ROGER SCRUTON
Animal Rights and Wrongs

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NON-MORAL BEINGS

I shall use the term "animal" to mean those animals that lack the distinguishing features of the moral being—rationality, self-consciousness, personality, and so on. If there are non-human animals who are rational and self-conscious, then they, like us, are persons, and should be described and treated accordingly. If *all* animals are persons, then there is no longer a problem as to how we should treat them. They would be full members of the moral community, with rights and duties like the rest of us. But it is precisely because there are animals who are not persons that the moral problem exists. And to treat these non-personal animals as persons is not to grant to them a privilege nor to raise their chances of contentment. It is to ignore what they essentially are and so to fall out of relation with them altogether.

The concept of the person belongs to the ongoing dialogue which binds the moral community. Creatures who are by nature incapable of entering into this dialogue have neither rights nor duties nor personality. If animals had rights, then we should require their consent before taking them into captivity, training them, domesticating them or in any way putting them to our uses. But there is no conceivable process whereby this consent could be delivered or withheld. Furthermore, a creature with rights is duty-bound to respect the rights of others. The fox would be duty-bound to respect the right to life of the chicken and whole species would be condemned out of hand as criminal by nature. Any law which compelled persons to respect the rights of non-human species would weigh so heavily on the predators as to drive them to extinction in a short while. Any morality which really attributed rights to animals would therefore constitute a gross and callous abuse of them.

Those considerations are obvious, but by no means trivial. For they point to a deep difficulty in the path of any attempt to treat animals as our equals. By ascribing rights to animals, and so promoting them to full membership of the moral community, we tie them in obligations that they can neither fulfil nor comprehend. Not only is this senseless cruelty in itself; it effectively

destroys all possibility of cordial and beneficial relations between us and them. Only by refraining from personalising animals do we behave towards them in ways that they can understand. And even the most sentimental animal lovers know this, and confer "rights" on their favourites in a manner so selective and arbitrary as to show that they are not really dealing with the ordinary moral concept. When a dog savages a sheep no one believes that the dog, rather than its owner, should be sued for damages. Sei Shonagon, in *The Pillow Book*, tells of a dog breaching some rule of court etiquette and being horribly beaten, as the law requires.[1] The scene is most disturbing to the modern reader. Yet surely, if dogs have rights, punishment is what they must expect when they disregard their duties.

But the point does not concern rights only. It concerns the deep and impassable difference between personal relations, founded on dialogue, criticism and the sense of justice, and animal relations, founded on affections and needs. The moral problem of animals arises because they cannot enter into relations of the first kind, while we are so much bound by those relations that they seem to tie us even to creatures who cannot themselves be bound by them.

Defenders of "animal liberation" have made much of the fact that animals suffer as we do: they feel pain, hunger, cold and fear and therefore, as Singer puts it, have "interests" which form, or ought to form, part of the moral equation.[2] While this is true, it is only part of the truth. There is more to morality than the avoidance of suffering: to live by no other standard than this one is to avoid life, to forgo risk and adventure, and to sink into a state of cringing morbidity. Moreover, while our sympathies ought to be—and unavoidably will be—extended to the animals, they should not be indiscriminate. Although animals have no rights, we still have duties and responsibilities towards them, or towards some of them. These will cut across the utilitarian equation, distinguishing the animals who are close to us and who have a claim on our protection from those towards whom our duties fall under the broader rule of charity.

This is important for two reasons. Firstly, we relate to animals in three distinct situations, which define three distinct kinds of responsibility: as pets, as domestic animals reared for human purposes and as wild creatures.

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1 *Editor's note*: Sei Shonogan (c. 966–1017/1025) was a Japanese poet and writer. She was a court lady to the Empress Teishi.

2 *Editor's note*: See Selections from Peter Singer's "All Animals Are Equal" on pp. 429–435 of this reader.

Secondly, the situation of animals is radically and often irreversibly changed as soon as human beings take an interest in them. Pets and other domestic animals are usually entirely dependent on human care for their survival and well-being; and wild animals, too, are increasingly dependent on human measures to protect their food supplies and habitats.

Some shadow version of the moral law therefore emerges in our dealings with animals. I cannot blithely count the interests of my dog as on a par with the interests of any other dog, wild or domesticated, even though they have an equal capacity for suffering and an equal need for help. My dog has a special claim on me, not wholly dissimilar from the claim of my child. I caused it to be dependent on me precisely by leading it to expect that I would cater for its needs.

The situation is further complicated by the distinction between species. Dogs form life-long attachments and a dog brought up by one person may be incapable of living comfortably with another. A horse may be bought or sold many times, with little or no distress, provided it is properly cared for by each of its owners. Sheep maintained in flocks are every bit as dependent on human care as dogs and horses; but they do not notice it and regard their shepherds and guardians as little more than aspects of the environment, which rise like the sun in the morning and depart like the sun at night. * * *

LIVESTOCK AND THE EATING OF MEAT

It is impossible to consider the question of farm animals without discussing an issue which for many people is of pressing concern: whether we should consume animal products in general and meat in particular. To what sphere of moral debate does this question belong? Not, surely, to the moral law, which offers no decisive answer to the question of whether it is wrong to eat a *person*, provided he or she is already dead. Nor to the sphere of sympathy, which gives few unambiguous signals as to how we should treat the dead remains of living creatures. Our only obvious guide in this area is piety which, because it is shaped by tradition, provides no final court of appeal. In the Judaeo-Hellenic tradition, animals were sacrificed to the deity and it was considered an act of piety to share a meal prepared for such a distinguished guest. In the Hindu tradition, by contrast, animal life is sacred and the eating of meat is as impious as the eating of people.

In the face of this clash of civilisations there is little that the sceptical conscience can affirm, apart from the need for choice and toleration. At the same time, I cannot believe that a lover of animals would be favourably

impressed by their fate in Hindu society, where they are so often neglected, ill-fed and riddled with disease. Having opted for the Western approach, I find myself driven by my love of animals to favour eating them. Most of the animals which graze in our fields are there because we eat them. Sheep and beef cattle are, in the conditions which prevail in English pastures, well-fed, comfortable and protected, cared for when disease afflicts them and, after a quiet life among their natural companions, despatched in ways which human beings, if they are rational, must surely envy. There is nothing immoral in this. On the contrary, it is one of the most vivid triumphs of comfort over suffering in the entire animal world. It seems to me, therefore, that it is not just permissible, but positively right, to eat these animals whose comforts depend upon our doing so.

I am more inclined to think in this way when I consider the fate of human beings under the rule of modern medicine. In comparison with the average farm animal, a human being has a terrible end. Kept alive too long by processes like the organ transplant, which nature never intended, we can look forward to years of suffering and alienation, the only reward for which is death—a death which, as a rule, comes too late for anyone else to regret it. Well did the Greeks say that those whom the gods love die young. It is not only divine love but also human love that expires as the human frame declines. Increasingly, many human beings end their lives unloved, unwanted and in pain. This, the greatest achievement of modern science, should remind us of the price that is due for our impieties. How, in the face of this, can we believe that the fate of the well-cared for cow or sheep is a cruel one?

Two questions trouble the ordinary conscience, however. First, under what conditions should farm animals be raised? Secondly, at what age ought they to be killed? Both questions are inevitably bound up with economics, since the animals in question would not exist at all if they could not be sold profitably as food. If it is uneconomical to rear chickens for the table, except in battery farms, should they therefore not be reared at all? The answer to such a question requires us to examine the balance of comfort over discomfort available to a chicken, cooped up in those artificial conditions. But it is not settled by utilitarian considerations alone. There is the further and deeper question, prompted by both piety and natural sympathy, as to whether it is right to keep animals, however little they may suffer, in conditions so unnatural and so destructive of the appetite for life. Most people find the sight of pigs or chickens, reared under artificial light in tiny

cages, in conditions more appropriate to vegetables than to animals, deeply disturbing and this feeling ought surely to be respected, as stemming from the primary sources of moral emotion.

Those who decide this question merely by utilitarian calculation have no real understanding of what it means. Sympathy and piety are indispensable motives in the moral being and their voices cannot be silenced by a mere calculation. Someone who was indifferent to the sight of pigs confined in batteries, who did not feel some instinctive need to pull down these walls and barriers and let in light and air, would have lost sight of what it is to be a living animal. His sense of the value of his own life would be to that extent impoverished by his indifference to the sight of life reduced to a stream of sensations. It seems to me, therefore, that a true morality of animal welfare ought to begin from the premise that this way of treating animals is wrong, even if legally permissible. Most people in Britain agree with that verdict, although most do not feel so strongly that they will pay the extra price for a free-range chicken or for free-range eggs. To some extent, of course, people are the victims of well-organised deception. By describing chickens and eggs as "farm fresh," producers effectively hide the living death upon which their profits depend. But customers who are easily deceived lack one important part of human virtue. Travellers in the former communist countries of Eastern Europe, for example, would do well to ask themselves why meat is so readily available in shops and restaurants, even though no animals whatsoever are visible in the fields. A Czech *samizdat* cartoon from the communist years shows two old women staring sadly into a vast factory farm, full of cows. One of them remarks to her companion: "I remember the days when cows had souls"; to which her companion replies "yes, and so did we." The cartoon was intended as a comment on communism; but it points to the deep connection that exists between our way of treating animals and our way of treating ourselves.

Suppose we agree that farm animals should be given a measure of their natural freedom. The question remains as to when they should be killed. To feed an animal beyond the point at which it has ceased to grow is to increase the cost to the consumer, and therefore to jeopardise the practice to which its life is owed. There is no easy solution to this problem, even if, when it comes to calves, whose mournful liquid eyes have the capacity to raise a cloud of well-meaning sentiment, the solution may seem deceptively simple. Calves are an unavoidable by-product of the milk industry. Male calves are useless to the industry and represent, in existing conditions, an unsustainable cost if

they are not sold for slaughter. If we decide that it really is wrong to kill them so young, then we must also accept that the price of milk—on which human children depend for much of their nourishment—is at present far too low. We must, in other words, be prepared to accept considerable human hardship, in particular among poorer people, in order to satisfy this moral demand. It is therefore very important to know whether the demand is well-grounded.

Young animals have been slaughtered without compunction from the beginning of history. The lamb, the sucking pig, the calf and the leveret have been esteemed as delicacies and eaten in preference to their parents, who are tough, coarse and over-ripe by comparison. Only if there is some other use for an animal than food is it economical to keep it past maturity. Mutton makes sense as food only in countries where wool is a commodity. Elsewhere sheep are either kept for breeding or eaten as lambs. Beef cattle, too, await an early death, as do porkers. We could go on feeding these animals beyond the usual date for slaughter but this would so increase the price of meat as to threaten the habit of producing it and therefore the lives of the animals themselves.

In the face of this, we surely cannot regard the practice of slaughtering young animals as intrinsically immoral. Properly cared for, the life of a calf or lamb is a positive addition to the sum of joy, and there can be no objection in principle to a humane and early death, provided the life is a full and active one. It is right to give herbivores the opportunity to roam out of doors on grass, in the herds and flocks which are their natural society; it is right to allow pigs to rootle and rummage in the open air, and chickens to peck and squawk in the farmyard, before meeting their end. But when that end should be is more a question of economics than of morals.

In short, once it is accepted that animals may be eaten, that many of them exist only *because* they are eaten, and that there are ways of giving them a fulfilled life and an easy death on their way to the table, I cannot see that we can find fault with the farmer who adopts these ways when producing animals for food. Those who criticise farmers may often have reason on their side; but there is also a danger of self-righteousness in criticisms offered from a comfortable armchair by people who do not have the trouble of looking after farm animals and see only their soft and endearing side. Farmers are human beings and no less given to sympathy than the rest of us. And a good farmer, rearing sheep and cattle on pasture, keeping dogs, cats and horses as domestic animals, and free-range chickens for eggs, contributes more to the sum of animal welfare than a thousand suburban dreamers, stirred into emotion by a documentary on television. Such people may easily imagine

that all animals are as easy to deal with as the cat which purrs on their knees, and whose food comes prepared in tins, offering no hint of the other animals whose death was required to manufacture it. It would be lamentable if the moral highground in the debate over livestock were conceded to those who have neither the capacity nor the desire to look after the animals whose fate they bewail, and not to the farmers who do their best to ensure that these animals exist in the first place.

EXPERIMENTS ON ANIMALS

There is no humane person who believes that we are free to use animals as we will just because the goal is knowledge. But there are many who argue that experiments on live animals are nevertheless both necessary for the advance of science (and of medical science in particular), and also permissible when suitably controlled.

It seems to me that we must consider this question in the same spirit as we have considered that of livestock. We should study the entire practice of experimentation on live animals, the function it performs and the good that it produces. We should consider the fate of the animals who are the subject of experiment and the special duty of care that might be owed to them. Finally, we should lay down principles concerning what cannot be done, however beneficial the consequences—and here our reasoning must derive from sympathy, piety and the concept of virtue, and cannot be reduced to utilitarian principles alone.

Medical research requires live experimentation and the subjects cannot be human, except in the cases where their consent can reasonably be offered and sought. It is not only humans who benefit from medical research: all animals within our care have an interest in it, and the assumption must be that it is so conducted that the long-term benefits to all of us, human and animal, outweigh the short-term costs in pain and discomfort.

The duty of care owed to animals used in medical research is to ensure that their lives are worth living and their suffering minimised. Even within these constraints, however, there are certain things that a decent person will not do, since they offend too heavily against sympathy or piety. The sight of the higher mammals, subject to operations that destroy or interfere with their capacities to move, perceive or understand, is so distressing that a certain measure of callousness is required if these operations are to be conducted. And that which can be done only by a callous person, ought not to be done. The case is comparable to the battery farm. But it is also crucially

different. For an experiment is typically conducted on a healthy animal, which is *singled out* for this misfortune and the life of which may be deliberately destroyed in the process. The relentless course of science will always ensure that these experiments occur. But that is part of what is wrong with the relentless course of science.

And here we touch on a question so deep that I doubt that ordinary moral thinking can supply the answer to it. As I hinted above, the advance of medical science is by no means an unmixed blessing. The emerging society of joyless geriatrics is not one at which the human spirit spontaneously rejoices. And although discoveries cannot be undiscovered, nor knowledge deliberately undone, there is truth in the saying that ignorance—or at least ignorance of a certain kind—is bliss. Piety once set obstacles in the path of knowledge—and these obstacles had a function; for they prevented the present generation from seizing control of the earth's resources, and bending them to the cause of its own longevity. Medical science may have benefited the living; but it threatens the resources which the dead laid by for us, and on which the unborn depend. Animals were once sacrificed to the gods by people who cheerfully accepted that they would soon follow their victims to oblivion. Now they are sacrificed to science by people who nurture the impious hope that they can prolong their tenancy forever. This may be morally acceptable. But something in the human heart rebels against it.