Regan, great to get the opportunity to quiz you! I think your work is fantastic and so important. I wonder what your opinion is on animal welfare. As a vegan obviously I don't agree with the use or abuse of any sentient being for any reason. I wonder do you feel that only a move to abolish any use or abuse of animals is sufficient, or do you feel that ensuring better welfare for animals that are used by humans, such as farm animals, is a part of the journey to adequate animal rights? Is a push for better animal welfare a way of helping society take the logical next step in not using or abusing other animals or does this, as some think, make the use and abuse of other animals acceptable to some? Thank you so much for your time.

Tom Regan: Thank you for your kind words about my work and for your provocative question, which I know divides people who think of themselves as ARAs. In any event, my own thinking hasn't changed over the years. For example, back in 1986, I wrote a small booklet entitled "The Philosophy of Animal Rights" which begins with a short summary of 'The Animal Rights Position.' More recently I wrote a short essay entitled "How to Prolong Injustice." The best I can do by way of answering your question is (slightly edited in some places) to start with the summary, give examples of winnable abolitionist campaigns, and reproduce the essay. Then I'd like to add another essay of mine, "Animal Rights and the Myth of 'Humane' Treatment," for anyone who would like to read something on that topic.

'The Animal Rights Position'

The other animals humans eat, use in science, hunt, trap, and exploit in a variety of ways, have a life of their own that is of importance to them apart from their utility to us. They are not only in the world, they are aware of it. What happens to them matters to them. Each has a life that fares better or worse for the one whose life it is.

That life includes a variety of biological, individual, and social needs. The satisfaction of these needs is a source of pleasure, their frustration or abuse, a source of pain. In these fundamental ways the nonhuman animals in labs and on farms, for example, are the same as human beings. And so it is that the ethics of our dealings with them, and with one another, must acknowledge the same fundamental moral principles.

At its deepest level, human ethics is based on the independent value of the individual. The moral worth of any human being is not to be measured by how useful that person is in advancing the interests of other human beings. To treat human beings in ways that do not honor their independent value is to violate that most basic of human rights: the right of each person to be treated with respect.

The philosophy of animal rights demands only that logic be respected. For any argument that plausibly explains the independent value of human beings implies that other animals have this same value, and have it equally. And any argument that plausibly explains the right of humans to be treated with respect also implies that these other animals have this same right, and have it equally, too.

It is true, therefore, that women do not exist to serve men, Blacks to serve whites, the poor to serve the rich, or the weak to serve the strong. The philosophy of animal rights not only accepts these truths, it insists upon and justifies them. But this philosophy goes further. By insisting upon and justifying the independent value and rights of animals, it gives scientifically informed and morally impartial reasons for denying that these animals exist to serve us.

Once this truth is acknowledged, it is easy to understand why the philosophy of animal rights is uncompromising in its response to each and every injustice other animals are made to suffer. It is not larger, cleaner cages that justice demands in the case of animals used in science, for example, but empty cages; not "traditional" animal agriculture, but a complete end to all commerce in the flesh of dead animals; not "more humane" hunting and trapping, but the total eradication of these barbarous practices.

For when an injustice is absolute, one must oppose it absolutely. It was not "reformed" slavery that justice demanded, not "reformed" child labor, not "reformed" subjugation of women. In

each of these cases, abolition was the only moral answer. Merely to reform absolute injustice is to prolong injustice.

The philosophy of animal rights demands this same answer--abolition—in response to the unjust exploitation of other animals. It is not the details of unjust exploitation that must be changed. It is the unjust exploitation itself that must be ended, whether on the farm, in the lab, or among the wild, for example. The philosophy of animal rights asks for nothing more, but neither will it be satisfied with anything less.

But how can we achieve our abolitionist goals? One path (the one I favor) invites ARAs to give our time and energy to trying to make incremental abolitionist changes. I listed a few examples in *Empty Cages*.

- The elimination of elephants and other performing animals from circuses
- The liberation of dolphins currently imprisoned by the captive dolphin industry
- The total cessation of canned hunts
- The total demise of the greyhound racing industry
- An end to seal slaughter
- A ban on compulsory dissection
- No more dog labs, anywhere
- An end to pound seizure
- The total elimination of Class B dealers
- Whaling . . . Going! Going! Gone!

Other examples are given in an essay I co-authored with Gary Francione (*Animals Agenda*, January/February 1992, p. 42):

- An end to the use of animals in product testing
- An end to the use of animals in maternal deprivation, military, and drug addiction experiments
- An end to the killing of elephants, rhinos, and other “big game”
- An end to the commerce in fur

To my way of thinking, these are achievable goals. I'm not saying they are easy. Not at all. I'm just saying they are achievable. The main thing standing in the way of their realization is a lack of cooperation and collaboration among major national and grass-roots organizations. “Many hands on many oars,” is the way I would put it. That's what is needed. Personally, I am not a political organizer. I am not someone who can run campaigns. I wish I could but I can't. What's clear as a bell to me, as I've said, is that these achievable goals will not be realized unless or until ARAs cooperate and collaborate. Here's how I picture our situation. Sunlight passes through a window. We feel some warmth. If that same sunlight passes through a magnifying glass, it can start a fire. Today, the Animal Rights Movement is like sunlight passing through a window. It has some effect, certainly. But think about how much more powerful the movement would be if that sunlight was really focused. If there was cooperation and collaboration between major national and grassroots organizations. If our separate efforts passed through a magnifying glass, so to speak.

So, paradoxically, our first, our basic challenge does not involve animals. It involves us.

'How to Prolong Injustice'

Others (many of whom think of themselves as ARAs) think abolitionist goals can be achieved by taking a different path. In the case of animal agriculture, for example, people who favor U (I'll call it) think that the best way to realize abolitionist goals is to reform current practices, based on animal interests. For example, if decreasing density in battery cages is implicitly to count the hens' interest in having more space, this is a reform we should support.

The same is true of reforms in transportation and slaughter techniques. Any time we can increase the number of animal interests that are taken into account, and any time we can have their interests counted equitably, U calls upon us to press for these reforms.

Suppose these reforms are implemented throughout animal agriculture. What would be the result?

Well, arguably things would have changed quite a lot. In place of the factory farms that scar the rural countryside today, we can imagine a plethora of farms modelled after Old McDonald's. In this gentle new world, it is true, there are vastly fewer farmed animals than there are today, but the quality of their life is vastly better too. Who can be dissatisfied with so idyllic a world?

ARAs, for one. Thousands of Old McDonald's farms inhabited by millions of happy animals is not the end we seek. The end we seek is the end of raising animals for their flesh and other products. Why, then, should ARAs work for the sorts of reforms I have described?

Considered superficially, the answers seem obvious. Since the animals are much better off because of the reforms, and since ARAs genuinely care about how animals are treated, surely ARAs should support and help implement the reforms.

Things are not this simple. From an ARA's perspective, animal agriculture violates the rights of farmed animals; it treats them as our resources—indeed, as renewable resources. This unjust practice cannot be brought to an end by continuing to treat farmed animals in this way, which is how they will be treated if the system of their exploitation has been reformed in the ways we have imagined. No, to reform injustice is to prolong injustice.

Proponents of U might reply by saying that, over time, as first one, then another reform is implemented, the quality of farmed animal life is improved and people will begin to change how they think about animals. Once the general public understands that animals have interests, and once they have supported the call to have their interests counted fairly, people will move away from their meat-eating ways. On this view, a day will dawn when, because of the reforms made as well as the general public's support of making them, we all awake to a vegan world.

This is a lovely story, but hardly credible. Why would human beings forego a leg of lamb or a brisket of beef if all the relevant reforms have been implemented? After all, with the reforms in place, farmed animals could not have a better quality of life than the one they enjoy.

Moreover (and this is hardly unimportant) surely the general public, accustomed to and supportive of the reforms, will want to help make this same happy life available to the next generation of cows and pigs, chickens and ducks. And the next generation after that one, a demand that, in the nature of the case, can only be met if the members of one generation are slaughtered "humanely," to be replaced by others of their kind, and so on into the indefinite future.

Truth be told, it is wishful thinking to believe that the successful implementation of reforms will abolish animal agriculture. It is far more likely that great numbers of people will continue to eat animal flesh, only now with a clear conscience, a gift, paradoxically, given to them by the well-intentioned reformers.

So, to pose your specific question again: “Is a push for better animal welfare a way of helping society take the next logical step in not using and abusing other animals or does this, as some think, make the use and abuse of other animals acceptable to some?”

I don’t think ARAs should be working for improved welfare for the prisoners exploited by the animal industrial complex. To make such improvements will only make their exploitation more socially acceptable and, as a result, perpetuate the very evils we oppose. To my way of thinking, as I wrote twenty-five years ago, “to reform absolute injustice is to prolong injustice.”

That said, I do not want to deny the importance that learning about animal suffering has in people’s lives. Remember my previous observations about meeting people who ask me questions I’ve answered hundreds of times? Remember how, when I looked at them, it was like looking in a mirror.

Like them, there was a time when I didn’t know how nonhumans were being treated.

Like them, there was a time when I knew but didn’t care.

Like them, there was a time when I knew and cared but not enough to change how I was living.

Like them, there was a time when I was . . . them!

I don’t think ARAs who, like me, are Muddlers should ever forget how in-the-dark we once were. Or how important it was for us in our individual journey to despair over how horribly animals are treated. I know that I would not have become the person I am today if my mind and heart had not opened to find a place for me to acknowledge their suffering and needless death. It’s natural at this stage of Muddler development to want to make the cages bigger, hoping thereby to lessen the pain. Those were among the first steps I took; it was only later that I came to believe the cages did not need to become larger; they needed to become empty.

ANIMAL RIGHTS AND THE MYTH OF “HUMANE” TREATMENT

To outsiders, animal rights advocates look to be a strange lot. We don’t eat meat, avoid cosmetics tested on animals, and boycott Ringling Brothers. Drape ourselves in fur? Forget it. ARAs don’t even wear leather or wool.

Many people view ARAs as certifiable, grade-A, top of the class nut cases. Reduced to its essentials, however, what we believe is just plain common sense.

What ARAs Believe

We believe the animals killed for food, trapped for fur, used in laboratories, or trained to jump through hoops are unique somebodies, not generic somethings. We believe what happens to them matters to them. Why? Because what happens to them makes a difference to the quality and duration of their life.

In these respects, ARAs believe humans and these animals are the same, are equal. And so it is that all ARAs share a common moral outlook: We should not do to them what we would not have done to us. Not eat them. Not wear them. Not experiment on them. Not train them to jump through hoops. “Not larger cages,” we say, “empty cages.”

“Humane treatment” is the law

Comparatively speaking, few people are ARAs. Why? Part of the answer concerns our disparate beliefs about how often animals are treated badly. ARAs believe this is a tragedy of incalculable proportions. Non-ARAs believe mistreatment occurs hardly at all.

That non-ARAs think this way seems eminently reasonable. After all, we have laws governing how animals may be treated and a cadre of government inspectors who make sure these laws are obeyed.

What do our laws require? In the language of our most important federal legislation, the Animal Welfare Act, animals must receive “humane care and treatment.” In other words, animals must be treated with sympathy and kindness, with mercy and compassion, the very meaning of the word ‘humane’. It says so in any standard dictionary.

If things were as bad as ARAs say they are, there should be an enormous amount of inhumane treatment brought to light by government inspectors. Yet this is precisely what government inspectors do not find.

For fiscal year 2001, the Animal Plant Health Inspection Service conducted 12,000 inspections. Of that total, only 140 sites were reported for possible violations because of improper handling of animals. That works out to a compliance rate of almost 99%.

No wonder the general public believes that, with rare exceptions, animals are treated with mercy and kindness, with sympathy and compassion.

APHIS inspections and the myth of “humane care and treatment”

Tragically, the public’s trust in the adequacy of government inspections is misplaced. What APHIS inspectors count as humane undermines the inspections before they are conducted. Consider some examples of what happens to animals in research laboratories.

- Cats, dogs, nonhuman primates, and other animals are drowned, suffocated, and starved to death.
- They are burned, subjected to radiation, and used as “guinea pigs” in military research.
- Their eyes are surgically removed and their hearing is destroyed.
- They have their limbs severed and organs crushed.
- Invasive means are used to give them heart attacks, ulcers, and seizures.
- They are deprived of sleep, subjected to electric shock, and exposed to extremes of heat and cold.

Every one of these procedures and outcomes complies with the Animal Welfare Act. Each conforms with what APHIS inspectors count as “humane care and treatment.”

It only gets worse

Per annum, the number of animals used in research laboratories subject to APHIS inspections is estimated to be twenty million. This figure, though large, is dwarfed by the ten billion animals annually slaughtered to be eaten, just in the United States.

Remarkably, farmed animals are explicitly excluded from the legal protection provided the Animal Welfare Act. Here is what the AWA says:

“[In the Animal Welfare Act] the term ‘animal’ . . . excludes horses not used for research purposes and other farm animals, such as, but not limited to, livestock or poultry, used or intended for food or fiber . . .”

But if not our government, who decides what humane care and treatment means for farmed animals? In the realpolitik of American animal agriculture, it's the farmed animal industries who get to write the rules.

And what treatment might the rules allow? Here are some examples.

- “Veal” calves spend their entire life individually confined to narrow stalls too narrow for them to turn around in.
- Laying hens live a year or more in cages the size of a filing drawer, seven or more per cage, after which they routinely are starved for two weeks to encourage another laying cycle.
- Female hogs are housed for five or five years in individual barred enclosures (“gestation stalls”), barely wider than their bodies, where they are forced to birth litter after litter.
- Until the recent “Mad Cow” scare, beef and dairy cattle too weak to stand (“downers”) were dragged or pushed to their slaughter.
- Geese and ducks are force-fed the human equivalent of thirty pounds of food per day to enlarge their livers, the better to meet the demand for foie gras.

All these conditions and procedures demonstrate the relevant industry's commitment to mercy and kindness, compassion and sympathy.

Don't forget the fiber

In the newspeak of the Animal Welfare Act, more than “food” animals fail to qualify as animals. The same is true of any whatcha-ma-call-it “used or intended for fiber.” For leather, for example. Or wool. Or fur. This is fact, not fiction. Fur bearing animals, whether trapped in the wild or raised on fur mills, are exempt from the legal protection, scant though it is, provided by the AWA. As is true of animal agriculture, the fur industry gets to set its own rules and regulations of “humane care.”

And what might “humane” fur farming or trapping permit? Here are some examples.

- On fur mills, mink, chinchilla, raccoon, lynx, foxes and other fur bearing animals are confined in wire-mesh cages for the duration of their life.
- Waking hours are spent pacing back and forth, or rolling their heads, or jumping up the sides of their cages, or mutilating themselves, or cannibalizing their cage mates.
- Death is caused by breaking their necks, or by asphyxiation (using carbon dioxide or carbon monoxide), or by shoving electric rods up their anus to “fry” them from the inside out.
- Animals trapped in the wild take fifteen hours on average to die.
- Trapped fur-bearers frequently chew themselves apart in a futile attempt to save their life.

All perfectly legal; every bit of it in keeping with industry standards for kindness and mercy, sympathy and compassion.

'Time to get mad

Those of us of a certain age remember the immortal words of the television announcer Howard Beale, in the film *Network*. Things are crazy, Beale says. The world is a mess. People need to get mad. Real mad. "I want all of you to get up out of your chairs," Beale says to his viewers, "go to the window, open it, stick your head out, and yell, 'I'm mad as hell, and I'm not going to take this anymore!'"

People who trust what industry spokespersons and government inspectors tell them about the "humane care and treatment" of animals need to follow Howard Beale's admonition. They need to get mad as hell, and this, for two reasons.

First, they need to get mad as hell because of how they have been abused. The plain fact is, they haven't been told the truth. Instead, they've been misled and manipulated by industry and government spokespersons. "Not to worry, John and Jane Q. Public. Trust us: All is well at the lab, on the farm, in the wild. Animals are being treated humanely." Trust us? Not any more, one hopes.

Second, people need to get mad as hell because of how animals are being abused. When the organs of animals are crushed and their limbs are severed; when they are made sick by the food they are forced to eat and spend their entire life alone, in isolation; when they are gassed to death or have their neck broken: no propaganda machine in the world can turn these appalling facts into something they are not.

If the day comes when the general public does get mad as hell, the ranks of animal rights advocates will begin to grow in unprecedented numbers. When this day comes, but not until this day comes, our shared hope for a world in which animals truly are treated humanely finally will have realistic legs to stand on.

QUESTION

In trying, as I do, to live by the philosophy you promote I find one of the biggest problems occurs in cases where respecting a moral patient's rights may conflict with that same individual's preferences and interests. For example, is there an argument in favor of overruling an individual's free will if, as a result, that individual suffers less, or must individual free will take precedence always (as a right), even if that means the individual's suffering is greater as a result? Wild animals and pets being just one example in each case. In other words, as moral agents, should our priority be the protection of a moral patient's free will or the minimisation of their suffering, in cases where these conflict? What their free-will drives them to, and what our experience has shown us to be the path of least suffering for them, are not always the same thing!

Tom Regan: This is a really hard question, for which I thank you. I think it would take the wisdom of Solomon to give a complete definitive answer, but here goes.

Paternalism means limiting the freedom of another for what we think is their own good. Parents act paternalistically toward their children throughout their formative years after which time the children become independent agents crafting their own destiny.

When it comes to nonhuman animals, my thinking varies, depending on whether we are talking about companion or wild animals.

Companion animals are in some ways (not in every way, of course) like permanent children. For them a day never comes when they pack their bags and move out in pursuit of an independent life. In the nature of the case, therefore, we are called upon to act paternalistically towards them. In fact, this is a central part of the contract we enter into with them when we invite them into our lives. It would be grossly irresponsible of us not to place any constraints of their behaviour. Of course, like some parents, human guardians can over-do it. Some of them can be so overbearing, so “protective” that they squeeze the spontaneity and joy out of their companions. We’ve all encountered these sorts of people. If you’re like me, they make you ill.

What we are looking for in our relationships with our nonhuman companions is a balance between allowing them their freedom, on the one hand, and protecting them, “for their own good,” on the other. Here’s an example from our life with dogs to illustrate what I mean.

Most of the dogs we have lived with have liked to run free, which they were able to do in a park near where we live. (Yes, I know, it’s illegal to unleash a dog in that park, but kindly don’t report me). No cars, trucks, just open space. My role as human companion was to offer them as much freedom as I responsibly could. Of course, that changed when we came out of the park and into our small suburban neighborhood. The world outside the park was different than the world inside the park. Car, trucks, who-knows-what. So on went the stretch leash as we walked home.

One of our dogs, Dr. Pepper, was never satisfied. She would wait for me to unleash her as we were walking down the driveway; then, if I failed to be really mindful, pow!, like a shot out of a cannon, she was off, back to the park! “Come on, dummy!” she was saying, “Let’s play some more!” That dog (she was a mixed breed, and proud of it) was the most devious being I’ve ever known.

Nonhumans living in the wild, on the other hand, normally can get along with their life without needing our paternalistic intervention. I say normally because circumstances can arise in which it would be appropriate to intervene. We have foxes, racoons and other wild friends who live in our neighborhood. If someone puts poison in food they set out I think it would be entirely appropriate for me to intervene, “for the animal’s good.” But these sorts of exceptions make the rule, in my view. As a general policy, as I write in *The Case*, humans should “let wild animals be” (357), “keeping human predators out of their affairs, allowing [them] . . . to carve out their own destiny.”

So, does their freedom rank above our paternalistic care? As I said, I think it varies, from one situation to another.

QUESTION

In the Preface to the 2004 edition of *The Case for Animal Rights*, you wrote that you thought your position was seriously challenged by Callicott’s critique that it does not “provide a credible basis for addressing our obligation to preserve endangered species.” (xxxviii) Upon further reflection, have you come to accept this intuition that we have an obligation to preserve endangered species, and if so, on what basis?

Tom Regan: Callicott (if my memory serves me well) was one of the non-ARAs we invited to CAF’s International Compassionate Living Festival so people who were ARAs could learn why others were not. I have not seen Baird for (gosh, it must be) over twenty years by now, but I still regard him as a friend from whom I learned much. As for your specific question, about my “failing to

account for the intuition that we have an obligation to preserve endangered species”: yes, I think I failed to do justice to that intuition in the first edition of *The Case*. However, in the new Preface to the second edition, I think I explain how the rights view can account for this intuition and ground this obligation. Here’s what I write:

“Compensatory justice is an idea advocates of human justice sometimes employ. A classic example involves past injustice done to members of identifiable groups. For example, although today’s descendants of the Miniconjou Sioux who were slaughtered by the 7th US Cavalry at Wounded Knee on December 29, 1890 were not alive at the time of the massacre, it is not implausible to argue that they (today’s descendants) are owed something because of what happened, not only at Wounded Knee but for many years before and after. Given any reasonable view of history, today’s descendants have been disadvantaged because of the massive injustice done to their predecessors. Moreover, what they are owed is something more than what is owed to others of us who have not been disadvantaged in similar ways, for similar reasons. Other things being equal, more should be done for them, by way of compensatory assistance, than what is done for us.

“The rights view can apply compensatory principles to animals (the East African black rhino, for example) whose numbers are in severe decline because of past wrongs (for example, poaching of ancestors and destruction of habitat). Although the remaining rhinos have no greater inherent value than the members of a more plentiful species (rabbits, say), the assistance owed to the former arguably is greater than that owed to the latter. If it is true, as I believe it is, that today’s rhinos have been disadvantaged because of wrongs done to their predecessors, then, other things being equal, more should be done for the rhinos, by way of compensatory assistance, than what should be done for rabbits.”

So, using broad strokes, this is how I think the rights view can account for our intuition that we owe more to the members of endangered species of animals than we owe to the members of more plentiful species. I failed to make this argument in the first edition of *The Case*—one of many omissions, I’m sure.

QUESTION

Who gets to say what “animal rights” means and who gets to define what the AR movement is and who is or is not part of it?

Tom Regan: Rights have a pedigree, so to speak. Humans have been thinking about them for thousands of years. When we talk about an individual’s rights, therefore, we are talking about an idea that people can’t just make up. Rights mean something. Here are the defining characteristics of the idea as I understand it, beginning with human rights. My answer excerpts several pages from Chapter Four of *Empty Cages*.

The first thing we learn when we begin to explore human rights is how much they have shaped human history. Revolutions have been fought, religious liberties claimed, and royal heads have rolled, all in the name of human rights. This should tell us something about their importance. When people are willing to take up arms in defense of their rights, perhaps to give their very life, something of great value must be at stake. What could this be?

LEGAL RIGHTS AND MORAL RIGHTS

Philosophers distinguish between legal rights and moral rights. Legal rights are liberties or protections individuals have because some law says they do. For example, Americans eighteen years of age or older have a legal right to vote. For obvious reasons, legal rights do not come into being on their own; they have to be created through law, whether (here are two ways) by the whims of a despot or by the will of a democratically elected assembly. So one defining characteristic of legal rights is that they are made by human beings; as such, humans can unmake them too.

This leads to another defining characteristic: legal rights often vary from nation to nation, and within the same nation at different times. For example, the legal rights Americans have to religious freedom and to a trial by a jury of one's peers are not universal among all nations. And the right to vote possessed by blacks and women in America today is the same right that was systematically denied to them throughout much of our nation's history.

Two of the defining characteristics of moral rights (others will be discussed below) contradict what has just been said about legal rights. First, humans do not make moral rights, nor can we unmake them. Second, moral rights are not limited to the citizens of a particular nation, at a particular time. Moral rights (for example, our rights to life, liberty, and bodily integrity) are universal and timeless.

Belief in moral rights is pervasive throughout representative democracies today. The framers of America's Declaration of Independence certainly believed in them; they maintained that the sole reason for having a government in the first place is to protect citizens in the possession of their rights, rights that, because they are independent of, and more basic than, legal rights, have the status of moral rights.

As an advocate of moral rights, I take my stand with America's founders. The young men who were sent to fight in Vietnam had moral rights, including the rights to life, liberty, and bodily integrity. So did the Vietnamese children who were killed and maimed in the conflict. And each had these rights whether the US government, or any government for that matter, recognized them.

But what does it mean to say, "They had rights"? Suppose we answer by saying, "Well, the rights they had were moral rights, which are universal and timeless." This is true, no doubt, but it does not take us very far. What else can we say about moral rights to help us understand what they are and why they matter? There are six additional defining characteristics that help provide an answer.

1. RIGHTS AND DUTIES: TWO SIDES OF THE SAME COIN

The first thing to notice is the relationship between moral duties, on the one hand, and moral rights, on the other. Some of our duties are so important, they carry rights with them. The duties owed are one side of the coin; the rights possessed are the other side. Let me explain.

When we say something is a moral duty, we are saying that it is something we should do, something it would be wrong for us not to do. Of course, we might not to do it. Limited creatures that we are, there are many things we should do that we fail to do. Still, everyone understands the idea of having a duty (to tell the truth, for example, or to keep one's word). When we ask how to understand our most important duties, part of the answer is simple. Some of our duties are so important they give rise to rights.

2. MORAL STATUS: "NO TRESPASSING"

Another defining characteristic of moral rights concerns moral status. Possession of moral rights confers a distinctive moral status on those who have them. To possess these rights is to have a kind of protective moral shield, something we might picture as an invisible "No Trespassing" sign.

What does this invisible sign prohibit? Two things, in general. First, others are not morally free to harm us; to say this is to say that others are not free to take our life or injure our body as they please. Second, others are not morally free to interfere with our free choice; to say this is to say that others are not free to limit our free choice as they please. In both cases, the "No Trespassing" sign is meant to protect our most important goods (our life, our body, our liberty) by morally limiting the freedom of others.

Does this mean that it must always be wrong to take someone's life, injure them, or restrict their liberty? No. When people exceed their rights by violating ours, we act within our rights if we respond in ways that can harm or limit the freedom of the violators. For example, suppose a mugger attacks you; then you certainly act within your rights if you use physical force sufficient to defend yourself, even if this harms your assailant.

Thankfully, in the world as we find it, such cases are the exception, not the rule. Most people most of the time act in ways that respect the rights of other human beings. But even if the world happened to be different in this respect, the central point would be the same: what we are morally free to do when someone violates our rights does not translate into a more general freedom to violate their rights.

3. MORAL WEIGHT: "TRUMP"

Every serious advocate of human rights not only believes that individual moral rights are important; more, we believe that our rights are the most important moral consideration we can think of. To use an analogy from the card game Bridge, individual rights are "trump." Here is what this means.

Bridge is played by four people using an ordinary deck of playing cards, fifty-two cards in all, thirteen of each suit: clubs, diamonds, hearts, spades. There are thirteen plays ("tricks") in each hand, with the most powerful card winning each trick. Ordinarily, the winning card is the highest card of the same suit. The ace of clubs beats every other club, the ace of diamonds beats every other diamond, and so on. However, through an elaborate ritual of bidding, players can decide that a given suit is the trump suit for a particular hand. Once this is decided, the cards in the trump suit acquire added power.

For example, suppose hearts are trump. And suppose the first three cards played are the queen of spades, the king of spades, and the ace of spades. You are the next player. You have no spades. However, you do have the two of hearts. Because hearts are trump in this hand, your lowly two of hearts beats the queen of spades, beats the king of spades, even beats the ace of spades. This is how powerful trump is in the game of Bridge.

The analogy between trump in Bridge and individual rights in morality should be reasonably clear. There are many different considerations that are relevant to moral decision-making. How will we be affected personally as a result of making one decision or another? What about our family, friends, neighbors, fellow Americans? It is not hard to write a long list. When we

say, “rights are trump,” what we mean is that our duty to respect the rights of individuals is the most important consideration in “the game of morality,” so to speak. We mean that desirable outcomes, for ourselves or for our friends, for example, never justify violating someone’s rights. We mean the good that others derive from violating someone’s rights never justifies violating them.

4. MORAL RIGHTS AND MORAL EQUALITY

The next characteristic of moral rights concerns their equality. Moral rights are the same for all who have them, which is why no human being can justifiably be denied rights for arbitrary, prejudicial, or morally irrelevant reasons. Race is such a reason; to determine which humans have rights on the basis of race encapsulates a particularly virulent strain of prejudice. What race we are tells us nothing about what rights we have.

The same is no less true of other differences between us. We trace our family lineage to different places, some to Ireland, some to Lithuania, others to Africa. Some people are Christians, some Jews, some Moslem. Others are agnostics or atheists. A few are very wealthy, many more, very poor. And so it goes. Our differences are many and real. There is no denying that.

Still, no one who believes in human rights thinks that these differences mark fundamental moral differences. If we mean anything by the idea of human rights, we mean that humans who have moral rights have them equally. And we have them equally regardless of our many differences, whether these concern our race, gender, intelligence, religious belief, comparative wealth, or date or place of birth, for example.

5. INVOKING RIGHTS: DEMANDS, NOT REQUESTS

A fifth characteristic of rights concerns their meaning when we invoke them. This is best understood by contrasting claims of rights with requests for charity or generosity. With regard to the latter: sometimes we ask for things we do not deserve. I want a fancy sports car. You have more than enough money to buy one for me. I confront you, saying, “Would you mind buying me a Ferrari?”

One thing about my bizarre request is abundantly clear. I am not in a position to demand that you buy me a Ferrari! Receiving a car from you—any car—is not something to which I am entitled, not something I am owed or due. Were you to present me with the car of my dreams, it would be just that: a present. Your gift would distinguish you as uncommonly generous, not uncommonly fair.

When we invoke our rights, by contrast, we are not asking for anyone’s generosity. We are not saying, “Please, would you give me something I do not deserve?” We are not asking for any favors. On the contrary, when we invoke our rights we are demanding fair treatment, demanding that we receive what is our due. Of course, there is no guarantee that we will receive it. Law-abiding citizens have the right to demand their physical safety when they take a walk through the park, but (tragically) this is a right muggers fail to honor. Nevertheless, everyone understands that we are not asking for something we do not deserve when we take our walk, with the expectation that no one will attack us.

6. RIGHTS VIOLATIONS AND THE DUTY OF ASSISTANCE

It sometimes happens that those whose rights are violated do not understand the injustice that is done to them. What sometimes happens to children as well as to those who suffer from serious mental disabilities, whatever their age, are obvious examples of how this can happen. Because of their vulnerability, these humans are easy prey for those seeking some benefit, whether personal or public. When used as means to such ends, not only are the rights of these humans violated; in addition, those of us who understand the wrong that has been done have a duty to intervene on the victims' behalf, to stand-up and speak-out in their defense. Moreover, the duty here is itself a demand of justice, not a plea for generosity. These victims are owed assistance from us; help is something they are due, not something it would be "awfully nice" of us to render. Arguably, the less able humans are to defend their rights, the greater is our duty to do this for them.

Everyone understands that there is a limit to what we can do in the name of defending the victims of injustice. We simply cannot do everything for every victim. For all of us, however, this limit is not zero. That we cannot do everything in defense of those who cannot defend themselves does not mean that we should content ourselves with doing nothing.

THE RIGHT TO BE TREATED WITH RESPECT

To act in ways that are respectful of the rights of individuals is to act in ways that are respectful of the individuals whose rights they are. Because human beings have rights to life, bodily integrity, and liberty, serial murderers commit grievous moral wrongs when they take the life of their victims, child molesters act wrongly when they injure their victims, and kidnappers wrong their captives when they deprive them of their freedom. In each of these and all analogous cases, there is an essential moral sameness in the wrong that is done: whenever our individual rights are violated, we are treated with a lack of respect.

In a general sense, then, the several rights discussed (the rights to life, liberty, and bodily integrity) are variations on a main theme, that theme being respect. This is the main theme because treating one another with respect just is treating one another in ways that respect our other rights. Thus it is that this important idea (treating one another with respect) can be used to express what we might call our summary right, the one right that unifies all our other rights: our right to be treated with respect . . .

So, to go back to the first part of your question: rights mean something. And they mean the same thing whether they are ascribed to humans or nonhumans. "Animal rights" exhibit the same characteristics as "human rights": no trespassing, equality, trump, justice, respect, as has been explained. As I have expressed this idea in a "animal research" context: Animals are not our tasters, we are not their kings. If people affirm animal rights, this is what they are affirming. If others deny animal rights, this is what they are denying.

Now, there are those who deny animal rights but use the words anyway. Peter Singer comes to mind in this regard. He explicitly denies that animals have rights then turns around and says they do anyhow. He says his use of "animal rights" is "rhetorical." That's not the way I understand the idea. To my way of thinking, "animal rights" means something. Invoking or appealing to their rights is invoking or appealing to more than a "rhetorical" idea.

As for the second part of your question: "who gets to define what the AR movement is and who is or is not part of it?" The best answer that comes to my mind is: anyone who is working for the recognition of animal rights, whose actions respect the right of humans to be treated with

respect, is part of the AR movement. This does not mean that all ARAs must agree on how to bring about this recognition. For example, I do not doubt that members (if that's the right word) of the A.L.F. see themselves as working for the recognition of animal rights. Do I agree with what they do? No, for reasons cited earlier, I do not. But are they active in the AR movement? Yes, I think they are.

QUESTION

Chapter Six of Defending Animal Rights is called “Patterns of Resistance” in which you describe the “dynamics of exclusion” which prevent the formation of an ideal moral community. You chose to highlight two social institutions which act as “forces of resistance” to the inclusion of a number of groups in the moral community including, of course, nonhuman animals. Could you please outline your argument to enable ARZone members to more fully appreciate “what they are up against”?

Tom Regan: All movements for progressive change encounter the same “patterns of resistance.” In the chapter to which you are referring, I discuss the movements to abolish slavery, to enfranchise women, to grant equal rights to gays and lesbians, and to truly liberate nonhuman animals. Two powerful voices resisting all these movements have been (strange bed-fellows) science and religion. For example, defenders of slavery often cited passages from the Bible that they claimed “proved” that God intended blacks to be slaves, whereas others cited various scientific studies (comparative brain size between whites and blacks, for one) that “proved” blacks were biologically inferior to whites. When you have these powerful forces—religion, on the one hand, and science, on the other—speaking in favor of a repressive status-quo, it's fair to say that changing the status-quo will be a daunting challenge.

And what do we find today, in the midst of our movement—the AR movement? Overwhelmingly, the voices speaking from a religious or a scientific perspective are speaking in favor of human superiority compared to other animals. I am not saying everyone speaking from these perspectives is saying this anymore than everyone speaking from these perspectives in the past favored the subjugation of women. What I am saying is that, overwhelmingly, this is what these voices are saying.

To my mind, it's important for ARAs to understand these “patterns of resistance.” It's important, first, because it helps create ARA solidarity with those from the past who have worked for progressive change; they had to face the same forces of resistance we have to face. It's important, second, because our knowledge of these patterns can perhaps open a dialogue with those who believe in human superiority compared to other animals “because of what the Bible says,” for instance. “Oh,” we can say, “that's why you believe in human superiority. Well, did you know that slavery was defended in the same way? And so was the subjugation of women.” I'm not saying this will bring every discussion to an end; I'm only saying that this is one way a discussion can begin. And it's important, finally, because bringing these patterns of resistance to the attention of teachers and administrators can help them understand and, in some cases, possibly embrace the burgeoning field of human-and-animal-studies.

In my talks to ARAs I invite them to imagine a very big wall—a huge wall. The wall symbolizes the oppression of nonhuman animals. If only we could topple that wall with one good push! Chances are, that's not going to happen. Chances are, we are going to have to dismantle that wall one brick at a time.

Will the wall of animal oppression be disassembled while everything else remains the same? Just speaking for myself, I doubt it. Other broad, deep changes--in how human beings understand what it means to be human as well as in how we are to live within the larger life community—fundamental changes like these will have to occur before the last brick is removed. Something akin to The Three Generation I described earlier needs to come into being and flourish if other animals are to be truly liberated. To my way of thinking, the animal rights movement is a spoke in the wheel of a much larger movement, what in the past I have called The Whole Movement: the consolidation of all progressive, egalitarian movements. So, yes, most certainly, ARAs will have a place at the table in The Whole Movement. After-all, the table is large, the interests varied, and the food is . . . vegan, of course.

ARZone exists to promote rational discussion about our relations with other animals and about issues within the animal advocacy movement. Please continue the debate after chats by starting a forum discussion or making a point under a transcript.

<http://arzone.ning.com>