

Full Length Research Paper

## **A Case for the use of Non Human Animals**

**Dr. Omotosho I.F.**

**Federal Polytechnic Ede, Nigeria.**

**Accepted 12<sup>th</sup> January,**

Since human beings are basically Carnivores, meat eaters, destroying animals for food is Common. The demands of humans for tastier meat and quality non human animal products such as milk, egg and so on, have caused the food industry to resort to different ways of raising non human animals for food, some of which cause other animals to suffer until they are slaughtered. Some non human animals are fed food and chemicals for good yield, fatness without regard -to their likes or dislikes or any concern for their comfort or the pain such condition may bring to them. The same story goes for non human animal experimentation. This paper therefore examines Tom Regan's argument that animals should not be killed (right to life) or maltreated or treated 'inhumanly' or inflicted pain upon (right to dignity). The implication of which is that non-human animals should not be used to further human interests such as using non-human animals for food, healing, business, entertainment, transportation e.t.c. Using the method of philosophical argumentation, analysis and criticism, the paper reveals that Regan's claim that non human animals should not be used to further human interest can not be sustained, that is, there is nothing wrong with using non-human animals to further human interests because human animals who have inherent value also are used a times to further other human animal interests. .

**Keywords:** Human beings, Non human animals.

### **INTRODUCTION**

The way we (human beings) treat non- human animals has raised the question of whether we have moral regard (obligations) for non human animals. Since human beings are basically Carnivores, meat eaters, destroying animals for food has been and is quite common.

Today, Killing wild animals, has become a sport that many enjoy and many others decry because .it seems to amount to murdering non- human animals for excitement and threatens certain wild animals to extinction. The way non-human animals are used for entertainment, for experiment, sacrifice, raised for food, is questionable.

Furthermore, The demands of humans for tastier meat and quality non human animals products such as milk, egg etc have caused the food industry to resort to different ways of raising animals for food, some of which cause animals to suffer until they are slaughtered and butchered. Some non- human animals are caged. Many animals are raised inside (for instance in poultry), cooped up in narrow pews, never allowed to graze normally. Some are fed food and chemicals for good yield, fatness without regard to their likes or dislikes or any concern for their comfort or the pain

such conditions may bring to them. For instance, 'For at least ten months out of the year, the pregnant and nursing breeding sow or "mother machine' is isolated in a narrow pen in which she is unable to turn around. She is impregnated forcefully either by being tethered to a 'Rape rack' for easy access or through The surgical transplant of embryos from "Super sows to ordinary sows" (Judith, 1999; 776). In fact, all these are done to the pigs without regard to their comfort and personal interest.

The same story goes for non human animals experimentation. In America alone, one hundred million non human animals are killed every year in scientific experiments in the United States of America alone. These tests and experiments cause a lot of discomfort and pain to these animals. For instance "The Draize test involves placing a rabbit's head in a restraining device and then putting in one of their eyes a substance such as bleach, shampoo, nail polish, chemical cleaning substances or weed killer. These experiments are extremely painful.

Some rabbits nap their necks in their frantic attempts to escape" (Judith,1999; 776).In Nigeria, the same thing happens except the number cannot be determined due to lack of reliable statistics.

For these reasons; the pains animals pass through, the use of non human animals to advance the interest of humans and the killing of animals against their interests, have led to agitations for the right of animals by abolitionists such as Tom Regan. The abolitionists argue that we should stop using non human animals altogether as a source of food, as tools in scientific experiments and the total elimination of commercial and sport hunting and trapping.

This paper therefore examines Tom Regan's argument that animals should not be killed (right to life) or maltreated or treated 'inhumanly' for and inflicted pain upon (right to dignity) (Regan 1986, 809-816). The implication of which is that non-human animals should not be used to further human interest-to satisfy their taste, to transport them ,to test drugs for their use. This paper reveals that Regan's claim that non-human animals should not be used to further human interest such as killing non-human animals for food, experiments etc. cannot be sustained. This is because if human animals (beings) who has inherent value can be used to further other human animals (beings) interests then there is nothing wrong with using non human animals to further human interests.

## RESEARCH METHODOLOGY

This research employed the philosophical methods of analysis, argumentation and criticism to study data collected. The sources of data collected included books, journals and the internet.

## TOM REGAN ON ANIMAL, RIGHTS

In his article, 'The case for Animal Rights', Tom Regan(1986) argues that what is wrong with the way non human animals are treated is the whole system which allows us to view animals as property or resources to be eaten or surgically manipulated or exploited for sport or money. (Regan 1986, pp.180, 181). This problem can only be solved by the dissolution of Commercial animal agriculture. For Regan it cannot be solved by alleviating the suffering of non human animals. The solution to the problem is to give animals rights that will protect them; just as we have human rights, there should be animal rights. And this can be possible if people and especially those elected into public-office believe that animals should be given rights. This change of heart, that animals must have the right' to life and dignity can only be brought about through education, «enlightenment, publicity, political organization and so on according to Regan. (1986, 180).

To have laws protecting the rights of animals, the contribution a philosopher can make is limited but profound and important according to Regan. Important in the sense that philosophy will provide a rational foundation for animal rights to influence people's opinion and their thinking by rational arguments to see the need to support the enactment of laws to grant and protect the rights of animal.(1986, 180-182).For Tom Regan, (1986, 180-182) the idea of animal rights is supported by reason and not just emotion, Philosophers who deny that non- human animals have rights hold the view that human animals have no direct duty to non- human animals and that rather we have indirect duties to them. Regan sought to show that the common belief that we have obligations to non-human animals, although owe no rights to them has not been defended satisfactorily.

According to Regan(1986, 182-184 ), One may want to justify it by saying that dogs do not feel pain when kicked just as a stone is not aware of anything including Pain. He argues that such a view will commit the holder to the position that no human beings feel pain either.

It may be argued that both humans and dogs are hurt when kicked; it is only human pain that matters. No rational person would believe this because pain is pain where it occurs. We cannot dismiss the moral relevance of the pain a dog feels.

This view that animals don't feel any pain and the idea that only human pain can be morally relevant" seems indefensible according to Regan. For this reason, Philosophers who favoured the view. are now in favour of the view called contractarianism according to Regan (1986, 192,183).The foundational idea behind this view is that morality consists of a set of rules that individuals voluntarily agreed to abide by as we do when we sign a contract. Those who understand and sign the contract are covered directly while those who do not understand and cannot sign are covered indirectly through direct duties to other human beings (for instance, their parents). The young children fall into this category.

On the contractarian thesis, like children, non human animals have no rights; we have indirect duty to pets or sentimental interest of others. So, we have no direct duty to a dog even not the duty not to cause it pain or suffering. My duty not to hurt the dog is the duty I have to its owner (those who care about it). To farm animals, laboratory rats and so on, I have no direct or indirect duty. Whatever pain or death they endure are not wrong if no one cares about them.

The contractarian view is not an adequate theoretical approach to the status of human beings and so cannot be adequate in the case of non human animals according to Regan (1986,184,185). It is inadequate because it can sanction the most blatant forms of social, economic, moral and political injustice ranging from a repressive caste system to systematic

racial or sexual discrimination. Might according to this theory is right. Let those who suffer injustice suffer as they will as long as no contractor or few of them care about it.

However, there is a refined one by John Rawls which holds that the principles of justice that contractors would agree upon are not based on bias or prejudice, accidental features of being a human being whether white or black, male or female, a genius or of modest intellect. This contractarian view is not without its flaws. It systematically denies that we have direct duties to those human beings who do not have a sense of justice for example, young children. Yet it seems wrong to torture a young child an "autist" or retarded elder who have no sense of Justice.

Since this is true in the case of these humans, we cannot deny same in the case of non human animals that have no sense of justice too. So the indirect duty view fails (Regan, 1993, 187, 188).

Regan then suggests the direct duty view one of which is the cruelty - kindness view - that we must have a direct duty to be kind to non human animals and a direct duty not to be cruel to them. Though kindness is a virtue but it does not follow that a kind act is a right act. Just as being kind does not mean that one is doing what is right; avoiding being cruel or absence of cruelty does not mean one avoids doing what is wrong. So, being for kindness and against cruelty does not answer the question about moral rights and wrongs. For instance, abortion. Lack of cruelty or the fact that those who perform abortion are not sadistic and cruel people does not justify abortion.

Regan (1983, 188) also examines utilitarianism. The two principles of utilitarianism are; equality which holds that everyone's interest counts including that of non human animals and similar interests must be counted. Utility principle entails or enjoins us to do the act that bring balance between satisfaction and frustration to everyone affected by the outcome. The great appeal of utilitarianism is in its egalitarianism. However, the equality we find in utilitarianism is not the sort an advocate of animal rights has in mind. This is because utilitarianism has no room for the equal moral rights of different individuals because it has no room for their inherent value or worth (Regan 188,189).

What has value for utilitarianism is the satisfaction of individual interests (general interest) not the individual whose interest they are. The problem with utilitarianism is that it brings about the best consequences, whatever action that leads to this best consequence is where our moral duty lies. Thus, utilitarianism supports the view that the ends justify the means and so, it is not an adequate theory of morality.

He then considers the rights view which is unlike contractarianism, denies the moral tolerability of any and all forms of racial sexual or social

discrimination. The Rights view unlike utilitarianism denies that we can justify good results by using evil means that violates individual rights. The rights view unlike utilitarianism recognizes that we have inherent value and have it equally. One's independent value is independent of one's usefulness to another person; for the rights view, to disrespect another independent value is to act immorally, to violate the individual's rights. (Regan, 1986, 189)

For Tom Regan, this view is the most satisfactory moral view because it explains the foundation of our duties to one another and also included non human animals within its scope. Regan (1986, 189 ) argues that what qualifies humans to enjoy right, is not the ability to read, do higher mathematics as some may want us to believe. This cannot be because there are some human beings such as children, the mentally deranged who do not have these abilities and yet are not considered as having less inherent value. For Regan the basic factor that qualifies both humans and non human animals is that "we are each of us the experiencing subject of a life, a conscious creature having an individual welfare that has importance to us whatever our usefulness to others" (Regan, 2006, 809 - 816). Thus, non human animals should be viewed as -the experiencing subjects of a life with inherent value of their own.

It may be argued, according to Regan, that non human animals have less inherent value than human beings, because they lack reason or autonomy or intellect. However, Regan (2006, 809 - 816) argues further that we are not going or willing to agree that humans who are similarly deficient (the retarded child, the autist and the mentally deranged) have less inherent value than others. He then concluded that this argument that non human animals have less inherent value cannot be rationally sustained in the case of non human animals.

## **A CASE FOR THE USE OF NON HUMAN ANIMALS**

Regan's effort, in his paper to make a case for animal rights is commendable especially; his ingenious critiques of the views of others who he thinks are in error. Regan sought to show .that the common belief that non human animals have no right even though we have obligations to them has not been defended satisfactorily.

However, none of his counter arguments against the direct and indirect duty views could possibly establish his conclusion that animals have rights. Unless he showed that all alternative conflicting views were untenable. Unfortunately Regan did not prove that all alternative conflicting views were exhaustive and it was not exhaustive anyway not to talk of showing all of them to be untenable.

It is important to note that the key to Regan's arguments for animal rights is the possession of inherent value. According to Judith (1999, 778). Regan uses this concept in two senses. In sense one, Regan holds that human beings inherent value gives them moral dignity, a unique role in the moral world, as agents having the capacity to act morally and "make moral judgements. In the second sense, the phrase inherent value means something quite distinct from what was meant in its earlier uses. It means, "Each animal is unique not replaceable by another animal or by any rocks or clay" (Judith, 1999, 778). Non human Animals like humans are not just things; they live, and as unique living creatures they have inherent value. Inherent value, in sense 1, possessed by all human beings which warrants their claim to human rights is different from sense II. The uniqueness of non human animals, their intrinsic worthiness as individual living things does not support the possession of rights (Judith, 1999, 778). This is because their uniqueness and intrinsic worthiness as individual living things have nothing to do with the moral condition in which .rights arise. And "This is an egregious example of the fallacy of equivocation'<sup>1</sup> (Judith, 1999, 779).

Reagan is right to some extent when he submits that rights are not based on special ability or sensibilities as some suppose. However, there is a sense in which we can say it is based on special ability because animals cannot organize themselves into a moral and political community. Human beings have rights because they belong to a moral community in a moral sphere.

Thus, I agree with Cohen, to say that a rat has a right is to commit a category mistake, to apply to its world a moral category that which have content only in the human moral world. Rights, according to Cohen, is a valid claim or potential claim made by animal agents under principles that govern both the claimant and the target of the claim. Since only moral agents can assert moral claims, only moral agents have rights. Only human beings can have rights (Cohen 2006, 817-823).

Regan may argue that non human animals can have rights based on his rights view. This is true because Cohen's rights view is different from his own. While Cohen's rights view is based on self-assertion, Regan's rights view is based on interest. This is not unconnected with the fact that there are different conceptions of the concept, right (Omotosho,2017, 15-20). For instance Omoregbe," conceives right as privileges that individuals are entitled to enjoy (Omogbe ,1994, 18). These differences in conception of rights may have to do with the conception of right by each culture or society. This is because right was not a universal value. In some societies like communist societies and some African

societies the 'rights of individuals are not the ultimate values, unlike in the Western world (Famakinwa 2012, 25-40). Human rights are not ultimate values not to talk of animal rights.

On the rights view advocated by Regan, animals are expected to enjoy rights to life and dignity. In Regan's view non human animals should not be maltreated and should not be made to suffer pain or treated "inhumanly"("in animally?") or used to further human interests. A single animal, rat, should not be treated as if that animal's value were reducible to his possible utility in Regan's view.

Regan seems to talk as if rights are inalienable. He should be reminded that not all men enjoy these rights even under democratic rule as there are exceptions to the rule in each country's constitution. For instance in the Nigeria 1999 constitution, section 34 subsection [1] states that "every individual is entitled to respect for the dignity of his person and accordingly

[a] no person shall be subjected to torture or to inhuman or degrading treatment;

[b] no person shall be held in slavery or servitude and; and

[c] no person shall be required to perform forced or compulsory labour".

However, It should be noted, that exceptions to imposition of forced labour are provided for in section 34 subsection [2],"for the purpose of subsection (c) of this section, "forced or compulsory labour" does not include [a] any labour required in consequence of the sentence or order of court; [b]any labour required of members of the armed forces of the federation or the Nigeria police force in pursuance of their duties as such ; ... [e][iii] Such compulsory national service which forms part of the education and training of citizens of Nigeria as may be prescribed by an act of the national assembly".

It means some people can be forced to work or kept under inhuman treatment, send to war to die, if necessary, in the interest of others [the nation or community]. Professionals in this category include members of the armed forces of Nigeria, the police force and other paramilitary outfits run .by government. Even during emergency or any calamity, a citizen's right to the dignity of human person may not be guaranteed as he may be expected to involve in forced duties or labour to save his country.

Now, if we feed human beings [police, soldiers etc] and send them to war in our interest, why can't non human animals be fed to further human interest? Why can't animals be experimented upon to produce vaccines or drugs to save lives?

It may be argued that members of these

groups (soldiers and police) opted to join on their own volition but pains are inflicted on non human animals against their own will. This is not totally true as human beings may be drafted against their own will to further the interest of the society. For instance, during war or emergency, a citizen may be legally conscripted against his personal will or interest to join the army or forced to work to save the country.

It should be noted that on Regan's thesis, the life boat situation which Regan postulated, seems inconsistent with his whole thesis that non human animals should not be used shows that non-human animals can be used to further human interest since human life has greater value than that of non human animal (Omotosho,2017, 124)

It may be argued that on Regan's thesis, as shown in the life boat case that non human animals can be used to further the interest of humans. In this life boat situation, Regan (1983, 286-294) presents a hypothetical situation where there is a boat on the sea. In this boat there are one healthy human being and four health dogs and there is a room in the boat for four and so one of the occupants must be thrown overboard. Since all the beings have inherent values and equal rights and since one of the five survivors- a human being and four dogs- must be thrown overboard, Regan submits that the dog should be thrown overboard. According to Regan (1983, 288-294), the dog must be thrown overboard because a human being, if thrown over board will suffer greater loss because human beings have greater opportunity of satisfaction in life than non human animals (Takaoa;2015, 72). The implication of this is that human life have greater value than that of non human animals.(Omotosho 2017, 166) hence it may be argued that non-human animals can be used especially in case of emergency or war etc This is because human life have greater value than that of non human animals as postulated by Regan (omotosho 2017, 166-172).Thus, non human animals can be used to further human interest.

## CONCLUSION

This paper has examined Regan's claim that non human animals should not be used to further human interest. The paper observed that Regan's counter-arguments against the belief that we only have obligations and not rights toward non human animals are quite instructive but not enough to prove that non human animals rights are inalienable rights and so non human animals cannot be used to further human interest. The alternative conflicting views he argued against are not exhaustive. He failed to prove conclusively that all earlier

views are untenable. As a matter of fact, Regan's argument is fallacious and his rights view is a case of category mistake according to Cohen. In addition, Regan 's claim that non human animals rights are 'inalienable' is untenable as there are no inalienable rights even for human beings as rights may be legally curtailed.

It was also shown further, that human or fundamental human rights are not inalienable. In fact human beings use other human beings to further their interest when the necessity arises especially during emergency or war. The paper argues that if this is so even when human beings are said to have rights, nothing precludes humans from using non human animals to further human interest. it was shown also that on Regan's thesis that the life boat situation which seems inconsistent with his whole thesis shows that non-human animals can be used to further human interest since human life has greater value than that of non human animal

## REFERENCES

- Carl C. (2006) " The Case for the Use of Animals in Biochemical Research" in Ethics, History, Theory and Contemporary Issues Oxford; Oxford University Press
- Famakinwa J.(2012). "Revisiting Kwame Gyekye's Critique of Normative Cultural Relatorism" Thoughts and Practice. A journal of the Philosophical Association of Kenya (PAK) New Series Vol.4 No 1. June 2012
- Federal government of Nigeria publication: 1999 constitution of the federal republic of Nigeria. Daily times publication lagos
- Judith. A.(1999); Analyzing Moral Issues Mayfield, Mayfield Publishing Co.,
- Omoregbe J. (1980) An introduction to philosophical jurisprudence: philosophy of law Lagos, joja educational research and publishers.
- Omotosho I.(2017)"A philosophical Defence of Aminal Rights" A thesis submitted to the Obafemi Awolowo University in partial fulfillment of the requirement for the award of the degree of Doctor of philosophy in philosophy.
- Regan T. (1983), The Case for Animal Rights; Berkeley; University of California press.
- Regan T . (1986)"Tom Regan, reply by Peter Singer" Ten Years of Animal Liberation January 17, 1985 issue
- Takaoka, B. (2015). "Speciesism: What is it? What Should We Do About it?" Honors Thesis Collection.283.<https://repository.wellesley.edu/thesiscollection/283>