

Beyond rights – animal ethics and the Christian approach

By Deborah Jones

The language of animals rights is a very blunt instrument. Even human rights are subject to countless definitions, exceptions and challenges – and that's with well-paid lawyers and dedicated NGOs examining every crack and cranny of the edifice. With animal rights there's little chance – too many questions, such as where down the chain of being do you draw the line, and who will pursue cases in the courts? which is where rights are tested. Not only do they require legal backing, but Raymond Gaita suggests that rights need force to back them up. I can't see Obama or Cameron threatening to nuke factory farmers!

The notion of rights depends on human communities deciding that the weak and powerless are entitled to just treatment because of something innately worthy about them and that charity is not enough to secure that treatment. Many human communities do not think that even human beings in themselves have such entitlement – and indeed in the West we do not give the right to life to the unborn, to enemies in the field or, in many States of the USA where capital punishment is still exercised, to criminals. So one hurdle that has to be overcome is that of getting society to recognise that there is something innately worthy about animals.

Henry Salt did a great thing in his 1912 book called *Animal Rights* by bringing the subject into general discourse, influencing people like Gandhi and Bernard Shaw and the whole vegetarian movement of the beginning of the last century.

But one problem is that rights language does so often lead to the maddening argument (deontological) that it has to be balanced by corresponding duties – although human rights advocates go to great lengths to get around the problem of having people who are too young, too old or too mentally infirm to be able to exercise those duties. People do say that we humans have a moral **duty** not to inflict suffering on animals, which surely implies that animals therefore have the **right** not to have suffering inflicted upon them, but that logic is generally not followed up.

Tom Regan did follow this up, and developed the idea of animals being 'subjects of a life', in other words that they are not merely objects in the universe judged entirely from the human standpoint, but they themselves have an 'I', an ego, and that they see the world through their own eyes – are in other words their own subjects, have their own desires, needs, pleasures, fears and so on. Therefore, he maintains, that entitles them to rights. Absolutely, but that does not mitigate the problems mentioned earlier. It still depends on us humans to grant or withhold those rights – and when our interests conflict with their interests, guess who is going to win?

Richard Ryder suggests that the only real right that anyone has, human or animal, is the right not to have pain inflicted. His 'painism' theory is OK, but too narrow. Pain can be good at times – it warns of damage to an organism. Pain is also built into the cycle of nature – so in a conflict of interest between a rabbit and a fox, should instant agony be prioritised over slow starvation? There is another conflict of interest, between the avoidance of pain and the restriction of freedom. Is it better for a songbird to be kept in a cage, where it will live a longer better-fed life, or to be free? Or for a cow to be kept in a temperature-controlled, antibiotic, sterile environment or to be out in all weathers and being bothered by flies?

Animal liberation need not take us much time – as the whole point of liberation is that the victim group liberates itself. It is not something that is done for them. Neither need the utilitarian theory of **Peter Singer**, the main exponent of animal liberation, as that can take us into really dodgy ground. Maintaining the theory of the greatest good for the greatest number can lead to places of sacrifice of the minority, or of the individual, where we would not want to go. It is not even consistently pro-animal, as Singer has agreed that where benefits to many numbers of people are concerned it would be worth the lives of a smaller number of laboratory animals.

Having been critical of many aspects of animal rights I should like to offer one variety of it, and it depends on property rights – not everyone's cup of tea I know. But when I mention that the property-holder is God, the creator of all, you see where I'm going. It's straight into **Andrew Linzey's theory of theos-rights** – we do not have the right to treat animals as we do because God has the higher claim on them. They are God's

property, not ours. He has the right not to have his creation abused, as Cardinal Heenan wrote in the foreword to a publication in 1970 by Catholic Concern for Animals. He suggests that it is true in the sense that, not being human persons, they can have no rights ‘in their own right’. But then he spells out the theos-rights principle:

“[Animals] have very positive rights because they are God’s creatures. If we have to speak with absolute accuracy we must say that God has the right to have all his creatures treated with proper respect.

Nobody should therefore carelessly repeat the old saying that animals have no rights. This could easily lead to wanton cruelty ... the rights of God can be transgressed through ignorance as well as malice.”

Heenan then goes on to develop an **ethic of kindness** as a **Christian duty** as proceeding from these rights. After discussing the nature of cruelty—that much of it is practised as ‘a matter of business’, rather than deliberately (except by ‘the perverted’)—he then remarks that:

“In giving lessons on Christian doctrine teachers now include the subject of cruelty to animals. The best and most experienced teachers do not, of course, talk of cruelty to animals. They talk of kindness to animals. Christians have a duty not only to refrain from doing harm but also to do positive good. This book (*God’s Animals* by Dom Ambrose Agius) will help Christians to do their duty. This is why I wish it a wide circulation”.

So for him there are rights with corresponding duties – but you have to believe in God first to connect with them. There is however another set of rights that can claim universal application, that non-believers can access, and that the Catholic Church, at least, endorses thoroughly. That is those connected with **natural law**.

The physical laws of the universe, the movement of planets and molecules, are subject to God’s eternal laws, or the natural law, as is the behaviour of living creatures. Each creature, human or non-human, is to realise its specific *nature and end*, to achieve fullness of its being, through correctly ordered behaviour. St Thomas Aquinas puts it that every creature moves towards its end, its purpose, by the development of its potentialities. The end or *telos* (*hence talk of teleology*) of an animal is to be fully **itself**—a dog, for example, is to be truly a dog, doing all the doggy things that is natural for it to do, for God’s sake. Also that the *telos* of all things is the glory of God. It is in this way that CCC n.2416 means that by animals’ ‘*mere existence* [in their very being] they bless God and give him glory’. Aquinas also held that in every species, that which is for *its own sake* takes precedence of that which is for the sake of another. So, applied to animals, according to Thomist scholar Judith Barad, ‘if an animal has a capacity that is for its own sake yet can be used by human beings, then the end that “takes precedence” should be the end that is for the animal’s own sake’.

On the basis therefore that it is wrong to frustrate the natural end of an animal’s activity, such as growing to maturity, producing offspring, and the like, it is logical to conclude that animals are not given their ‘due’ by treating them as mere instruments and things for human benefit. That would be to offend against natural law, God’s law.

All rights and duties proceed from the first principle of doing good and avoiding evil. What these rights and duties are, Aquinas suggests, can be learnt by observing natural behaviour, and discovering what the *telos* of each individual could be. Then our treatment of each being should be in accordance with what helps it to achieve its *telos* and not *prevent* it from fulfilling it. The ethical consequences of this are expanded by another Catholic theologian, Richard Wade, who suggests that violation of the natural inclinations of animals;

for example, [by] the infliction of pain and abuse, deprivation of water, food, space to run free, and so forth, is against the interests they require to have their natures fulfilled ... Failure to respect the *prima facie* interests of animals based upon their nature is to deny them natural justice.

This doesn’t mean that we are to glorify nature and take it at face value – there are things in nature that are not recommended as moral behaviour for humans, such as killing the offspring of rival males in the lion’s pack, for instance. We have been given the virtue of prudence as well as of justice to make the necessary distinctions. For example, we can feel empathy beyond the species barrier, which is little found in nature, or the lion would not be able to kill the graceful gazelle, or the cat toy with the mouse.

There is another solution defined by Aquinas we can apply in situations of competing interests—that of **proportionality**. Basically, an action is unlawful if the good effect could have been secured without the evil effect. This ties in with the statement in the CCC that: ‘One may not do evil so that good may result from it’ (n.1756). For example, animals can be used for food and clothing *only* if food and clothing cannot be obtained by plants and minerals, or by animals *only* when real need demands, rather than preference, taste, and so on—otherwise it would be *unlawful (according the natural law, God’s law)* to harm that which is higher in the chain of life, the animal, which is higher than the plant, which is higher than the mineral. In most conflict of interest situations, using the theory of proportionality, combined with consideration for the interests of all living, sentient parties will help in determining action.

So much for rights – to sum up so far

Animal rights – liberation – utilitarianism – pianism = fair enough but not enough

Theos Rights – God’s therefore we do not have the right to abuse God’s property/creation

Natural rights – God’s laws of the universe – observable – leading to the telos of each creature - proportionality

There is something else I’d like to mention that has been touched on just now (this talk is called ‘beyond rights’) – I spoke of **the virtues** of prudence and justice – these are components of the theory that makes use of the virtues, known as **virtue ethics**. The Church gives the list as faith, hope, charity, also temperance, justice, fortitude and prudence – you may have your own list. (Of course there are the corresponding vices to be avoided: pride, avarice, envy, wrath, lust, gluttony and sloth or acedia. But like what Heenan said about cruelty and kindness, it is better to talk of the positive, the virtues!) It means that, with the grace of God, we are to cultivate, to practise on a daily basis, these virtues until they become just part of us, our thinking and our behaviour. Following virtue ethics as a rule of life obviously involves **following the good**, asking, what would a good person do in this situation? And trying to follow the example of those people who exercise goodness to a higher degree than we ourselves do.

Just take a moment to look at the virtues in connection with living with animal creation. They’re not just words – they’re rules of life. Faith, hope, and charity may be easy to get our heads around – but the others need some teasing out: justice, fortitude, temperance, and prudence.

Justice is the virtue of giving to God and neighbour what is owed them. CCC n.2416 states that animals are owed kindness, so the principle is established that justice is to be extended to them, either as a form of neighbour or, as the n. 2416 seems to intend, as part of the justice owed to God.

Fortitude enables us to be firm and constant in our struggle to achieve the good, which must include the justice owed to animals; while *Temperance* ensures that a proper balance is struck and extremes not indulged in. This can ensure that in matters such as diet, clothing and leisure, nonhuman animals are not sacrificed for the indulgence of appetite, fashion, taste-preference or entertainment.

Prudence helps us to apply ethical principles to particular cases in order to bring about the good and avoid evil. According to Aquinas, even animals can possess this virtue. Achieving the good for all living creatures and avoiding the evil of cruelty is a simple goal, but prudence is especially necessary in helping to decide between the competing claims of moral patients.

Now you – bunch into groups of seven. Take a slip from the envelope – read the virtue on it, and think for a minute or two of how you can apply that particular virtue in your approach to the cause of animals. Imagine that one of you, one virtue, is to be thrown from the mythical air-balloon and give a case for why your virtue is really important. Tell the others and collectively decide which could be ditched – no hard feelings! For example start with – ‘I need this virtue when.... because’

[Go over some answers in plenary]

I mentioned before that little exercise that the Church gives people who lived virtuously as examples, as models, for the rest of us.

One whom the CCC suggests we remember in relation to the treatment of animals is St Philip Neri. (The other is St Francis of Assisi, but you know all about him) Philip was a 16th-century ethical vegetarian! He embraced

vegetarianism on the grounds of animal welfare, and once, passing a butcher's shop, was heard to say 'If everyone were like me, they wouldn't kill animals'. He used to buy up lambs for slaughter and release them into the custody of kindly friends, and would not harm a fly, preferring to shoo them out of the window – and unheard of thing to do in those days, when people could be intensely cruel to each other with torture and corporal and capital punishment, and so on.

As part of the virtuous life, apart from not causing harm to any living creature, we would want to positively help them, as Heenan said earlier. As you know, the vegetarian diet is a far greater good for the world than is the meat-based one – for all the reasons you know well, or will find out over this conference! So for the sake of the planet, the hungry millions of people and all the animals of the world, there is only one diet that the virtuous person would choose – and I say choose, because there are occasions when it is not possible to choose, and so no lack of virtue is involved. Virtue requires choice, but does expect sacrifice too.

But I'd like to finish with one further Christian approach which would be acceptable to people from nearly all denominations, but particularly to those who use the **language of priesthood**. First, to start with the **image of God**, sometimes used negatively as a barrier between our species and others, giving human beings superior privileges over animals. I do not believe it should do so, any more than the **chosen people of Israel** were so much *privileged* as given *special responsibility* – which is a privilege, but not in a sneery, I'm better than you, way. It's a tough call to be chosen by God, and often leads to persecution, pogroms and the carrying of crosses. The responsibility of the Israelites was to lead the nations to the worship of the true God, just as that is the responsibility of the members of the Christian churches.

Now before the book of Genesis was written, the Israelites were led by kings who, according to Middle Eastern traditions, were the physical manifestations, or **images**, representatives on earth, of the gods, or in Israel and Judah, of God. By the time of the writing of Genesis following the return of exile in Babylon, the kings were no more. So now it was understood that **people themselves** were the images of God, God's representatives. They – us -- were responsible for performing God's works, reflecting God's nature in a world God has placed them in, with such powers as to recreate Eden before the Fall, or to maintain the horrors and destruction sin let loose into it.

They were given **dominion** in order to perform their responsibilities. That is another term that, in much of Christian tradition, has been hopelessly and horribly interpreted as a divine mandate for us to use nature entirely for the benefit of human beings. However, as John Berkman puts it 'God has chosen humanity to be an image of God's own rule in the world' This implies that people are to act as God's deputies—with the caveat: 'Of course, how Christians are to rule over animals is directly connected with how humans understand God to be ruling over them'.

So now 'image' and 'dominion' are understood as reflecting God's rule – and for Christians we remember that ours is a suffering servant God, not a tyrannical one. How shall we best represent that God but by service? And to whom? **To the world** loved into being by God, to all that God saw was 'very good' in the act of creation – the act that continues every nanosecond of every day – or else there would instantly be nothing at all! No universe, no anything! All is sustained and maintained by God just as everything is loved by God into being. How are we to respond to that? In **two ways** – both **priestly** ways. The first, by worship – sheer thanksgiving for all that is – the whole package of life and nature and everything. That of course then leads us into self-examination and contrition for all that we do that destroys and harms creation. That leads us to a yearning for closeness to the Creator – for forgiveness, reconciliation – even communion. We were made for this – it is our *telos*, our end or purpose as it is with every living thing, every creature. All is led to the glory of God, which is the union of being, of every being, with the Creator. Our human duty therefore is, first, to give voice to the praise and glory of God on behalf of all – people, animals, plants, minerals, the lot. That's not to say they cannot praise God themselves – by their mere existence they do that, according to the Catechism.

But we have been given the power of naming the God we worship on their behalf. We not only do that, but we present to God in the offering at the altar the whole of creation for God to take up and redeem. That is perhaps a specifically Catholic aspect, so I won't dwell on it here. so the first priestly duty is that of worship. The second priestly duty of all baptised Christians is that of **pastoral care** – for other people, obviously, but also beyond that to the parish of the world, the world of creation. We are to visit it, feed and water it, cherish

and protect it – and in so doing we are doing it to and for God. For God is present in and to his creation as God is present in and to each and every one of us. Therefore as priests, which all Christians are, let's take up our duties of worship and care and see that our response to the question of animals goes way beyond that merely of rights.

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