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The Right to Life: The Larger Context

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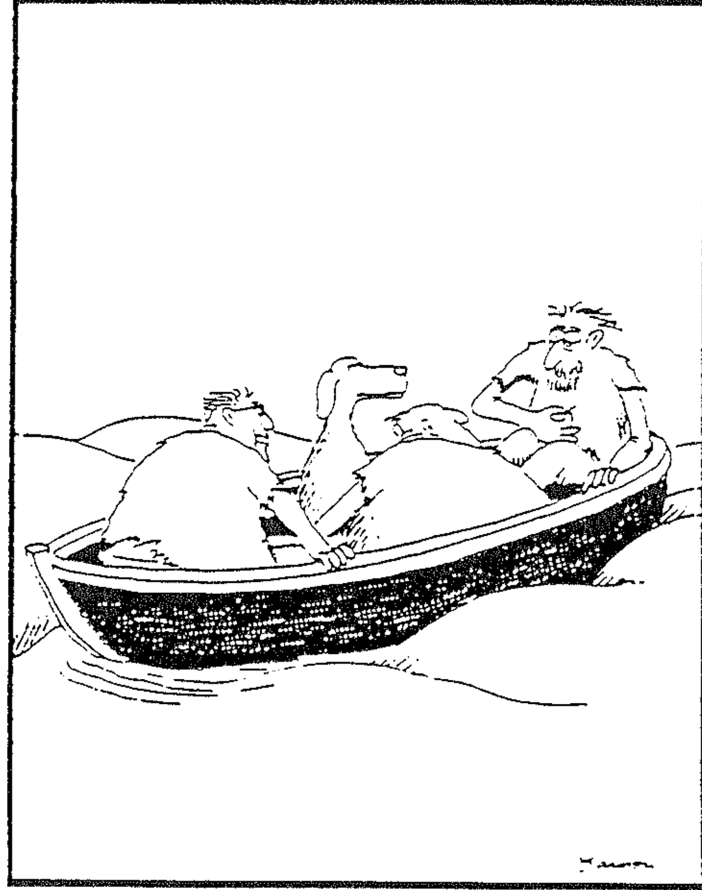

"Fair is fair, Larry . . . We're out of food, we drew straws — you lost."

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The Right to Life: The Larger Context

by Donald Wayne Viney

> It seems a grim fact that the very century in which we begin to understand the life of the other animals...is also the century in which the destruction of habitats begins to threaten not dozens but hundreds or thousands of vertebrate species, not to mention much larger numbers of lower orders of creatures, animal and vegetable (Hartshorne, 130).

The question of the right to life is most often raised in the context of the abortion controversy. Does the unborn, at every state of its development, have a right to life? If so, does its right to life supersede the right of a woman to privacy and self-determination? These are complex questions to which simple answers are not available, at least for those who are willing to admit that there is more than one side to the issue. But I would like to raise the question of the right to life in a larger context, one that includes all that is meant by life, not alone human life. For I have come to believe that many of our moral attitudes are at best arbitrary and at worst hypocritical. The first step in remedying this problem is to realize that the problem exists. In this way, dogmatic pronouncements can be discouraged and the ideal of greater honesty and less hypocrisy in our moral thinking about ourselves and other animals with which we share this planet can be promoted.

Let me begin with a personal anecdote. Not long after my wife, Rebecca, and I had moved to Pittsburg, we went to a local fast-food restaurant to eat. While we were waiting for our order to be filled I noticed, on the counter before us, a can wrapped in colorful paper with the words "Donate to the Southeast Kansas Humane Society" written on it. The deacoration on the can showed mournful puppies and playful kittens. I was forcefully struck by the irony of it all and turned to Rebecca. "For crying out loud," I said, "they want me to help save these pets and I'm getting ready to eat a cow."

The pictures on the can were clearly meant to evoke sympathy. Yet, the very place we had chosen to dine was part of a multimillion dollar industry dependent upon the wholesale slaughter and consumption of cattle, chickens, pigs, turkeys, and fish. We rarely think of these animals as potential objects of our sympathy. Our emotional detachment is so great that we can, with grim humor, attribute to these creatures the desire to become food on our tables! Remember the television commercial with "Charlie" the tuna who was actually sorry he was not tender enough to be used by Starkist? Isn't it morally arbitrary to feel sympathy for the dogs and cats but not for the animals that become meat on our tables?

The point of this story is not to condemn the Humane Society. The humanitarian dilemma that members of the Society face is enormous. Mary Kaye Caldwell, the director of the Southeast Kansas Humane Society, tells me that her organization takes in more animals each year than there is capacity to board, and far more than will be adopted. Each year between 1,200 to 1,500 animals, most of them healthy, are euthanized because there simply are not the resources to shelter them. These numbers amount to approximately sixty to seventy percent of the animals taken in. This presents a very difficult dilemma. Is it better to kill the animals painlessly or let them run free? We like to romanticize the ownerless animal (as in Walt Disney's *Lady and the Tramp*), but animals without homes are often either hit by cars and trucks or die of starvation, exposure, or disease. Euthanasia is, indeed, an easy death compared to the alternatives.

These are disturbing facts. But our discomfort can only increase as we examine the issue further. The Europeans who settled the American continents hunted countless species to extinction or near extinction, including bears, wolves, foxes, cougars, birds, and of course, buffalo (Regenstein). Peter Raven of Missouri's Botanical Garden predicts that during the next three decades human beings "will drive an average of 100 species to extinction every day. Extinction is part of evolution, but the present rate is at least 1,000 times the pace that has prevailed since prehistory" (*Time* 32). The immediate cause of this mass extinction is the destruction of the rain forests along the equator. "Tropical forests cover only 7% of the earth's surface, but they house between 50% and 80% of the planet's species" (Ibid.). It has been estimated that by the year 2000 between 15% to 20% of all species on earth will have been driven to extinction by human beings (Regenstein, 118).

This penchant for destroying other species is certainly not in the best interests of human beings. We stand to lose valuable pharmacological and food products, not to mention the benefits of a biologically diverse ecosphere. But what about the damage done to the various species, especially animal species? Do any of these animals, those that the Humane Society compassionately euthanizes, those that some of us enjoy eating, or those whose environments we destroy, have a right to life? The answer we give by our behavior toward them is "no." Indeed, murder, as a legal or moral category, applies to humans, not to other species. But what, if anything, justifies this attitude toward other creatures? How is our massacre of the animal kingdom really different from genocide? Should we speak of "zoocide"?

We are tempted to make things easy on ourselves by indulging in irrelevant observations. Most of us were not raised to be sympathetic to cattle but we were almost all raised with pets to whom we were taught to be kind. But what does this show except that most of us were raised to express and feel morally arbitrary attitudes? The same could be said of children raised to treat racial minorities as underlings. Being raised with prejudices

does not justify the prejudices themselves. It is true that, in our society, dogs and cats are pets whereas cattle, chickens, pigs, turkeys, and fish are food. We eat beef because we get hungry. But our hunger, and I might add, our nutritional needs, could as well be satisfied in ways that did not require the eating of animal flesh. One of the strongest arguments for vegetarianism is the prudential argument: it is healthier not to eat meat. The point I want to press, however, concerns not our welfare but the animal's welfare. Do other species have any less a right to life than we assume ourselves to have?

A common way of trying to side-step the moral issues is to ask rhetorically: animals kill each other and sometimes they kill us, so why shouldn't we kill them? An illustration of this reasoning is found in Benjamin Franklin's autobiography. He explains that he had become a vegetarian on the grounds that killing animals was tantamount to murder; but his resolve was tested when he was offered some fried cod.

> All this seemed very reasonable. But I had formerly been a great lover of fish, and, when this came hot out of the frying-pan, it smelt admirably well. I balanc'd some time between principle and inclination, till I recollected that, when the fish were opened, I saw smaller fish taken out of their stomachs; then thought I, "If you eat one another, I don't see why we mayn't eat you." So I din'd upon cod very heartily...(Franklin, 43).

Franklin clearly had tongue in cheek when he wrote this, for he closed the paragraph with the observation, "So convenient a thing is it to be a *reasonable creature*, since it enables one to find or make a reason for every thing one has a mind to do" (Ibid.). Franklin's humor aside, the natural behavior of animals is not a star by which we should fix our moral compass. For example, some species eat their young, others kill their mates, and some enslave their rivals. This is no basis for a system of morals!

An all too common way of addressing these concerns is to appeal to religious beliefs. Other species, we are told by the dominant religious traditions of the West, were put on the earth for human use. In one of Gary Larson's cartoons a bearded and bespectacled God is shown looking at the newly created animals. God says to the animals, "Hummmmmm . . . not bad, not bad at all . . . now I guess I'd better make some things to eat you guys." The cartoon is humorous but the theology it lampoons is at best naive, at worst, narcissistic. Of what use to us were the countless species that roamed the earth before we appeared? It is not as though God was, all along, preparing for the science of paleontology and foreseeing the human need for fossil fuels. This is on a par with the reasoning of Pangloss in Voltaire's *Candide* who maintains that noses were created to put spectacles upon.

Modern science teaches us to think of the life *of* our planet in terms of billions of years, and life *on* our planet in terms of hundreds of millions of

years. Moreover, human beings are one of the most recent additions to the biosphere, perhaps only 500,000 years old. Theologies informed by these facts find it increasingly difficult to think of nonhuman species purely in terms of their instrumental value for human beings. Charles Hartshorne makes the point by asking these questions:

> Is it likely that God takes no delight whatever in the millions of other living forms on this planet, yet does delight in, derive value from contemplating, the one human species lately emergent on the planet? If such an idea is not sheer anthropomorphic bias, what would be such bias? (Hartshorne, 118).

Hartshorne goes on to answer his own questions.

> God surpasses us, not by the narrower but by the incomparably wider scope of the divine love or sympathy. Our human somewhat qualified anthropomorphism is not matched by an unqualified anthropomorphism in God. Why think of God at all if divinity is but a more extreme version of our own limitation, our own preoccupation with our sort of animal? (Hartshorne, 118).

Thus, from a theological viewpoint nonhuman species must have a value that is not exhausted by their use for human beings.

Another problem with a simple appeal to God to solve moral problems is that there is no guarantee that "God's will," "God's design," "God's word," or whatever you choose to call it, is not simply a euphemism for our prejudices. A popular bumper sticker reads, "God said it, I believe it, that settles it." Unfortunately, there is no dearth of people willing to say, with great conviction, that they know what God said. And these people often contradict each other. Long ago Socrates tried to teach us that the gods love the pious because it is holy, it is not holy because the gods love it (see Plato's *Euthyphro*). In plainer language, if there is a divine sanction for our moral values it must be because those values were good enough to merit God's approval. No theology that ignores this insight can get any further in moral debate than the child who says, "It's true because Daddy says so."

It is natural to assume that the religious beliefs with which we were raised are true. To remain flexible and open to other perspectives it is useful to look at what other religions say. For purposes of contrast with dominant Western traditions one could not do better than to consider the Jain religion of India ("Jain," pronounced "jine," comes from the Sanskrit *jina* meaning "the victorious"). Jainism has its roots in traditions that reach back more than a thousand years before Christ. The person, however, who is considered its chief founder is known as Mahavira (599-527 BCE; literally "venerable one"), a contemporary of the Buddha. Mahavira practiced an extreme

asceticism that included strict adherence to the way of **ahimsa**, the practice of noninjury to all living things. He wore no clothing and was a vegetarian. To minimize injury to insects and other small creatures he used a small broom with soft bristles to sweep the path where he walked. He refused to bathe or brush his teeth and he never scratched or slapped the flies and mosquitoes that alighted on his body. His death, around the age of seventy-two, was brought on by **sallakhana**, voluntary self-starvation (Noss and Noss 95-97).

Modern Jains are a prosperous and well educated minority in India. They avoid professions that involve the direct taking of animal life. However, just as Christians do not generally mimic the lifestyle of Jesus, so Jains do not subject themselves to all of the austere ways of Mahavira. They observe a modified but rigorous discipline of noninjury in keeping with their founder (Fisher and Luyster 97-100). A final point of contrast with Western beliefs is that Jains categorically deny the existence of God. Indeed, they argue for the unreasonableness of theism (Hutchison 105-106). Hence, their ethical system is not founded on any ideas about the will or commands of God.

The beliefs and practices of the Jains should be taken as serious proposals in moral philosophy. Their ways are, of course, quite foreign to our ordinary ways of thinking, but they are not entirely unknown to this hemisphere. Albert Schweitzer's ethic of a reverence for life is not different in its essentials from the Jain belief in ahimsa. The main difference is that Schweitzer was Christian and argued that reverence for all life is the only attitude consistent with Christianity. Here is what Schweitzer says:

> The ethics of reverence for life is the ethics of Jesus, philosophically expressed, made cosmic in scope, and conceived as intellectually necessary.
>
> The great error of earlier ethics is that it conceived itself as concerned only with the relations of man to man. The real question is, however, one concerning man's relations to the world and to all life which comes within his reach. A man is ethical only when life, as such, is holy to him, that is, the life of plants and animals as well as the lives of men. Moreover, he is ethical also only when he extends help to all life that is in need of it. Only the universal ethics of the ever-expanding sense of responsibility for all life can be grounded in thought. The ethics of the relation of man to man is not something unto itself. It is only a particular application of universal ethics (Schweitzer 87-88).

Here, expressed from the standpoint of theistic religion, is the Jain ideal of ahimsa.

Both the Jains and Schweitzer recognize that the universal ethics they espouse is compromised by the very nature of life. Life feeds on life. The

strictest vegetarian cannot escape this fact. Plants are eaten and insecticides are used in farming. Or again, the creation of new life involves death on a massive scale, at least on a microscopic level. The life of any baby costs the lives of millions of sperm that die in the drama of its conception (20,000,000 per cc). Likewise, to care for the needs of the living is necessarily to be implicated in the death of living things. Schweitzer, being a physician, was painfully aware of the inherent tension between his ethics and his practice. If he was to cure the sleeping sickness of his patients he was obliged to kill the microorganisms that caused it. Schweitzer maintained that distinctions between "higher" and "lower" forms of life were "completely subjective." Thus, distinctions are made "only under the force of necessity," in situations where one life must be sacrificed in order to save another (Schweitzer 90).

There is much to admire in the doctrine of ahimsa and Schweitzer's ethic of reverence for life. Nevertheless, there is more piety than logic in the claim that no morally relevant distinctions can be made among the various forms of life. The vast differences between plants and people, for example, have implications for the ways each should be treated. A person is, among other things, a center of experience and is therefore capable of valuing his or her continued existence. It is as though the lives of the cells in a person's body are unified in the conscious awareness of the person. A tree has no center of experience and is incapable of valuing its continued existence. As Alfred North Whitehead said, the unity of its cells is more like a democracy (Whitehead, 108). Thus, we need not consider the effect on the tree's consciousness in our dealings with it, for it has no unified awareness. Cutting it down may be ecologically questionable but it cannot be morally objectionable in the way that destroying a person is morally objectionable. All life may be sacred, as the Jains and Schweitzer maintain, but it does not follow that distinctions among various life forms are "completely subjective."

The case of nonhuman animals is more complex but there is still the possibility of making morally relevant distinctions among different forms of animal life. Different animals have varying abilities to appreciate their own lives, and to participate in and contribute to the lives of others. Animals with a more complex psychological make-up can suffer in ways that other creatures cannot. Thus, one can plausibly argue, for example, that it is not morally arbitrary for a veterinarian to prefer the life of a dog over the lives of the worms that infest its intestines. Similar arguments can be made to draw distinctions between human beings and other species. Again, the humor of Gary Larson illustrates the point. Three men and a dog are adrift in a small boat. Two of the men and the dog look at the third man who is wide-eyed with astonishment. The caption reads: "Fair is fair, Larry... We're out of food, we drew straws—you lost." We find it absurd that the men and the dog are equals in this lottery. I am suggesting that our common sense preference for the humans in this example is not without merit. My larger point is that all life can be sacred without all creatures being equal in value.

Examples in which a choice must be made between life forms help us to develop criteria for making morally relevant distinctions between plants and animals and among different sorts of animals. However, most of our dealings with nonhuman animals are not matters of life and death. I have already noted that we do not require meat to live. But neither, for the most part, do our lives depend on maiming or confining animals. Yet we in fact kill, maim, and confine animals for clothing, cosmetics, entertainment, sport, experimentation, and the like. Thus, the tough ethical questions that led Mahavira and Schweitzer to their extreme conclusions remain unanswered.

The Jains and Schweitzer represent one extreme on the question of the right to life. The other extreme is the view that, when it comes to animals, we are justified in doing anything we please. In that case the differences in our treatment of the various species would have no moral fallout. It would be like the difference in our treatment of various artifacts. Some people wax their cars and make a great fuss over them; others care for nothing beyond using cars for transportation; still others enjoy demolition derbies. No moral problems here. Rene Descartes, in the seventeenth century, and his followers, believed that animals were "living machines" and that we owe them no more moral consideration than we owe actual machines. Hence, the Cartesians dissected live animals and saw nothing wrong in doing so. As far as they were concerned the advance of science was justification enough.

There can be no question that intrusive research on animals has been scientifically valuable and beneficial to humans. The discovery of the Bell-Magendie law, for example, would have been impossible without vivisection. Early in the nineteenth century Charles Bell and Francois Magendie independently discovered that the ventral side of the spine controls motor responses whereas the dorsal side controls sensory ability (Viney, 168-169). Valuable as this and other research has been one cannot avoid the ethical problems it entails. Descartes regarded animals as mere machines. Mary Midgley points out that this view is false:

> A bird is so far from being *only* a machine that it is not a machine at all. Nobody made it. Nor has it been rendered unconscious—which is what *only* seems to imply. (Compare the proposition that 'after all, a human being is only 5 pounds worth of chemicals'...) (Midgley, 80).

Animals matter in ways that machines do not. Vast differences exist among the various species, but it is apparent that many animals matter to each other and perhaps even to themselves. They often form recognizable social patterns of hierarchy, dominance, or equality; they care for their young, sometimes even to the point of self-sacrifice; they feel pain, pleasure, and emotion, and, at least in some rudimentary form, some of them reason.

If these qualities do not merit serious moral consideration then I am at a loss to know what more would be needed.

Some theorists (Descartes among them) have argued that unless a being is capable of engaging in moral reasoning and deliberation then that being is not a proper object of moral concern. The ability to reason and deliberate about morals is variously associated with the soul, the mind, or even convolutions in the brain. In whatever way one identifies this ability, a moment's reflection will reveal the flaw in this approach. Having the ability to reason and deliberate about morals is doubtless sufficient to be considered a proper object of moral concern, but is it necessary? Consider that if it is wrong to be cruel to a rational being then it must be wrong to be cruel to a nonrational being. Of course, certain kinds of cruelty would be impossible to visit on a nonrational being. For instance, animals cannot be insulted or embarrassed and therefore cruelty involving these emotions could not be used against them. Nevertheless, physical cruelty to a nonrational being *is* possible. Admit that cruelty is wrong and you admit that the ability to reason and deliberate about morals is not necessary to being a proper object of moral concern.

The reason that animals are proper objects of moral concern, I maintain, is because it is proper to take into consideration their welfare. Thus, I deny the theory of Immanuel Kant, an eighteenth century philosopher, who believed that we ought not be cruel to animals only because this would tend to make us more callous toward people. Suppose we could miraculously change human psychology so that being cruel to animals actually tended to make us kinder toward members of our own species. Would this make cruelty to animals a good thing? No, it would not. Indeed, I do not see how being cruel to animals could lead to callousness towards humans unless, at a moral level, we recognize a common denominator between animals and humans, to wit, that insensitivity to their legitimate demands is wrong. Thus, I believe that Kant's theory is morally unacceptable and I suspect that it is psychologically incoherent.

Once we recognize that members of other species should be objects of moral concern, that *their* welfare should enter into our moral calculus, we must squarely face the question whether they have rights. In particular, do members of other sentient species have a right to life? The history of moral thinking shows, if it shows anything, that moral theories are often constructed with the special interests of the theorizer's group in mind. Thus, theories by aristocrats have supported serfdom and slavery; theories by the wealthy have rationalized the possession of wealth; theories by adherents of one religion have countenanced wars and crusades against those of different faiths; theories by Europeans have supported the exploitation and genocide of native peoples of other continents; and, theories by men have posited the disenfranchisement of women in government, law, education, and religion as the "natural" order of things. An instance of this general tendency is to say

that human beings have a right to life but to categorically deny the right to life to members of other species.

Again I turn to cartoonist Gary Larson for a humorous illustration of the point. Larson shows Dodo birds on a beach doing math, playing chess, reading books, and playing with a Rubik's cube. They are interrupted in these pursuits by explorers. The caption reads, "Unbeknownst to most ornithologists, the dodo was actually a very advanced species, living alone quite peacefully until, in the 17th century, it was annihilated by men, rats and dogs. As usual." Larson has captured two important dimensions of this issue, that we blindly kill other species and that we often underestimate their intelligence. The slaughter of whales is a case in point.

We tend to assume that the burden of proof is on those who support the rights of members of other species. But let us, for a moment, place the burden of proof on ourselves. Consider the way we humans behave as a group and the effects that we have on other species. Do we have the right to deprive other species of their only possible homes, to poison their playgrounds, to cause death on a global scale? Brian Swimme provides a useful fiction to allow us to put the question of the right to life in less anthropocentric terms:

> To begin to evaluate the achievement of the humans, we might take a democratic vote. Let's not be chauvinistic here—let *everyone* vote. There are ten million species presently alive on the planet. Convene the United Species Conference, giving each species one vote, and put this question to the test: "Should the human species be allowed to remain within the Earth's system of life?" Imagine the debate. Our single representative would attempt to persuade 9,999,999 others that the human species is indeed worth keeping. Perhaps our representative will mention poetry. Perhaps religion or scientific or artistic creations. Now imaginethe other species seated around the great table, weighing these contributions against all the Earth-killing poisons humans have planted in every continent, sunk into every ocean, launched into the sky (Swimme, 74-75).

If you were elected to represent human beings at this conference what would you say in our defense?

Because of our preoccupation with questions of human rights—such as whether human zygotes, embryos, and fetuses have a right to life—we easily forget that other creatures have life. Since they are alive it is legitimate to ask what, if any, moral demands they make on us. Of course, the nonhuman animals cannot speak for themselves. But we are obliged, by the force of reason, to ask it for them. If I am correct then the usual reasons for denying the right to life to other animals are surprisingly flimsy and self-serving. I have also argued that morally relevant distinctions can be made among

various species. A fuller treatment of this topic would require more precision than I have provided. I have ended by turning the question back on the human group. By what right do we assume that the earth is ours and that its nonhuman inhabitants are our servants? The irony is that we are the only species capable of asking this kind of question. We are also the only species that needs to raise the question, for we will, for better or worse, direct the future course of life on the planet. How wisely we manage this future may determine whether we can claim any legitimate superiority over other forms of life.

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