

## **Should we treat non-human animals well because they have rights, interests, neither, or both?**

Ethical concerns regarding animal welfare have grown rapidly since the 1970s and have been at the core of contemporary philosophical discussions in response to changing societal attitudes to non-human animals. This question implies a normative ethical assertion that requires justification regarding why we ought to treat non-human animals well. For the purposes of this discussion, I would define "well" as the mitigation of harm, promotion of welfare, and respecting dignity. Rights, often grounded in Kantian ethics, imply the inviolability of rules regardless of the context; interests, often associated with utilitarianism, imply the conditions that are beneficial or detrimental to the being; both imply the combination of rights and interests in their approach to animal welfare, whereas neither imply an alternative approach, for example, relational ethics.

In this essay, whilst I recognise the contribution of right-based theories to public debate on animal welfare, I will reject Regan's "inherent value" view and Donaldson and Kymlicka's political right view to argue against right-based theories; while Singer's sentience view is notable in modern animal welfare movements, I will reject it using Frey's argument for cognitive capacities, then critically reject all interest-based theories; I shall then turn to Midgley's argument in exposing weaknesses of all capacity-based theories. Ultimately, I will argue that 'relational ethics', including indigenous views from Kimmerer and Rose, provide better grounds for explaining animal welfare. Therefore, I will argue that we should treat non-human animals well not because they have rights or interests or both, but because of the implications of relationships and emotions on morality in this interconnected community.

Contemporary rights-based theorists argue that non-human animals should be treated well because of their innate natural rights. Deontologist Regan articulated his argument based on the concept of "subjects-of-a-life" (Regan, 1983). As opposed to Kant's emphasis on the moral worth of 'rationality', he holistically argues that moral rights only belong to beings with inherent value, in which a "subject-of-a-life" is a being with conscious experience, emotions, preferences and a sense of self over time. He suggested that if the being has inherent value, it should be treated as an end in itself, not merely as a means to an end. They are therefore entitled to moral rights, including the right to be treated respectfully. This view de-prioritises aggregate happiness, preventing the sacrifice of individuals for majority gains.

While this theory displays theoretical elegance and impartiality, I would argue that it lacks guidance in practical application. Regan himself illustrates an example: imagine five survivors on a lifeboat that can only support four. All of them weigh similarly and take up approximately the same amount of space; however, four of them are adults and one is a dog; one must be sacrificed or else all will perish. Regan claims that we should kill the dog, as the *prima facie* harm caused by

the death of any human is significantly greater than the death of the dog, admitting that his view holds a human exceptionalist position. This undermines his fundamental egalitarian principles by introducing a qualitative judgement of lives, which his concept prohibits. I would therefore argue that Regan's theory would either cause humans to be paralysed in facing moral dilemmas or self-contradicting resolutions, revealing both applied and theoretical inconsistencies.

Other right-based theorists attempt to justify compassionate, non-human animal treatment through political rights, proposing that they should be incorporated into our political community through the concept of "Zoopolis". Donaldson and Kymlicka argue that members of society and bearers of interests that are vulnerable to injustice ought to be politically protected through rights and representation (Donaldson and Kymlicka, 2011). They provide non-human animals with political status and differentiate them between three types of political status: domesticated animals are classified as citizens because they live with us interdependently; liminal animals are classified as denizens as they inhabit shared spaces; and wild animals are classified as foreign communities, and they deserve autonomy. Therefore, they conclude that non-human animals should receive justice, which includes giving them political voices and legal recognition. This implies that non-human animals should be treated well because of their political rights granted by humans.

However, a defensible claim is that neither moral nor political rights justify why non-human animals should be treated well. I would argue that rights are grounded in a system of moral reciprocity: non-human animals lack the capacity to understand their duties and make moral decisions, meaning that they are not moral agents and do not bear rights. Cohen argues against right-based theories through distinguishing between moral agents and moral patients; human beings are moral agents that are right-bearers, and non-human animals are moral patients who are objects of moral concern but non-right-holders (Cohen, 1986). I aim not to defeat the significance of animal welfare but rights as a tool to justify our treatment of non-human animals.

If rights do not provide justification for treating non-human animals well, we must then consider interest-based theories. Interest-based theorist Singer's *Animal Liberation* is often considered the cornerstone literature of modern animal rights movements through the lens of preference utilitarianism, in which he argues that sentience is the only relevant criterion for moral consideration. (Singer, 2002) He suggests that all beings that are capable of experiencing pleasure or pain have interests and thus should be considered impartially. In his work, he illustrates the confinement of pigs in factory farming. Pregnant pigs are kept in metal gestation crates, causing physical and psychological pain. Singer uses his theory to criticise factory farming, as they cause great suffering for animals with, what is considered by him, trivial economic gain for humans, which is morally indefensible. Singer's approach combines behavioural empirical evidence with his utilitarian framework to justify our treatment of non-human animals.

However, I would argue that interests require more than sentience. Humans' sophisticated cognitive capacity is significantly different from that of non-human animals. Interest-based theory critic Frey distinguishes non-human animals who have mere welfare from humans who have morally significant interests. (Frey, 1980) He argues that humans carry more moral weight, as they can form beliefs, desires, and plans as well as having their conception of their lives. He admits to a hierarchical view of moral value and argues that beings with richer mental complexity have greater moral status than others with simpler ones. He challenges Singer's argument that sentience is the sole criterion in determining interest for moral consideration and thus suggests that Singer's interpretation of interest does not sufficiently justify why we should treat non-human animals well.

Some critics point out that marginal cases can challenge Frey's view on animal welfare. Applying Frey's system of morality to infants and people with severe cognitive disabilities, it could be argued that they would have a lower moral status than the neurotypical human being, contradicting the view that all humans should have equal moral status. Frey himself acknowledges the implications of the marginal cases argument and draws the conclusion that not all humans have equal moral status; if a human lacks the cognitive capacities that ground moral interests, then they may not have full moral rights. This argument contradicts moral intuition, in which widely held beliefs such as compassion and human dignity are undermined, making it difficult to be accepted despite its logical consistency.

While interest-based theories offer an appealing shift from abstract rights to more context-based considerations, they also face severe criticisms, particularly in their account for moral worth through sentience. The inadequacies of both rights- and interests-based theories expose the weaknesses of capacity-based approaches, which are approaches that grant moral status based on specific traits such as rationality. This is supported by Midgley's arguments, in which she argues that these approaches are morally arbitrary because of the implications of the marginal human cases and for claiming speciesism simply because they lack human traits (Midgley, 1983). As a relational ethicist, she further emphasises that our concern about non-human animals is based on emotional connections and empathy. Therefore, I would argue that while normative theories provide constructive guidelines for morality, ethics is also about emotional intelligence other than abstract reasoning, and relational ethics provides a firm foundation for explaining why we should treat non-human animals well.

Amongst the branches of relational ethical theories, I would argue that indigenous approaches (though often overlooked) provide a profound perspective on why we should treat non-human animals well. Potawatomi scientist Kimmerer offers a unitive and "interbeing" perspective, in which she advocates "kinship", meaning that non-human animals are treated as relatives rather

than resources for humans; they should be treated as beings with spirit and intelligence (Kimmerer, 2013). The imperative to treating non-human animals well arises from mutual responsibility and gratitude. Deeply rooted in antiquity and traditions, Kimmerer argues that we should treat non-human animals well because of our sacred and ongoing relationship with them, which is spiritually and morally significant in a unitive context.

Similarly, Rose, an eco-philosopher who worked closely with Aboriginal communities in Australia, provides a convincing relational ethical approach to animal welfare, focusing on the ecological concepts (Rose, 2011). She rejects human-dominant frameworks and argues that both human and non-human animals are part of the interdependent ecological network, which implies that we live in the same ethical framework. She argues that shared vulnerability and mutual dependence provide sound reasoning for responsibility. Through building a community based on relational attentiveness, I would argue that we have persuasive justification for treating non-human animals well from a relational ethics perspective.

Western critics would argue that relational ethics is too emotionally and spiritually grounded to function in a world with pluralistic and secular societies. They would argue that emotions are highly unstable; spiritual beliefs are culturally and religiously specific and not universal. Ethics should be rational, which can be applied to multicultural contexts. Therefore, they would argue that relational ethics has a deeply rooted issue when applied to animal welfare, as it lacks universal moral standards.

However, I take the view that Western ethical views make the assumption that reason must be fully detached from emotions. From a relational ethics perspective, it could be argued that emotions such as empathy are not necessarily irrational; rather, they are morally intelligent responses to others in the interconnected community; these feelings establish moral concerns, which act as the pillar of our ethical responsiveness. Rather than overly subjective, I would argue that Kimmerer and Rose's views are inherently context sensitive. This is advantageous, as this system encourages mutual understanding and responsibility for the moral circumstances rather than a single moral standard in pluralistic societies. Finally, I would argue that their views are more attached to human behaviour and true emotions when contrasted with abstract Western theories, which makes it more convincing when explaining why we should treat non-human animals well.

To conclude, this essay critically examines the highly debated question of why we should treat non-human animals well, exploring right-based, interest-based and relational approaches. I have argued that both moral and political right-based theories fail to provide a convincing account for animal welfare due to their reliance on moral reciprocity. On the other hand, I have also rejected

Singer's utilitarian framework for being solely reliant on sentience and failing to account for Frey's cognitive capacity-based distinction.

While I acknowledge the limitations of relational ethics associated with emotional subjectivity when applied for the implementation of public policy and decision-making, I would ultimately argue that relational thinkers offer more persuasive moral foundations. These perspectives place emphasis on our ethical responsibilities rooted in emotions and interdependence, rejecting the rationalist abstraction and emotionally detached Western ethical theories. Therefore, I would argue that we should treat non-human animals well, not because they have rights or interests or both, but because of the morality grounded in relationships and emotions that is highly context sensitive.

In a broader picture, relational ethical frameworks extend far beyond the context of animal welfare. It contests the prevailing Enlightenment principles of individualism that mould Western societies, advocating for pre-anthropocentric ethics. Through integrating indigenous perspectives, these principles could drastically shift our stereotypical ethical approach and allow us to inhabit a world where emotional attachments and relationships override abstract ethical rules.

#### Bibliography:

Donaldson, S. and Kymlicka, W. (2011) *Zoopolis: A Political Theory of Animal Rights*. Oxford: Oxford University Press.

Frey, R.G. (1980) *Interests and Rights: The Case Against Animals*. Oxford: Oxford University Press.

Kimmerer, R.W. (2013) *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants*. Minneapolis: Milkweed Editions.

Midgley, M. (1983) *Animals and Why They Matter*. Athens, GA: University of Georgia Press.

Regan, T. (1983) *The Case for Animal Rights*. Berkeley: University of California Press.

Rose, D.B. (2011) *Wild Dog Dreaming: Love and Extinction*. Charlottesville: University of Virginia Press.

Singer, P. (2002) *Animal Liberation*. 2nd edn. New York: HarperCollins.