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# The Fable of the Fox and the Unliberated Animals

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Reading Michael Fox's "Animal Liberation: A Critique" in this issue was a chastening experience. In the past, when reading the complaints of authors that their critics have misunderstood them, I have tended to believe that some, at least, of the fault must lie with the author. If he has been misunderstood, he must have failed to make his views clear. Now that Fox's article puts me in the position of complaining author, I wonder if my previous reactions were fair. I cannot find any obscurities in *Animal Liberation* which could have led Fox to his extraordinary presentation of "my" position. Perhaps a more disinterested reader can. In any case, the proper distribution of blame for the misunderstandings contained in Fox's article is not the important issue. What is important is the identification of the errors and the restatement of the position I do hold. Then it will be relatively easy to answer Fox's criticisms.

The first part of this reply, then, lists the positions attributed to me by Fox which I do not hold and refers the reader to those passages of my book which indicate that I do not hold these positions. The second part of the reply indicates how central these errors are to Fox's critique. The third part of the reply contains my counterarguments to those few of Fox's objections which are addressed to views that I have actually espoused.

The first incorrect attribution of a view to me occurs on page 107 of Fox's article and is repeated on page 113. He writes: "Both Singer and Regan assert that animals' painful and pleasurable experiences are qualitatively and quantitatively the same as those of humans and that, hence, animals have a capacity to enjoy life equal to that of humans" (p. 107).

As with each of the distortions I shall discuss, no reference is given to any place where I make this assertion. The view I actually hold can be found on pages 17-18 of *Animal Liberation*<sup>1</sup> where, after making the obvious point

1. Peter Singer, *Animal Liberation: A New Ethics for Our Treatment of Animals* (New York: New York Review, 1975) (hereafter cited as *AL*).

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that a horse has a thicker skin than a baby and so will be hurt less by a blow of the same force, I go on to say: "There are other differences between humans and animals that cause other complications. Normal adult human beings have mental capacities which will, in certain circumstances, lead them to suffer more than animals would in the same circumstances."

Nowhere do I state that the capacity of animals to enjoy life is equal to that of humans. Just as normal adult humans may, because of their mental capacities, suffer more than nonhuman animals, so they may enjoy life more. Whether this is the case is irrelevant to my main line of argument which is, as I state in the case of the comparison between the horse and the baby, that it is equally wrong, not to give a horse and a baby a blow of identical force, but to inflict the same amount of pain on a horse and a baby for no good reason.

The second of Fox's mistakes about my views occurs immediately after the first, when he continues: "But even leaving aside this peculiar claim . . . , it is very difficult to see how animals' having interests per se entails their having equal interests with human beings and, as a consequence, the associated moral rights that the latter possess. Singer and Regan, in other words, take animals' capacity to enjoy and suffer as the sole fact that is morally relevant to these alleged entailments" (p. 107). Fox repeats this error on page 108 where he says: "It is important to note that Singer and Regan adopt the principle . . . that the only capacity which counts in assigning moral rights is the capacity to suffer."

I would be interested to learn where Fox thinks that I adopt this remarkable principle. What I do say in *Animal Liberation* rather counts against it: "There *are* important differences between humans and other animals, and these differences must give rise to *some* differences in the rights that each have. Recognising this obvious fact, however, is no barrier to the case for extending the basic principle of equality to nonhuman animals" (p. 2, [emphases in original]). Fox's third error occurs on page 110 of his critique: "Singer and Regan insist that any characteristic which is used as a basis for assigning moral rights to human beings must be universal, that is, possessed by all humans without exception. This is why they fasten onto the capacity to enjoy and suffer, with the totally unsurprising result that we cannot find anything else that fits this extreme requirement."

Here Fox fails to grasp the position I am concerned to attack. My target is "speciesism" which, as the name implies, is the view that all members of our species have some special moral status lacked by members of any other species. In my book I document the prevalence of speciesism in our society at some length and frequently make the point that we treat animals in ways in which we would not think of treating even grossly and permanently defective human beings. I do not deny that normal human beings may possess capacities lacked by both retarded humans and animals, and I do not deny that normal humans may, on the basis of these capacities, possess rights lacked by both retarded humans and animals. My point is that anyone wishing to defend our existing attitudes has to find some basis for attributing rights

which does apply to all human beings but not to other animals. I claim that no such basis exists. (I shall return to consider Fox's positive views on this point in the third section of this reply.)

Fox's fourth error is perhaps the most extraordinary of them all. After quoting my remark that if animal populations threaten our food supply they may legitimately be controlled, Fox asks: "How can this be so if their right to life is on a par with our own? No answer is given" (p. 114).

The implication of these lines is that I hold that nonhuman animals do have a right to life which is on a par with our own. I find this extraordinary because Fox himself, on page 113, quoted what I say in *Animal Liberation* about the comparative value of the lives of animals and normal humans, which is: "It is not arbitrary to hold that the life of a self-aware being, capable of abstract thought, of planning for the future, of complex acts of communication, and so on, is more valuable than the life of a being without these capacities" (p. 23).

Fox describes this remark as "clearly speciesist" although in the book I am careful to show why speciesism, as I define the term, does not imply that the lives of different kinds of beings are equally valuable. As the reader may be able to guess from what I have already said about speciesism in this reply, the position is not speciesist because it does not make a discrimination on the basis of species, but rather on the basis of characteristics that can arguably be said to be morally relevant. Its nonspeciesist nature is apparent from the fact that in accordance with this position the life of a member of another species could certainly be more valuable than the life of a grossly retarded member of our own species.

In any case, whether Fox believes the remark he quoted to be speciesist or not, he might at least have seen that it makes it incumbent upon him to provide some documentation for his claim that, despite this quite explicit statement to the contrary, I hold that animals have a right to life which is on a par with our own. Again, such documentation is lacking for the obvious reason that it does not exist. As I said in the first chapter of *Animal Liberation*, my arguments are based on the issue of suffering and not on the question of killing (p. 19).

The remaining errors are more minor and can be dealt with more briefly. On page 113, note 11, Fox claims that I "often" talk "as if we have an obligation to avoid ever deliberately causing an animal to suffer," but I have never said this; and the example which Fox on this occasion does provide does not bear him out, for it is a case of causing suffering unnecessarily where we can adequately nourish ourselves without so doing. To the contrary, there are several places in the book where I specifically reject absolutist principles (e.g., *AL*, pp. 79-83, 192, 260, 263). On page 114, Fox suggests that I regard the animal experiments described in my book as "typical"; I do not, but that hardly seems to affect the moral argument. Would it count as a defense of the torture of dissidents in the Soviet Union or Brazil to say that the reported cases are not typical of the treatment of dissidents in those countries? Finally, on page 115 Fox asks rhetorically how

meat eating can be regarded as “antinature”; but again, I can only ask, Who says it is? If anyone can read my book as a defense of vegetarianism on the grounds that it is “natural,” I really should forget about trying to communicate with my fellows.

## II

How central are these misunderstandings to Fox’s critique? They are absolutely central. He misunderstands my position so badly that the whole thrust of his remarks is directed at a target which exists only in his imagination. Consider Fox’s own statements about what he is doing, first at the outset of his critique: “I shall argue . . . that the concept of moral rights cannot be extended to include animals, and that the question of animals’ rights is therefore a bogus issue” (p. 107); and then as he draws it to a close: “It would seem, therefore, that while the issue of the infliction of unnecessary and excessive pain and suffering upon animals, which is not offset by a significant long-term gain in pleasure for humans or for animals, is a matter that ought to concern every thoughtful and caring person, the question of animals’ rights in which it has unfortunately become embroiled—and hence, that of ‘animal liberation’—is a nonstarter” (p. 118).

In between these passages there is one remark Fox makes which, had he paused to reflect on it, might have made him reconsider his whole approach. On page 109 we find him saying: “I shall start with the question of the nature of rights itself. On this vital matter, Singer has surprisingly little to say.”

Why is it surprising that I have little to say about the nature of rights? It would only be surprising to one who assumes that my case for animal liberation is based upon rights and, in particular, upon the idea of extending rights to animals. But this is not my position at all. I have little to say about rights because rights are not important to my argument. My argument is based on the principle of equality, which I do have quite a lot to say about. My basic moral position (as my emphasis on pleasure and pain and my quoting Bentham might have led Fox to suspect) is utilitarian. I make very little use of the word ‘rights’ in *Animal Liberation*, and I could easily have dispensed with it altogether. I think that the only right I ever attribute to animals is the “right” to equal consideration of interests, and anything that is expressed by talking of such a right could equally well be expressed by the assertion that animals’ interests ought to be given equal consideration with the like interests of humans. (With the benefit of hindsight, I regret that I did allow the concept of a right to intrude into my work so unnecessarily at this point; it would have avoided misunderstanding if I had not made this concession to popular moral rhetoric.)

To the charge of having embroiled the animal liberation debate in the issue of animals’ rights, then, I plead not guilty. As to who the real culprit might be . . . .

## III

There remain a few points Fox makes which need to be answered. Perhaps his most important substantive claim is that only autonomous beings can and do belong to a moral community within which rights and duties are meaningful (p. 112). It may be that Fox intends to suggest by this argument no more than that animals cannot possess moral rights. If so, I would not wish to challenge his conclusion; but I would wish to emphasize that moral rights, in this sense, are at best one aspect of morality. Fox's point is one I already considered in *Animal Liberation*: "My point is not that animals are capable of acting morally, but that the moral principle of equal consideration applies to them as it applies to humans. That it is often right to include within the sphere of equal consideration beings that are not themselves capable of making moral choices is implied by our treatment of young children and other humans who, for one reason or another, do not have the mental capacity to understand the nature of moral choice. As Bentham might have said, the point is not whether they can *choose*, but whether they can *suffer*" (p. 251).

The second argument that requires rebuttal is one to which I have already referred: it is Fox's attempt to find some basis for attributing rights to all human beings but not to animals. After rejecting as "bound to be futile" the search for some characteristic actually possessed by all human beings, Fox suggests that we shift our attention to capacities that are "generally" possessed by humans. He considers that autonomy is such a capacity. He then claims: "It follows that all (and only) those beings which are members of a species of which it is true in general (i.e., typically the case at maturity, assuming normal development) that members of the species in question can be considered autonomous agents are beings endowed with moral rights" (p. 112).

I have read the passage preceding this sentence very carefully, but I cannot find anything which might serve as a basis for the assertion that this "follows." Indeed it seems to me very plain that it cannot possibly follow from what Fox has said that all members of a species of which this is true in general should be endowed with moral rights. What might follow from Fox's arguments is that those members of the species who are autonomous agents should have moral rights. But what is the ground for extending this to other members of the species who are not autonomous moral agents? Is it just because they are members of the same species? But how is that morally relevant? Is it because they are members of the same moral community? But since they are not autonomous agents they cannot be full members of the moral community. If we say that because they are members of our species we shall include them as "honorary" members of our moral community, then we have to provide a justification for doing this (and thus exempting them from being experimented upon, fattened for food, and so on) while not doing the same for those dogs, pigs, and other animals who, in respect of their actual characteristics, are closer to membership in the community of autonomous moral agents than some members of our own species. In looking for such a justifi-

cation we shall have come around again to where we started in our search for some characteristic that marks off, in a morally relevant way, all human beings from nonhuman animals. Thus, Fox's argument gains no ground.

These are, I think, the only ones of Fox's arguments on the core of the case for animal liberation which survive the exposure of his misunderstandings. There are, however, three arguments on the application of this case which I cannot let stand.

The first relates to animal experimentation. Fox is, I think, a little naive about this subject (or perhaps misled by the director of the animal care service at his university). He suggests that we need not worry too much because ". . . researchers have come to realize that better and more consistent experimental results are obtained when their animals' total environments are controlled and made to simulate natural conditions as closely as possible" (pp. 114-15).

I wonder if Fox would include, among the researchers who now realize the importance of simulating natural conditions, those psychologists, like H. F. Harlow, who have for many years been carrying out experiments in rearing monkeys in total isolation from any other living beings? Or those, like Martin Seligman, who specialize in reducing dogs to nervous wrecks by giving them severe and inescapable electric shocks? In the light of these and many similar experiments, described in detail in my book, Fox's reference to "natural conditions" seems a cruel joke.

The second point about the application of the principles of animal liberation is concerned with my argument for vegetarianism. Fox thinks that all that follows from the cruelty of factory farming (which he readily admits) is that we should call for stricter government regulations (p. 116). In chapter 4 of *Animal Liberation* I argued that in the light of the political influence of the agribusiness lobby, this was not likely to be enough, and I suggested that only a form of boycott stood a chance of success. Fox does not consider this suggestion, but if he is sincere in deploring the cruelty involved in factory farming, I would have thought he should support a boycott if it increases, even slightly, the chances of success in putting an end to factory farming.

My final rebuttal is to a trivial point, but since it is in reference to a rather patronizing remark of Fox's, I cannot ignore it as I no doubt should. In reference to whether a diet with meat is less healthy than one without (a claim which I am careful not to endorse or to reject), I mentioned, in a footnote, that the "mean transit time" of food through the digestive system of a sample group of vegetarians had been found to be less than for nonvegetarians on a Western diet. To this Fox makes the inept reply that alcohol also passes quickly through the digestive system (as if I had suggested that "mean transit time" was the only factor relevant to health) and then, after explaining the mechanism by which the vegetarian processes food faster, goes on to state that "this is an example of the tendency that many philosophers have of failing to get their facts straight when borrowing empirical data from other disciplines (p. 117, n. 14).

We philosophers would, no doubt, all wish to be instructed by Fox on

how to get our facts straight when borrowing from other disciplines, but unfortunately Fox has failed to notice that it is not Singer the philosopher who associates a slow transit with cancer of the colon and related diseases, but the eminent team of medical researchers from whose study in the December 30, 1972, *Lancet* my information was taken. All of which is an example of the tendency that many philosophers have . . . but the moral of this fable can safely be left to the reader.