

An animal's right to live a 'life worth living', not the right to be left alive

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Preface

This thesis has been altered many times since its beginning in autumn 2017 and its final draft in spring 2019. The supervision provided by Associate Professor Anna Smajdor began around January 2018. It began as a curiosity about the perceived contradiction of loving non-human animals and being a meat eater. The first purpose was to discover if this perceived contradiction could be solved. From this, the thesis developed into an attempt to combine non-human animal rights advocacy with a moral accept of killing non-human animals. Throughout the process, there are a few people that have made it possible for me to finish this project. On that note, I would like to thank my parents for their loving support and financial help in getting through this rather tough task of finishing my thesis. I would like to thank my girlfriend for housing me and continuously reassuring me that I can and will finish this thesis. I would like to thank Merek Cooper for proof reading and helping me spot grammatical errors. I would like to thank my workplace and the staff of Rugby League Norge for making it as easy as possible to juggle work, rugby and studies. Last, but by no means least, I would like to thank my supervisor for not giving up on me and helping me sort my messy thoughts into a thesis.

Summary

This thesis is an attempt at advocating non-human animal rights. The scope of the thesis is focused on dispelling certain existing views of where to draw the boundary of the moral sphere of consideration, before presenting a view from environmental ethics to solve the task. The right to life is questioned, with the aim of presenting a right to live a ‘life worth living’ to all living organisms. The purpose of this is to solve the contradiction of needing to eat what is alive, as well as acknowledging intrinsic value in all living organisms.

The first chapter is focused on challenges that speciesism and sentientism might have in drawing the line of moral consideration. The second chapter is attempt to employ a view of objective intrinsic value from environmental ethics as the criterion for where to draw the line of moral consideration. Chapter three introduces some challenges to the view of the ‘sanctity of life’, in addition to promoting the view of a ‘life worth living’. The last chapter is an attempt to argue in favour of all living organisms being attributed the right to a ‘life worth living’.

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Introduction:

“Truths are first clouds; then rain, then harvest and food.” Wandering through the botanical gardens in Atlanta, I came across this quote by Henry Ward Beecher. This quote gives hope to those who are in the early stages of advocating a view that they believe will be established as an accepted truth. In regards to this thesis, this quote gives hope to those who believe that it is a truth that animals have intrinsic value, and therefore should be morally considered and granted rights to protect their intrinsic value. This truth is currently restricted to the theoretical clouds of philosophy. It is the believer’s job to fill these clouds to the brink with this truth, to allow it to pour down for everyone to harvest. Once this harvest fills the bellies of the general population, we will hopefully be one step closer to a harmonious life, one filled with truth and happiness. We have seen this happen before, and it is always deemed progress in retrospect. Think of similar truths that the civil rights movement or feminism brought with it. Beecher played an important role in filling the clouds with truths promoted by those who wished to abolish slavery and gain equal rights for women. There is always a process of filling the clouds, before it can fill the bellies of the general population. My thesis is an attempt to do just this. I am realistic enough to realize that I cannot yet attempt to fill the bellies of the general population; however, I will hopefully do my part in filling the clouds. At the very least this is the intent of the thesis.

Thesis statement:

The purpose of this thesis is to advocate for non-human animals receiving the right to a ‘life worth living’. The steps that will be taken in order to achieve this are to 1. show why previous attempts of drawing the line of moral consideration fail, 2. argue in favour of all of nature possessing intrinsic value, 3. showing that intrinsic value is not violated by the taking of life and 4. advocating for the right to a ‘life worth living’.

Step 1 is more specifically an attempt to show how sentientism, although slightly better in its outcome, falls into the same trap as its predecessor, namely speciesism. The argument being that both speciesism and sentientism make the same error in limiting the scope of moral consideration for arbitrary reasons. The intention is to show how the argument directed at speciesism by sentientism can ultimately be directed at sentientism itself. This will be the focus of Chapter I.

Furthermore, step 2 will argue that all possessors of intrinsic value must be morally

considered. In other words, intrinsic value is a sufficient criteria for receiving moral consideration. This argument will rely heavily on Rolston's arguments regarding intrinsic value in nature. Put in simple terms it is the argument that intrinsic value always existed in nature and therefore that anything of nature has intrinsic value. Therefore, it will be suggested that everything of nature¹ has intrinsic value. This will be explained further in chapter II.

This leads us to a difficult problem of how to survive without violating others' intrinsic value or rights. As we must take life of some kind in order to eat, how do we avoid violating the intrinsic value of anything alive? Step 3's suggested solution to this problem, is that we need to address the 'sanctity of life' view, which philosophy has taken for granted since the beginning of rational moral thought began. In step 3 it will be suggested that we do not have a right to life itself, but rather a right to live a certain kind of life, a 'life worth living'. In line with Jonathan Glover it will be argued that it is not life itself that has intrinsic value, but rather a 'life worth living'. However, despite agreeing with Glover on this it will be argued that Glover might be misguided in holding that the intrinsic value of a 'life worth living' is violated by the taking of life. This will be made clearer in chapter III (Glover, 2016).

Step 4 will be to argue that the intrinsic value of a 'life worth living' leads to a particular right. A right that ultimately secures that all living organisms should be aided as much as possible to achieve a 'life worth living'. The hope of this thesis as stated in the introduction is to advocate for non-human animal rights. However, this right is regarding the positive right of having a 'life worth living', not merely the negative right to be left alive. In Chapter IV there will be a clarification of what we are talking about when we speak of rights. In addition to this will be an argument in favour of a right to live a 'life worth living' for all living organisms.

¹ The concept 'of nature' will be explained further in Chapter II.

Chapter I: Why Speciesism and sentientism are not satisfactory views for marking the boundaries of the moral sphere²

How sentientism and speciesism select arbitrary reasons for limiting the scope of moral consideration

Humans should be considered morally. This appears to be an uncontroversial statement. In most, if not all, ethical theories of moral philosophy there is an agreement regarding showing moral consideration to all humans. This has not always been the case, as we know, but has become an important cornerstone of the humanitarian approach of the modern society. Various groups of humans were for long periods of time excluded from equal moral consideration based on certain criteria such as race, sex, social class, age or other criteria modern society now deems to be of no moral significance. The idea seems to be, that these are all attributes that do not depend on any decisions made by the individuals, which they can be held morally responsible for. In simple terms, it means that if you strike a person in the face, you are morally responsible for that decision. If it was done by accident, in need, in self-defence or for some other significant reason, it may still be deemed to be morally acceptable. However, the striker is morally responsible and can be held responsible if the action of striking is deemed to be morally wrong. On the other hand, being born a woman, black, or into a specific social class, as well as not having reached a certain age yet, does not seem to be of significance regarding moral consideration. Some religions hold that being born into a social class is a result of decisions made in a previous life. However, for the scope of this thesis, the issue will be regarding any decisions made by an individual in his or her current life. Questioning decisions of previous lives has its place in metaphysics or religion, but will be left out of this thesis, which is only concerned with matters of applied ethics.

Non-human animals should be considered morally. This claim is far more controversial than the previous claim regarding humans. By replacing 'animals' with 'life', 'nature' or even by replacing 'non-human animals' with 'everything', increasingly makes the statement more controversial. There was a time, as previously mentioned, when it was controversial to claim that all humans should receive moral consideration. Alternatively, at the very least that all humans should receive equal moral consideration. That has now changed. The sphere of moral consideration has been continuously extended throughout

² Parts of this chapter are developed from work submitted for the animal ethics course.

history to include more and more until all humans were included.

With this in mind, it raises the question; has the moral sphere been extended far enough or should we continue to extend it further? If we conclude that it has been extended far enough, it would be desirable to have an argument that explains why. Furthermore, this argument should avoid taking on the form of any previous arguments, that were used for excluding certain groups of humans based on arbitrary criteria. In short, if we are not to extend the moral sphere to include non-human animals, life or nature, then it would be beneficial, if not necessary, to have a morally significant reason for this. On the other hand, if we conclude that we should extend it further, we need to know where to draw the line. Do we include certain non-human animals, all non-human animals, all non-human life or simply everything? Wherever we draw the line between what should be morally considered and what should not, it would be beneficial to have a morally significant criteria that includes what should be included, and excludes what should not. As stated, it would be pertinent that it avoid the same pitfalls of the criteria that were unsuccessfully suggested for excluding certain groups of humans in the past. If they were shown to be arbitrary, morally speaking, for exclusion in the past, there is little reason to think this would be different now.

Peter Singer regards sentience as the necessary and sufficient condition for being morally considerable. Is he right in drawing this conclusion? What does he base this conclusion on? The purpose of Chapter I is to argue that Peter Singer might be wrong on this account, and that there might be nothing less arbitrary about his choice of sentience being the marker for moral consideration, than the racist, sexist or speciesist that he directs the very same criticism towards. In order to do so, the first task will be to present the view of speciesism, which Singer attacks, before presenting the view of sentientism, which he defends. In addition, there will be an attempt to explain why both of these attempts fail at discovering the morally significant criterion for what should and what should not receive moral consideration.

Questioning the different interpretations of Speciesism

The simplest form of speciesism is that the only moral consideration that should be shown is to the species one belongs to. Richard Ryder coined the term speciesism in the 1970s in order to highlight an existing type of human-centred prejudice. His objection was to favouring one's own species, and therefore allowing for harm towards other species, and believed this to be of a similar nature to racism. Later, Peter Singer, popularized the term, by

highlighting how speciesism favoured human interests without any moral justification (Gruen, 2003, p. 2).

The first task for a speciesist is to clarify who belongs to the same species. If moral consideration should only be shown to one's own species, then it is necessary to know who this includes. Solving this task by itself might seem unproblematic. It could, however, be further complicated, by speaking of future generations or people who are dead. Nevertheless, these could be included without too much difficulty, if one wished to do so. To include them one may simply state that a dead human or an unborn human is still a human. In order to exclude them, if so desired, one would need to add a reason for this.

This brings us to the second task for a speciesist. This task, of excluding those one does not want to have moral consideration towards, can be more troublesome. In order to do this it is necessary to find a morally significant reason for doing so. Suggestions of what makes humans the only morally significant species, such as intelligence or self-awareness, have been shown to fall short in light of modern science. Certain non-human animals have been deemed more intelligent and/or self-aware than certain mentally disabled humans. Without going into too much detail on these arguments, it is relatively clear to see that were we to hold these criteria as morally significant, there are some cases where certain humans would have to be excluded and certain non-human animals included in the sphere of moral consideration. A possible response could be that speciesism avoids this very problem as its only criterion is membership of one's own species. However, this leads to a further problem; namely, why is it morally significant what species one belongs to?

This leads us to the third and final task for a speciesist. This task is to refute the claim that speciesism is an unjust prejudice based on an arbitrary criterion in a similar fashion to racism or sexism. Peter Singer is at the forefront of this attack on speciesism.

The racist violates the principle of equality by giving greater weight to the interests of members of his own race, when there is a clash between their interests and the interests of another race. Similarly the speciesist allows the interests of his own species to override the greater interests of members of other species. The pattern is the same in each case. (Singer, 1974, p. 108).

One response to this attack on speciesism could be that it is humans that have developed moral systems, and it is our very creation of these moral systems that separate us from the non-human animals, in a morally significant manner. Non-human animals lack the ability to create complex moral systems intended to protect individuals from unjust harm or

discrimination. The argument is as follows: the racist is wrong because he/she intends to exclude a group of people from moral consideration who are equally capable of understanding, taking part and developing a moral system. However, the speciesist is right to exclude all other species as they are not capable of creating, attending or maintaining a moral system that protects its individuals from unjust harm and discrimination (Gruen, 2003, p. 2).

In order to refute the speciesist view, some distinctions are helpful, in order to know what it is that we are refuting. Shelley Kagan makes a distinction between three different versions of speciesism in his paper “What’s Wrong with Speciesism?”. The first one he mentions is the ‘bold version’. This version holds that only humans count, morally speaking, and non-human animals do not count at all. The second version is the ‘more moderate view’. This view holds that non-human animals, as well as humans, count morally speaking, but that a human interest will always trump the interests of a non-human animal. The third version he calls the ‘modest version’, and it holds that “other things being equal, human interests count more than corresponding animal interests” (Kagan, 2016, p. 2). Kagan dismisses the first two versions, by claiming that very few would hold or defend such a view. He exemplifies this by highlighting how one might react in disgust to a person torturing a cat for no reason (bold version), or simply because the torturer gets some pleasure from hearing it squeal (more moderate view). Therefore, it is the third version of speciesism that he finds worthy of further discussion. Kagan argues that the crucial thought is that other things being equal, humans count more than non-human animals.

Kagan makes one further interesting observation regarding speciesism, that it can be based on a relativized interpretation or an absolute interpretation. The relativized interpretation holds that we should give more moral consideration to members of our own species regardless of what that species is. In other words, humans should give more moral consideration towards other humans, and dogs should give more moral consideration towards other dogs, if they are capable of such thoughts. The absolute interpretation holds that humans count more than any other species. This means that more moral consideration should be shown to any member of the human species than to any member of other species. The relativized interpretation is, in short, concerned with giving more moral weight to the species one belongs to, whereas the absolute interpretation is more concerned with giving more moral weight to humans. This makes little practical difference, as it is only humans on this planet that are concerned with attacking and defending a speciesist view. However, it is of some theoretical interest, as it would matter more if we were to encounter an intelligent alien lifeform capable of conceptualizing and partaking in moral discussions (Kagan, 2016, p. 2-3).

Based on these distinctions, it appears to be the absolute interpretation of the modest speciesist view, which needs attention. If this view were refuted, then the other varieties of speciesism would be even less plausible. The modest speciesist view demands less defence, as it is more in line with our intuitive reactions to the treatment of non-human animals. Therefore, if the modest speciesist view was shown to be lacking in moral consideration toward non-human animals, then the other speciesist views would be even farther from the mark, as they show even less moral consideration for non-human animals. In order to show that the modest speciesist view has a lack of moral consideration for non-human animals, it would be necessary to show that its reasons for human interests to trump non-human animal interests are implausible. As highlighted before, Kagan agrees that there is little need for attempting to defend the bold or moderate view, as they are not likely to receive much support. However, Kagan does support the modest view. As argued, the relativized interpretation is of theoretic interest, but can be side-lined, until we encounter other lifeforms capable of entering into human discussions of moral principles. Therefore, the view that needs refuting for the purpose of this thesis, is the view that human interests trump non-human animal interests, where everything else is equal. Non-human animal's insufficient ability to create, attend or maintain a moral system that protects its individuals from unjust harm and discrimination, is the proposed defence of the speciesist view. A problem with this defence could be that there are several individuals included in the human species, which are equally unable to create, attend or maintain a moral system. Examples of this would be humans in a coma, or humans that were severally mentally disadvantaged. It would also be possible to include infants in this category of humans unable to create, attend or maintain moral principles. However, it could be argued that they will potentially develop into beings that can develop those skills at a later stage. A person in a permanent coma would not have this potential though. As the desire appears to be to include all humans in a speciesist view, the view would have to present a different criterion or exclude certain humans' interests. Not letting human's interests trump non-human animals' interests in all cases, where all else is equal, would undermine the speciesist view, which holds that by being human one's interests always trump other non-human animal's interests, other things being equal. Due to speciesism's possible inability to successfully specify the moral criterion for excluding non-human animals, Peter Singer put forward an argument for sentientism.

What is Sentientism?

Peter Singer (1974) argues, in his paper “All Animals are Equal”, that we should extend the basic principle of equality to other species. He clarifies that this does not entail that we treat everyone or everything in the same way, or grant the same rights to all considered, but rather that we give equal consideration to all beings and their interests. Singer clarifies that the claim to equal consideration does not, in his opinion, depend on intelligence, moral capacity, physical strength or other similar matters of fact. Equality is not a description of how things actually are, but rather a moral idea or a prescription of how we should behave towards others. Singer refers to Bentham in order to highlight the vital characteristic that gives a being the right to equal consideration. “The question is not, Can they reason? nor, Can they talk? but, Can they Suffer?” (Singer, 1974, p.107). Therefore, for Singer, it is the ability to suffer that is the vital characteristic that decides whether or not a being has the right to receive equal consideration. He defends this choice by arguing that it is the capacity to suffer and/or enjoy things that gives any meaning to the discussion of interests. His claim is that if it cannot suffer or enjoy, then it can have no interests, and if it can have no interests, then it does not matter what we do to it, morally speaking. The flip side of this being of course that if a being has the capacity to suffer or enjoy, then it will have interests connected to avoiding suffering and enjoying pleasure. Furthermore, if a being suffers, Singer argues, then there can be no moral justification for refusing to take that into consideration. Therefore, Singer, employs the term ‘sentience’ as the boundary of concern for the interest of others. His use of the term sentience is to be understood as “the capacity to suffer or experience enjoyment or happiness” (Singer, 1974, p. 108). He highlights the arbitrariness of choosing characteristics like intelligence or rationality to mark the boundary by pointing out that it would be like choosing a characteristic like skin colour. This is to make clear, how Singer believes that, the view of speciesism is built on, a similar faulty prejudice, as racism and sexism.

The racist violates the principle of equality by giving greater weight to the interests of members of his own race, when there is a clash between their interests and the interests of those of another race. Similarly the speciesist allows the interests of his own species to override the greater interests of members of another species. (Singer, 1974, p. 108).

So, to sum up; sentientism is the view that, all beings that have the capacity to suffer or enjoy should receive equal moral consideration (Singer, 1974, p. 103-108). Certain concerns and challenges connected to this view will be presented in the next section.

Questioning sentientism

Peter Singer emphasizes what the importance of philosophy is in his view. “Philosophy ought to question the basic assumptions of the age. Thinking through, critically and carefully, what most people take for granted is, I believe, the chief task of philosophy, and it is this task that makes philosophy a worthwhile activity” (Singer, 1974, p. 111). However, he goes on to say that philosophy does not always live up to this task. Singer offers examples to highlight this point, where philosophers have glossed over and avoided taking on board what reason points out – the fact that there is no clear moral divide between species, which allows for us to include humans, and only humans, in the moral sphere. The remaining question is, despite the improvement of Singer’s view, does he live up to the task he himself holds as the chief concern of philosophy? Does his questioning of what we take for granted, go far enough? (Singer, 1974).

Is it such a given that non-sentient nature has no interests of moral concern? Is it beyond doubt that sentience is another arbitrary line to be drawn between what should and what should not have moral consideration? Singer criticises racism and sexism, correctly so, for picking arbitrary characteristics as deciding factors of what should receive moral consideration. However, does he not commit a similar arbitrary choice in regards to sentience? He might be solving the problem of speciesism, but is that enough? We might be expanding our horizons in order to allow other species to be morally considered, but what about the rest of nature? Are we not then simply holding the attitude to nature that the racist has to other races, or the speciesist to other species? Are we not all a part of nature, and should not all of nature have moral significance, worth and ultimately moral consideration? Is ridding ourselves of speciesism enough if it leads to sentientism?

Kagan attacks Singer’s use of the term speciesism for several reasons, one of which will be discussed in this thesis, as it is relevant for the discussion of where to draw the line of inclusion for moral consideration. In response to Singer’s claim – that it only makes sense to speak of sentient beings’ interests, Kagan argues that a house plant can be said to have an interest in being watered, and therefore rejects Singers’ claim that only sentient beings can have interests. What Kagan is trying to get at here, is that Singer draws a line of what should be excluded from the sphere of moral consideration. “He only wants to count the interests of sentient beings; he isn’t willing to count the interests of the nonsentient. In effect, then, Singer is a sentientist, as we might put it” (Kagan, 2016, p.7). Kagan wishes to argue that the appeal to intuition does carry some force in questions regarding this moral nature. This is in order to

defend speciesism from Singer's attacks. Kagan argues that if speciesism is prejudice then so is sentientism (Kagan, 2016, p. 7).

Kagan's motivation for making this argument might be vastly different from the reason for including it here, but the argument pinpoints a problem with Singer's position of choosing sentience as the vital characteristic that marks out the boundary of equal moral consideration. Singer responds to Kagan's attacks in his paper "Why Speciesism is Wrong: A response to Kagan", by clarifying that, in his opinion, plants do not have any morally relevant interests. His argument is that plants are not conscious beings and therefore it makes no sense to speak of their interests. Singer highlights this by explaining that we can imagine ourselves as a pig in a factory farm, but we cannot imagine ourselves as a plant. Whether or not we can imagine ourselves as a plant or not, might not seem as intuitively clear to everyone as it does to Singer, but the relevant issue here is his claim that plants are not conscious. Singer has stated several times that intelligence, self-awareness and other similar characteristics were irrelevant when speaking of moral consideration. On this basis, it is not clear why Singer seems to think that consciousness is a relevant characteristic. Singer's point appears to be that consciousness is a necessary requirement for something to have interests of a moral nature. It could be argued that this is as arbitrary as claiming that intelligence or self-awareness are necessary requirements for moral consideration. One could argue that it is just as arbitrary a move as to pick rational thought or the use of language or any other characteristic of the sort that Singer himself argues is arbitrary (Singer, 2016, p. 33).

There are potentially some dangers connected to and some challenges to overcome with sentientism. They will be dealt with here, starting with the challenges of the view, before ending Chapter I with some potential dangers of accepting the view of sentientism. The first problem is of a theoretical nature. The main attack directed at speciesism, by Singer, was that it was a prejudice that could not be consistent with any ethical argument. There is, according to Singer, no morally relevant characteristic in all humans and humans alone, to use as the vital criterion for being morally considered. So far so good. Singer, then makes an argument for the capacity to suffer or enjoy to be the boundary for moral consideration. The reason for this is that without this capacity we can have no interests. Furthermore, consciousness is necessary to speak of morally relevant interests. It is doubtful many would disagree at reading this for the first time, as it appears intuitively clear. However, as Singer himself warns us, we cannot rest assured due to our intuitive agreement, as the racist and sexist also believed that all arguments devaluing moral consideration for the inferior to be intuitively true. That leads us to again question: why is the capacity to suffer and enjoy of more moral relevance than

rational thought or intelligence or any other previously suggested characteristic that's purpose was to draw the boundary of moral consideration? It is hard to disagree with Singer regarding extending the moral sphere, and to not do so is prejudice, it is just unclear why he feels the need to draw a new boundary at sentience. It appears as arbitrary as any previous speciesist attempt at excluding non-human animals.

Another problem of sentientism is that suffering and enjoying are subjective experiences that we can only express to each other. No one can ever actually feel someone else's suffering or enjoyment, but they can get some insight into it when the other person expresses it. Especially when it is someone whom we suspect might have similar experiences as ourselves. Certain measurements of brain activity etc. can give us some further insight into the amount of pain or pleasure someone is feeling, but that is still not the same as knowing what that person is experiencing. The reason this is highlighted is to make the point that when attributing moral consideration based on the experience of pain or pleasure, we would have to know how much suffering or enjoyment was taking place, which is hard enough to do with those we can communicate with, but even more difficult to do with those who we do not have a shared form of communication with. Furthermore, it seems troublesome to claim that plants cannot suffer or enjoy, even if it is not in the same way as we do. Is this not just another example of the arrogance born of our prejudice to other species and non-sentient nature along with it?

Now for the dangers of accepting a sentient view. The first danger is connected to the problem that was just highlighted, that the capacity to suffer or enjoy are subjective experiences. The danger of basing moral consideration on a subjective experience is that the removal of such an experience would be removing the grounds for moral consideration. Therefore, it is conceivable to imagine a future where non-human animals and humans are put in a constant narcotic state where the possibility of suffering or enjoying is removed, so as to perform medical research on them. As they would be unable to experience suffering or enjoyment this would be morally permissible according to the view of sentientism advocated for by Singer. One possible reply to this could be that they are still sentient beings, even if they are not currently experiencing pain or pleasure. However, this reply sounds similar to replies found in defending speciesism. That despite a human having a lower capacity of mental activity to certain non-human animals, it is still part of the human species. If this reply does not hold for speciesism, it is hard to see how the proposed reply would hold for sentientism.

A further danger of this view is that of a legal and practical nature. If humans wished

to continue to disregard moral consideration for non-human animals, humans would simply have to classify all non-human animals as non-sentient. Due to sentience being defined as the experience of pain and pleasure, this would be possible, even if it would be purposely dismissive of what science as a whole would indicate. Therefore, allowing ourselves to treat them as we please. This is of course not a problem with the view of sentientism, but rather a danger the view of sentientism might face due to human nature, which, as Singer argues, is prejudice at heart. It has been a long and gruesome struggle to rid ourselves of racism and sexism and other forms of prejudice. Hopefully this struggle can continue to eventually include all of nature and culture in the moral sphere or consideration.

A possible approach to prevent the dismissal, of non-human animals as being sentient, or in fact an approach to confirm non-human animals as being sentient, could potentially lead to painful experiments done to non-human animals. If it is sentience that is the object of the testing, it is not unconceivable that the testing would include some form of pain being directed at the individuals being tested, to register the responses. Therefore, in order to include non-human animals in the sphere of moral consideration, it is possible that pain must be inflicted upon them first. In other words, proving that pain should not be inflicted on individuals, would involve inflicting pain on individuals.

Conclusion of Chapter I

It is not a mistake that Chapter I has not offered a solution to the problem of where to draw a line, or indeed not to draw a line at all, of what to give moral consideration. However, it is a short-coming. The purpose of Chapter I was to show that although the view of sentientism is preferable to speciesism for all those who wish to give moral consideration to all non-human animals, it is not a strong enough view for those who wish to include non-sentient nature in the moral sphere of consideration. This shortcoming of sentientism, can be used to unravel its good work and therefore leave it falling short of its main task, namely to increase non-human animal welfare. As this thesis is concerned with advocating for non-human animal rights in order to improve their welfare, it would seem unwise to base it on the views of sentientism. There is a lot of support in environmental ethics for giving moral consideration to non-sentient nature. This will be the topic of Chapter II, as this could lead to a better understanding of what should be the factor for drawing the line between what should and what should not receive moral consideration. Where to draw the line of moral consideration is naturally key in any argument for non-human animal rights, because without

being granted moral consideration it is pointless to talk about rights. Rights only serve a purpose where moral consideration is established. Therefore, if the arguments in this chapter appear satisfactory in creating enough doubt with regards to sentientism and speciesism, the task is to find a more suitable view of where to draw the line of moral consideration.

Chapter II. Why marking the boundaries of the moral sphere according to intrinsic value is a preferred view³

Why turn to environmental ethics in discussing non-human animal rights?

If we conclude that speciesism and sentientism are unsatisfactory as views on where to draw the line between what should and what should not be morally considered, we are left with the problem of choosing a view that gives a satisfactory answer of where to draw the line. The challenge directed at the two previously mentioned views was that the choice of where to draw the line appeared arbitrary. Speciesism and sentientism both rely on an argument that we exclude what differs from ourselves. Either we exclude something from moral consideration on the grounds of not being members of the human race, or we exclude something due to a lack of sentience. Defining sentience as the experience of pain and pleasure, means that anything that does not share our experience of pain and pleasure is not to be morally considered. In order to find a satisfactory replacement as the basis for what to have moral consideration for, it might be helpful to turn to the debate in environmental ethics. The increasing environmental crisis that we face today has shown a growing interest in environmental ethics. It appears that some moral consideration of the environment as a whole is necessary to battle the arrogant assumption that we need only have moral consideration for humans, or for the rest of nature - but only insofar as it affects humans. Perhaps there is a reason to show moral consideration for the environment itself, rather than just as a means for humans to survive and thrive. However, as this is a thesis advocating for individual rights of non-human animals it is necessary to avoid a conclusion that has moral consideration for the whole that trumps the rights of the individual. We do not wish to sacrifice any individual's rights in order to secure the whole. Rather we wish to discover a view that supports the individual rights as well as showing moral consideration for all of nature. Environmental ethics might be of some help toward this goal. This chapter is focused on finding a suitable substitute for speciesism and sentientism, which has a moral consideration for everything that has intrinsic value.

A central question in environmental ethics is the abstract question concerning the value and moral standing of the natural environment and its non-human components. In order to comprehend the importance of this question it is important to clarify the distinction

³ Parts of this chapter are developed from work submitted for the environmental ethics course.

between intrinsic value and instrumental value. Once this distinction is clear the next divide of importance is that between objective intrinsic value and subjective intrinsic value. There is some doubt as to the necessity of making these distinctions at all. What is the importance of establishing such a value in nature? A pragmatic answer might be that there is no reason to establish such a value, as it would have no impact on the use of non-human nature. This issue is not clear-cut. It could very well be that the establishing of intrinsic value in non-human nature would/should have a huge impact on the interactions between humans and non-human nature. This is of interest to this thesis because non-human animals are part of non-human nature. Therefore, if we are to find grounds for morally considering non-human nature, we will also have found grounds for morally considering non-human animals.

The first section of Chapter II is devoted to discussing the distinction between intrinsic and instrumental value. This is to clarify what value is being argued in favour of in the different views of intrinsic values in non-human nature. The second section of Chapter II is focused on the views that Arne Johan Vetlesen holds as most promising in his book “The Denial of Nature”. The reason for this is to put forward the most promising argument of intrinsic value in non-human nature. This thesis will not deal with all possible views in environmental philosophy, so the focus will be on the three views from, what Vetlesen refers to as, the contemporary giants in environmental ethics, Paul W. Taylor, J. Baird Callicott and Holmes Rolston (Vetlesen, 2015, p. 140). The third section of Chapter II will be focused on the importance of establishing intrinsic value in non-human nature, before finally discussing the potential consequences of establishing the existence of such a value in non-human nature. The final section of this chapter is focused on distinguishing between non-human living organisms and the rest of non-human nature, and defining what these categories include and exclude. If the argument for intrinsic value in non-human nature is successful, then it is a small step to apply intrinsic value to non-human animals, as non-human animals are a part of nature. Therefore paving the way to attributing non-human animals moral consideration and possibly even rights.

Section 1. A clarification of the term ‘intrinsic’⁴ value

In order to better understand the term ‘intrinsic value’ it is useful to contrast it to ‘instrumental value’. Instrumental value is, as defined by Patrick Curry in his book *Ecological Ethics*, “...the value someone or something has as a means to something else, where that something else constitutes, in effect, a good in itself (or at least, is more valued than the means)” (Curry, 2011, p. 52). In other words, the instrumental value is valued by a valuer. The value is instrumental to someone or something else, much in the way my computer has instrumental value for me in writing this thesis. I, the valuer, have need of the computer in order to write my thesis, this in turn means the computer has instrumental value to me. This says nothing about the value a computer has in its own right, only how I, its valuer, measure its value. The computer, in this example, is a means to an end, the end goal being a finished thesis by me, which may or may not have value in its own right, but the computer’s value is merely instrumental in allowing the end goal to be reached, hence the term ‘instrumental’. The claim that objects have instrumental value is uncontroversial. It is not hard to think of things in non-human nature that have instrumental value to us, us being the valuers. It gets a little trickier when we discuss intrinsic value.

Humans possessing intrinsic value appears to be a necessity for ethics to have any purpose. If people had no intrinsic value why concern ourselves with what is right and wrong, good or bad? Kant’s ethical teachings of treating people as an end in themselves and not as a means to an end are a good example of this. If human value is merely seen as instrumental, such things as human rights would have no rational basis. Intrinsic value is, as defined by Patrick Curry in his book *Ecological Ethics*, “...when someone or something has value as an end in itself, for its own sake, it has intrinsic value” (Curry, 2011, p. 52). The distinction between intrinsic value and instrumental value is simply a way of clarifying if we are speaking of value something or someone is perceived to have, in virtue of its instrumental use to someone or something else, or a value that resides within as an end in itself and not merely as a means to an end. This is an important distinction when discussing value because of the potential repercussions such a distinction can have. Slavery was built upon and defended by the idea that certain individuals merely had instrumental value. Some people might go so far as to claim that the environmental crisis we face in our society today is due to non-human nature being deemed to only have instrumental value. Perhaps worrying about the

⁴ In this thesis ‘intrinsic value’ will be used to denote the same thing as the sometimes preferred term of ‘inherent value’.

environmental crisis in terms of how it may ruin our chances as a species to survive is also treating non-human nature as a recipient of nothing but instrumental value. Perhaps this is part of the motivation certain philosophers should have in putting forward an argument in favour of non-human nature possessing intrinsic value.

Section 2. What is the most promising view of intrinsic value?

As promised in the introduction to this chapter, this section is devoted to exploring some of the most promising attempts at arguing for intrinsic value in nature. The first view this thesis will explore is the ‘biocentric’ view put forward by Paul W. Taylor in his book “Respect for Nature”. Secondly, the thesis will explore the subjective intrinsic value view of J. Baird Callicott. Finally, the thesis will discuss the objective intrinsic value view put forward by Holmes Rolston, which I, along with Vetlesen (Vetlesen, 2015, p. 146), find to be the most promising of the three views.

Biocentrism

The biocentric view is one that supports the idea that the good of all living things needs to be taken into account. In other words, intrinsic value is to be found in all living organisms. The term biocentric simply denotes that it is a view centred around the biotic community as a whole, rather than to humans alone. For clarity, it is worth mentioning that this does not include all of nature, but only the living organisms. The view is based on the principal that all living organisms are of equal worth, so none are superior or inferior. Something exemplified in a quote by Taylor, included in Vetlesen’s Denial of Nature:

[one will] look at members of nonhuman species as one looks at members of one’s own species. Each living thing, human and nonhuman alike, will be viewed as an entity pursuing its own good in its own way according to its species-specific nature. (Vetlesen, 2015, p.97).

So all living things are to be understood as objects of the attitude of respect, and therefore deserve equal moral consideration. It is not necessary to be a moral agent for moral consideration. Only moral agents can act morally or immorally toward other moral subjects, but it is enough to be a moral subject in order to be morally considered. This position was founded on the principal that moral subjects are entities that can be harmed or benefitted.

Humans are moral agents and all other living organisms are moral subjects. This excludes all inanimate objects from moral consideration, but includes all living organisms that have a good of their own to pursue. Therefore, moral agents differ from moral subjects in that they have the means to decide how to behave toward other moral subjects. Moral subjects have a want to survive and reproduce, which some biologists might even claim is the sole purpose of life, but moral agents have the capacity to decide whether they ought to survive and reproduce (Vetlesen, 2015, p.97).

By claiming that all moral subjects have inherent worth and invoking an interpretation of Kant's ethics, Taylor ends up with a moral philosophy that gives moral agents a duty to moral subjects. As the moral subjects have a good as an end in itself, all moral agents have a duty not to merely use the moral subjects as a means to an end. The inherent worth of moral subjects is found by adopting the belief system of the biocentric outlook on nature. This is not born of a love of nature, which Taylor distinguishes from the attitude of respect. In line with Kantian ethics the attitude of respect for nature is brought about by adopting a set of moral rules and standards, and not born of a personal preference. These rules and standards must be according to Kant's requirement of universalization (Vetlesen, 2015, p.98-100).

Taylor objects to a holistic approach to ecological ethics by claiming it leads to the individual losing out to the whole. The individual becomes a means to the end of the whole, therefore violating the individual's inherent worth. For Taylor it is the individual's inherent worth that must be respected and not to be reduced to the good of a more encompassing entity. Taylor's reason for this objection could very well be, as Vetlesen points out, that:

Looming large here (if I am not mistaken) is a Kant-inspired fear that granting moral standing to the group just as to each individual would amount to jeopardizing the inherent worth of the individual, rendering it exchangeable and so instrumentalizing it for the (presumably greater) good of the survival of the group. (Vetlesen, 2015, p.102).

Vetlesen points out a weakness of this attitude. The fact that the group and the individual are co-dependent on each other for survival, means that this fear is unfounded (Vetlesen, 2015, p.101-102).

According to Vetlesen, Taylor stresses the duty to let creatures live out their lives in freedom, as in being allowed to carry on their existence in a wild state (Vetlesen, 2015, p.103). There seems to be something off about this idea of letting creatures exist in their wild state. In this biocentric view – of all moral subjects being of equal worth, would we not be duty-bound, as moral agents, to help other species in distress in the same way as we are duty-

bound to help the members of our own species? Furthermore, Taylor goes on to argue that when it comes to eating other species in order to survive, it is permissible because the alternative is allowing oneself to perish. Although this thesis aims to defend the eating of other species in the following chapters, it is on a different basis to this argument. If all living organisms are of equal worth, how can we defend one eating the other in order to survive? There seems to be some argument of necessity here. Whether or not this is a sound position to hold, it does not hold in the case where helping an individual moral subject, does nothing to endanger the life of the moral agent. In this case there is no necessity to avoid helping for one's own survival. However, if the moral agent would act as suggested and try to help a moral subject of a different species, the moral agent would clearly be in violation of the non-interference rule of conduct. This problem might be overcome, but it is worth giving some consideration to, as it often is held as good attitude to avoid interference of any kind when dealing with non-human nature. This attitude often comes as a response to another extreme – that we can rule over and do as we please with non-human nature. However, going from one extreme to another is not necessarily advisable. In short, should we not help any being of equal worth, especially when it does not endanger us in any way?

Vetlesen focuses on another contradiction between the view of all moral subjects being of equal worth and Taylor's argument that it is permissible for humans to eat non-human animals for survival purposes. As Vetlesen states: "If it is wrong to sacrifice the lives of humans for the sake of animals, as Taylor now claims, it must likewise be wrong to sacrifice the lives of animals for the sake of humans" (Vetlesen, 2015, p.103-104). It is clear that something here does not resonate. It is a contradiction to say that all moral subjects, including non-human animals in this generic term, have equal worth, but that some moral subjects can be sacrificed in order to secure the survival of another, in this case humans. The very fact of sacrificing one to save another implies a hierarchy of worth. This is the exact kind of unequal distribution of worth that Taylor himself wanted to avoid by objecting to holism. Taylor objected to holism because the individual worth would be inferior to the worth of the whole. However, by allowing humans to eat non-human animals for survival, he is allowing the non-human animal's worth to be inferior to that of humans. Therefore, either Taylor must abandon the principle of equal worth between all living organisms, and therefore undermine biocentrism altogether, or he must accept that killing non-human animals for the sake of humans is no more permissible than killing humans for non-humans' sake (Vetlesen, 2015, p.103-104). The idea of all living organisms having equal worth is appealing, but as we have seen it is not without its difficulties. We will return to this in the next section of the thesis

regarding the importance of establishing an intrinsic value in non-human nature.

The main reason for avoiding this view as the basis for where to draw the line of moral consideration in this thesis, is due to the exclusion of all inanimate nature. Although choosing life as the common factor for all who received moral consideration would be sufficient, and tempting, in advocating for the rights of non-human animals, it would be no better than abandoning speciesism for sentientism. Life seems to be an arbitrary choice of where to draw the line, just as was the case with species or sentience. Some might wonder why one would claim that life is an arbitrary choice of what to regard as having intrinsic value or not. The question of why life should not be seen to have intrinsic value and the implications of this will be returned to in Chapter III. Taylor makes a good point regarding the fact that it is important not to let the individual be stripped of its rights due to moral consideration of the whole. However, Vetlesen is correct in pointing out that one individual losing out to another is no better if we are to speak of equal worth and equal moral consideration. It might not be necessary to hold that the taking of non-human animal life implies a hierarchy of worth, where the killer has higher worth than the killed, but biocentrism is unable to allow for this.

Subjective intrinsic value

Subjective intrinsic value is the generic term for any view that argues in favour of intrinsic value that is dependent on a valuer. At first sight this might seem to be a contradiction, but the idea is that non-human nature can have intrinsic value, being valued for what it is in itself, but only so long as there is a valuer to recognize this. Callicott attempts to avoid the contradiction by claiming the human consciousness as the source of all value, but not necessarily the locus. He uses the example of an infant to highlight this point. The infant does not possess the human consciousness necessary to conceive of value and can therefore not be the source of value. Nevertheless, Callicott argues, we wish to bestow upon the infant some intrinsic value, not merely instrumental. From this, it follows that the infant is the locus of intrinsic value, but is dependent of a valuer for it to be recognized. The infant has intrinsic value that transcends the instrumental value others might give it, but it is nonetheless dependent on a valuer, for without a valuer there can be no value according to Callicott. Callicott calls this ‘truncated intrinsic value’, and intends it as an alternative view to objective intrinsic value, that is consistent with the world view of scientific naturalism (Callicott, 1989, p.133).

Callicott declares his displeasure with Kantian Deontology or Bentham’s Utilitarianism as a foundation for ecological ethics. He argues that they both have egoism as a

starting point, where it is finding similarities in others that awards the others with moral consideration. By holding, that one extends moral consideration to others by discovering the same criterion for intrinsic value that one has within oneself, leads to including others in moral consideration, only insofar as they have the same criterion. This means that any element of non-human nature that does not have the capacity of human consciousness, according to Kantian ethics, will only have instrumental value. Likewise, any part of non-human nature that is unable to experience pain and/or pleasure will only ever have instrumental value, according to utilitarianism. Callicott sums up the problem with both these approaches in the following way: “It is revealing that both Kant and Mill, Bentham’s protégé, invoke the Christian Golden Rule – love thy neighbour **as thyself** – as the perfect summary statement of their moral philosophies” (Callicott, 1989, p.143). From this, the problem Callicott has, appears to lie with the ‘as thyself’ part. This removes the possibility in anything that differs from ‘thyself’ in any important respect of achieving the status of being a bearer of intrinsic value (Callicott, 1989, p.143).

Callicott appeals instead to a Humean-Darwinian position. Here he claims a position that allows for a moral concern for the others who are not ‘as thyself’, as explained by Vetlesen:

The expansion of scope, from self-love outwards toward ever-expanding consideration of the interests of others, reflects Hume’s conviction that as humans we are capable of a disinterested sympathy and selfless charity to persons unrelated and unknown to us. Whether its target is a near or dear other, or a distant and unknown other, the intrinsic value we according to Callicott’s use of Hume attribute to all human beings is a projection or objectification of the ‘sentiment of humanity’ central in Hume’s theory. (Vetlesen, 2015, p.111).

This aspect of being able to morally consider distant and unknown others is of central importance to Callicott’s arguments for intrinsic value. He builds his argument for intrinsic value by expanding the understanding of the self to include all of nature. By accepting that the self possesses intrinsic value, and then expanding the self to include all of nature, the intrinsic value has also been extended to the rest of nature. In other words, by doing away with the divide between nature and culture, we allow for our own intrinsic value to carry across to the rest of nature (Callicott, 1989, p. 174).

There is a lot to be said for this approach in as much as the intention is to rid ourselves of an arrogant assumption that humans are something special and above the rest of nature, by

breaking down the barrier between culture and nature, in order to show that it is in fact one and the same thing. However, he still holds that the valuer is a necessity for value. This is harder to accept, as it would mean that without any human existence there would be no value in nature. The last man argument, mentioned by Vetlesen (Vetlesen, 2015, p. 120), by Richard Sylvian is intended to highlight just this. Even without the valuer, certain acts toward nature can appear to be wrong or right, ugly or pretty indicating that value is not dependent on the valuer. We will return to this in the third section of Chapter II. However it is worth mentioning here that the main reason for not choosing this view for the purpose of this thesis, is that the dependency on a valuer to recognize value, still makes intrinsic value something born of human consciousness. Finding intrinsic value in nature is essential in this thesis' attempt to advocate for non-human animal rights. As it is being argued in this thesis, rights are more meaningful if they are based on intrinsic value that exists independent of the human consciousness.

Objective intrinsic value

Rolston defends a view of philosophical realism. He argues that there is objective intrinsic value independent of the human mind. It is, in Rolston's opinion, absurd to hold that value did not exist before human consciousness or that value would cease to exist were the human consciousness to disappear. As stated by Vetlesen, "...he (Rolston) opposes any notion to the effect that values in nature are only 'on' when humans are perceiving them, and otherwise 'off'." (Vetlesen, 2015, p. 120). Value is, in other words, not dependent on a valuer to exist.

Instrumental value is not hard to conceive of existing before human consciousness as non-human animals value things that have a use to them, such as food and shelter. The question is how Rolston argues that intrinsic value existed before human consciousness, as intrinsic value appears to be an abstract human construct. For Rolston, the very fact that living organisms show life-sustaining behaviour and resist death shows some sign of intrinsic value.

What we should say, regardless of the way it offends Western tradition, is that each animal, each organism, values its own life for what it is in itself, intrinsically, without what Rolston calls 'further contributory reference' such as secured by the human subject. (Vetlesen, 2015, p.120).

Rolston concedes that things may not matter *to* plants in the way we traditionally believe things matter to humans, but things can still matter *for* plants. Therefore, as long as something benefits from something, then we have to accept that there is value (Vetlesen, 2015, p. 120-121).

Rolston, who could be accused of committing the naturalistic fallacy, of going from what is to what ought to be, instead claims that we are in danger of committing the ‘subjectivist fallacy’. The subjectivist fallacy is believing that all value lies within subjective experience. We can see why this would be a fallacy for Rolston, whose very point is that value predates human consciousness and would continue to exist after human extinction. The ‘anthropocentric fallacy’ is simply that all value only exists within human experience. Again, for Rolston value really exists out there, it is not dependent on human or any other subjective experience in order to take form. However, it needs to be clarified that Rolston does not deny that subjective experience creates value, it is simply that the subjective experience is not the source of all value (Vetlesen, 2015, p. 121-123).

Rolston argues that a problem within environmental ethics is the focus on anthropocentric ethics. We cannot simply apply human ethics to the environment and hope to make sense of it all. We need a more holistic approach that accepts creativity without creators and value without valuers. So, as Vetlesen points out, what Rolston’s objective viewpoint requires is “...not so much individuals who value as systems that create: a value generating system able to generate value... ..Rolston refers to, any x is a valuer if x is value-able, able to produce values” (Vetlesen, 2015, p. 124). So, any holistic system or individual capable of producing values can be seen as a valuer. What Rolston is attempting to show us is that we need to turn our common approach to the question of value on its head. Rather than asking ourselves how non-human nature can possess value, we should rather understand human’s possessing value as a product of non-human nature. In other words, non-human nature has always possessed value, and due to the fact that humans have historically come out of non-human nature, but also stayed part of nature is the reason we can be said to possess value. Value is not merely a human construct, but a product of nature. Hence, intrinsic value exists in nature independent of the subjective experience, that in turn is simply a product of nature. He is therefore arguing in favour of an “...ecocentric model, one that recognizes the emergence of consciousness as a novel value but also finds this consciousness entering a realm of objective natural value” (Rolston, 1988, p. 212). Therefore, value exists objectively in nature, and the human experience can construct and conceive of value namely because it is a product of nature.

This is the favoured view, of the three presented, for the purpose of this thesis, as it is with Vetlesen, who says that Rolston's view is the one he would most like to endorse (Vetlesen, 2015, p. 146). When discussing what the sphere of moral consideration should include, the challenge has been to discover the common denominator that is not arbitrarily chosen. Some potential doubt has been argued in regards to the views of speciesism and sentientism from the non-human animal ethics debate, and equally the view of biocentrism from the environmental ethics debate, for similar reasons. The reason being that there is an arbitrary choice of where to draw the line of what to include and exclude in the sphere of moral consideration. The view of a subjective intrinsic value was abandoned by this thesis, due to human consciousness being a necessity in order to recognize any intrinsic value. As Rolston's view of objective intrinsic value includes all of nature in the sphere of moral consideration we needn't worry about anything being excluded for arbitrary reasons. In addition, his view presents the idea of an intrinsic value that is independent of human consciousness. The intrinsic value is really out there. Therefore, this is the view that will be endorsed by this thesis in drawing the line of moral consideration. This view does not leave us without problems though. The main problem being how we can be moral in a world where everything has intrinsic value, and we, in addition, have a need to kill some of non-human nature in order to survive ourselves. This problem will be returned to in Chapter III.

Section 3. The importance of establishing intrinsic value in non-human nature

As promised in the introduction to this chapter, this section will be focused on the importance of establishing intrinsic value in non-human nature. First, it might be pertinent to highlight that this thesis is attempting to position itself alongside non-human animal rights advocates. The word 'attempting' is used because although it might have the appeal of the correct position, there is yet a need to develop a convincing and coherent theory to support it. This is mentioned because it may bring with it a potential bias and underlying agenda that might colour interpretations of other philosophers' views and arguments. Ideally, this should be avoided, but that is often easier said than done.

The desire to establish rights for non-human animals has led to understanding the importance of establishing intrinsic value in non-human nature. Establishing non-human intrinsic value could be seen as the first step to establishing non-human animal rights. This is not necessarily the only path, neither does it necessarily lead to establishing rights, but it does seem to be a step in the right direction. The desire to establish rights for non-human nature is

born of a realization that the human treatment of non-human nature is driving a devastating blow at existence, not only for humans, but also for nature in general. Even accepting the view that nature as a whole can and most probably will outlive the extinction of humans, could leave us wondering how much damage will be done prior to this rather drastic and unpleasant solution to humans impact on nature? In the human history, as this is the only relevant history when discussing rights, the concept of unalienable rights has proven a necessary ingredient in the protection against the abuse and oppression of individuals and groups of individuals. Therefore, it would appear to be beneficial toward the protection and conservation of nature (non-human and human alike) to establish some rights. The right most commonly defended as the most important right of all is the right to life. Therefore, if rights for non-human nature were established it is not inconceivable that this too would be an area where the right to life would carry grave importance. This is of course only helpful on the parts of non-human nature deemed to have life. Perhaps, on this, there would be the necessity of some holistic theory that granted life to the whole earth or even universe. Although accepting, that wishing for all this to be true is no grounds for it actually being true, there could still be a wish to highlight the importance of intrinsic value in nature being established. Furthermore, a wish to highlight how it can force us to change certain attitudes and behaviour directed at non-human nature.

Here it is worth mentioning the importance of views represented by Hans Jonas in finding a way to awaken humans to their moral responsibility and obligations toward non-human nature. Hans Jonas argues that humans have a value, and that value is precisely the capability and responsibility toward non-human nature. Jonas highlights the necessity of the development of a new ethics, due to the danger that humans now pose to non-human nature, and therefore their own survival, which according to Jonas is the pinnacle of any species. The egoism of any species leads to the priority of species' survival, and in the case of humans, their superior power legitimates their instrumental use of non-human nature to procure their own survival. However, this survival is intermingled with the conservation of the environment around them. Even if Jonas' motivation for developing a new ethics, is not the same as this thesis, i.e. to preserve the human species, his view – that a new ethics due to the dangers posed is needed, is not so different from the purpose of this thesis. Moreover, as argued above it could be beneficial to have an ethics that argues in favour of an objective intrinsic value in non-human nature, as an important step along the way, to secure rights for non-human nature in order to protect it from human endeavours (Vetlesen, 2015, p. 129-146).

Out of the three views regarding intrinsic value in non-human nature mentioned

above, this thesis disregards the views of Taylor and Callicott as less promising than the preferred view of Rolston. One of the reasons for this is that they both state that they do not wish to argue in favour of rights on the basis of their understanding of intrinsic value in non-human nature. However, if their arguments seemed promising in securing these rights by establishing intrinsic value in non-human nature, their lack of desire to do so could be forgiven. Unfortunately, there is something lacking in their approach to intrinsic value in non-human nature, as mentioned above. By contrast, Rolston's view appears to be promising in arguing in favour of intrinsic values in non-human nature. According to Rolston's view, value has always existed in nature. We need not argue in favour of it or search for it. It has always been there. It is rather a fault in our way of perceiving the world that has led us astray. It is the curse of modernism, that our anthropocentric view has driven us to a belief of self-importance and made us forget our roots. We are ultimately of nature, and it is due to this that we can speak of value, as nature is the source of value. Our minds, which are often revered as the pinnacle of human evolution, have been able to construct value, which in turn might have led us to believe that our minds are the only source of value. According to Rolston's view this would be incorrect. Rolston argues that value always has, and will always continue to exist in non-human nature. Therefore, it could be argued that, we need to recognize our place in the whole (of nature), in order for us to remedy our behaviour toward our life-sustaining environment before it is too late.

Section 4. The importance of defining nature and distinguishing between living and non-living nature

So far, in this chapter, the focus has been on arguing that non-human nature has intrinsic value independent of a valuer. In the next chapter the focus is on the distinction between 'life' and a 'life worth living'. This distinction is only relevant for that which possesses life. Therefore, it could be beneficial to distinguish between living and non-living nature. Furthermore, as intrinsic value is being held as the criterion for moral consideration, it is necessary to define what nature includes and excludes. Anything excluded from nature would fall outside of moral consideration. As it was required for all dismissed views to give a reason for excluding something from moral consideration, it is necessary, in order to be consistent, to do the same for the view being advocated for in this thesis.

Nature is sometimes held as the opposite to culture, as was mentioned when discussing the view of subjective intrinsic value in section 2 of this chapter. The purpose of

distinguishing these two from each other is to specify the relationship between them. Nature then including plants, non-human animals, landscape and other products of the earth. Culture, on the other hand, would include humans and human creations. In environmental ethics, this divide is often questioned. The concern is that by viewing humans and their creations as separated from the rest of nature, it could lead to a divide that results in hierarchy of moral consideration. Modern society, influenced by the humanitarian approach, held humans and their ability to reason as the most important feature of moral consideration. This has led to valuable results, such as seeing all humans to be equally valued and for certain basic rights to be recognized due to this equality. However, it might also be the reason that the concern for the environment has been lacking. The focus on humans and their endeavours might have blindfolded us to the upcoming environmental crisis. The acknowledgement of the environmental crisis has led to a focus on environment. Because of this shift in focus, the divide between culture and nature has been brought into question. This is an encompassing debate in environmental ethics that falls beyond the scope of this thesis. The only reason for highlighting it is due to the need to define nature, in order to conclude what is understood to have intrinsic value. For the purpose of this thesis, the divide between culture and nature will be ignored. Humans will be considered to be a part of nature, as well as any human creations. Further, it will be held that all human creations are a reconstruction of what nature has already provided. Conclusively, nature is to be understood as everything, that has planet earth as its source, directly or indirectly, for the rest of this thesis.

The distinction between living and non-living nature is a necessary distinction in order to clarify what elements of nature will be the focus for the rest of this thesis. It has already been clarified that this thesis holds everything with planet earth as its source to be bearers of intrinsic value. This intrinsic value will matter in different ways depending on which elements of nature are being discussed. A chair will not have its intrinsic value violated in the same way as a plant or a human. A stone's intrinsic value will demand a different sort of respect than a non-human animal or a tree. The purpose of this section is not to list all the different elements of nature and clarify how their distinct intrinsic value differs in regards to being violated, but rather to make one distinction with all living nature on one side and all non-living nature on the other. A chair or any inanimate object would not have its intrinsic value violated in the same way as a living organism. It would seem intuitively different to break the leg of a chair, as to breaking the leg of a dog. However, we need not rest the distinction on an intuitive idea, but rather rest it on 'life'. This thesis is focused on advocating for the right to a 'life worth living', and this is only relevant for anything that can live a life. Therefore,

anything deemed not to possess life, would be an inanimate part of non-human nature, and anything that does possess life is to be understood as a living part of nature. Due to the purpose of this thesis, no further time will be spent on non-living nature. The focus moving forward will be on living nature. This will be referred to as living organisms for the remainder of this thesis. The only other term that will be used is lifeforms, which is to be used to include any living entity that is not of nature, such as an alien. A possible interjection could be that computer programmes could be understood to possess life. This interjection is a valid one. However, it will not receive any further deliberation in this thesis. The claim will simply be, that if one deems a computer programme to have life and to be capable of a 'life worth living', then any rights or intrinsic value acknowledged on the grounds of this thesis, would equally hold for the computer programme.

Conclusion of Chapter II

In Chapter I it was argued that sentientism is an improvement on speciesism. However, it was also argued that it still fell short of the task of deciding where to draw the line of the sphere of moral consideration, which is not arbitrary. Chapter II focused on the discussion of intrinsic value in environmental ethics. The reason for including this discussion is the desire to replace sentience as the common denominator for moral consideration, with bearers of intrinsic value. To clarify; the argument is that everything that can be said to have intrinsic value should be morally considered. Furthermore, in line with Rolston, the argument in this chapter is that anything of nature has intrinsic value, due to the very fact that it is of nature. Nature produces intrinsic value, and therefore anything of nature has intrinsic value. This leaves us with the logical conclusion that everything of nature has intrinsic value, and must therefore be morally considered. As was argued above; anything that has been included in the sphere of moral consideration through history, has been ascribed rights to protect against the intrinsic value being violated. Accepting this conclusion leaves us with a problem of how to live a life without violating others' rights and therefore ignoring their intrinsic value. In simple terms, how can we eat without being immoral if all living organisms have intrinsic value? It would appear that any taking of life would be a violation of its intrinsic value. This problem will be discussed in Chapter III.

Chapter III. Replacing the ‘sanctity of life’ with moral consideration for a ‘life worth living’

If everything is deemed to have intrinsic value, then how can we survive without violating others’ intrinsic value?

So far, this thesis has attempted to argue that acknowledging objective intrinsic value in anything of nature is the only way to avoid being arbitrary in drawing the line of the sphere of moral consideration. In addition, it has also attempted to show why other attempts fail to avoid the attack that Peter Singer directed at Speciesism. However, even though including everything of nature in the sphere of moral consideration avoids the problem of being arbitrary, it faces another problem. The problem that if everything has intrinsic value, then in order to survive we would be forced to violate that intrinsic value. We eat things of nature to survive. If everything of nature has intrinsic value, how can we defend killing and consuming, without violating the intrinsic value of the killed and consumed? If the only way to survive is by violating others’ intrinsic value, then what significance does the discussion of intrinsic value have? The position held in this thesis, is that intrinsic value demands a respect for its bearers, but not that the holders of intrinsic value cannot be killed and consumed.

Furthermore, it logically follows that anything in the possession of life can have its life ended without this being a violation of its intrinsic value or rights. This leads to the next concern of Chapter III, namely questioning the assumption that the right to life is the most important right of all and therefore trumping all other rights. It will be argued that, not only, is the right to life not an important trumping right, but that it is in fact no right at all. Life is a necessity for all living organisms to have intrinsic value and all the rights connected to being a living organism, but it is not a right in and of itself. In regards to this issue, there will be a focus on a paper by Jonathan Glover, where he introduces the view of a ‘life worth living’. In agreement with Glover, this thesis will hold that it is a ‘life worth living’ that is of interest, and not merely ‘life’ itself. However, this thesis will differ from Glover in that even a ‘life worth living’ does not have an intrinsic value that overrides the possibility to end it. The reason for including this chapter is to attempt to solve the problem presented by establishing that everything of nature has intrinsic value (Glover, 2016, p. 225-234).

The right to life

This paper is concerned with advocating non-human animal rights with the purpose of improving the treatment that non-human animals receive from humans, but with one, perhaps, different approach to earlier non-human animal rights advocates, namely that the right to life is not to be seen as the most significant trumping right of which all other rights are to be secondary in concern. It is true that we need to be alive in order to enjoy life, unfortunately being alive is also sufficient for the most devastating existences imaginable as well. The assumption that a right to life is the most important of all rights is something that needs questioning at the very least. Of course, the argument that we need to be alive, in order for other rights connected to that life to have any meaning, is a logically sound argument. However, there are clear indicators that those who are alive (or have been alive) clearly hold certain other rights as necessities in order for that life to have any meaning. In certain extreme cases, people have been willing to sacrifice their lives in order to secure other rights regarding the quality of life. The right to be heard and have a voice in the Civil Rights Movement would be an example of this. To be clear, the intent is not only to question if a right to life is sufficient in pushing for a better treatment of non-human animals, but also to question if it is a necessity. Life is obviously a necessity in order to have meaningful life, but a right to life may not be.

The right to life is a moral principle based on the belief that individuals have a right to not have their lives taken away by others, or alternatively that they have a right to being aided in staying alive by others. This is not something that can be said to be the naturalistic fallacy, an is-ought problem, as killing is common place in nature. Most, if not all, living organisms take away life from other living organisms in one form or another. Therefore, this is a moral principle created by and defended by rational thought. It is an assumption that sits well with most of us and protects us from senseless killing and the loss of life. The right to life is constructed and granted to individuals as a privilege by those holding social and political power. The Magna Carta and the Universal Declaration of Human rights are examples of this. It has become uncontroversial to punish those who violate the right of life, with certain exceptions. Abortion, euthanasia, capital punishment, war and self-defence are some examples of certain situations that at times are exempt from the right to life. These topics will not be discussed, as they are large enough to be a thesis in their own right. However, abortion will be used to exemplify an observation regarding the right to life that does fall within the scope of this thesis.

Abortion is a tricky topic in moral philosophy, due to the right to life. In simple terms it can be understood to be the right to life that the unborn individual has, up against the right to decide over one's own body, that the pregnant woman has. The pro-lifers argue that it is wrong to have an abortion because it violates the right to life, whereas the pro-choice advocates hold that the pregnant individual's right to make choices for her own body overrides the right to life for the unborn individual and/or that the right to life does not come into effect until a certain stage. At what stage an individual should receive the right to life is the tricky part. Should a foetus have the right to life? Should sperm have the right to life? At what point can something be said to have the right to life and for what reason? If nothing had the right to life, this problem would evaporate. That is not an argument, but an observation. If nothing had the right to life, there would be no moral objection to abortion. If on the other hand the right to life was granted to a foetus, then on what grounds could we withhold the right to life from, at least, certain non-human animals? It appears that the only way to avoid this would be to hold a speciesist position, which is problematic as explained earlier in Chapter I. Therefore, we are left with two choices: deny the foetus the right to life or grant the foetus the right to life. If we deny the foetus the right to life, then there is no moral objection to abortion. If we grant the foetus the right to life, then to be morally consistent we would have to grant the right to life to, at least, some non-human animals. This means we would be violating the rights of these non-human animals by killing them. As we learn more about non-human animals, we start to understand that our grounds for excluding them from the moral sphere of consideration are growing thin. Therefore, it is not unrealistic to assume that at some point in the near future we would have to accept that all non-human animals and perhaps more of non-human nature would have to be granted the right to life on the same basis that it was granted to the human foetus. This would leave us unable to kill and therefore consume non-human animals as a food source. Vegetarianism could be a solution to this. As a vegetarian, it is not necessary to kill or consume any non-human animals. However, even a vegetarian must kill and consume, even if not non-human animals, in order to survive. Furthermore, as this thesis is arguing that intrinsic value must be recognized in all living organisms, then we would still have to explain why killing living organisms that were not non-human animals was morally permissible. However, the easiest way out of that particular challenge would be to deny the foetus the right to life, and therefore still being consistent in denying it to all of non-human nature. Unfortunately, there is a further problem with this. If we deny the right to life to the human foetus and all of non-human nature, then on what grounds do we grant it to humans that have already been born? It might be beneficial to argue

that the right to life should be denied to all of nature. If the right to life is to be granted, we see that it might have to be granted to so much that it eventually leaves us unable to survive. What point is there to a right to life that ultimately kills us? However, if we deny everything the right to life, we still have the possibility to survive without violating others' rights. The danger here of course is that it makes killing morally permissible, which in turn would leave everyone living in a constant state of fear of being killed. In addition, it would mean we could not defend the punishment of murderers.

The main view defending the moral stance that the taking of life is immoral is the 'sanctity of life'. The 'sanctity of life' holds that there is something sacred about life itself. Therefore, it is necessary for this thesis to address this view, as the position of this thesis is that killing should be morally permissible. Jonathan Glover takes issue with this view in his paper "The 'sanctity of life'". This is of interest due to his use of the term a 'life worth living'. The concept of a 'life worth living' opens the door for a new way of approaching the problem the right to life presents for this thesis (Glover, 2016, p. 225-234).

Glover and a 'life worth living'

Jonathan Glover has written a paper called "The 'sanctity of life'" in which he puts forward his concerns with the view of the 'sanctity of life' and proposes a view that defends a 'life worth living', rather than life in and of itself. This proposal of a 'life worth living' is suited to the argument this thesis wishes to put forward, even though Glover's conclusion is different from what this thesis wishes to conclude. Glover's view will be presented as fairly as possible as well as making clear where his view differs from that of the thesis and why. For structural purposes Glover's titles to each section will be used. This is to clarify to the reader which section of Glover's paper we are discussing. (Glover, 2016, p. 225-234).

Glover writes the following in the final part of his paper: "Sometimes the doctrine of the 'sanctity of life' is defended in an oblique way. The social implications of widespread abandonment of the view that taking human life is intrinsically wrong are said to be so appalling that whatever its defects, the doctrine should not be criticized" (Glover, 2016, p. 234). In line with Glover, it will be held in this thesis that it does not appear to be a compelling argument in favour of not criticizing the view. It is understandable that people believe their lives to be of utmost importance to them. Following from this, they might fear any argument that could put some doubt into the intuitive idea that killing is wrong, as it destroys a life that is said to be sacred. However, we cannot avoid questioning a topic for fear

of what we might discover. This would undermine the entire purpose of philosophy. It is by asking the unpleasant, unfashionable and undesirable questions that often leads to the discovery of other truths that in turn force us to think differently regarding the issues being questioned. This is the intention of this chapter, to question the ‘sanctity of life’, and to question if killing is indeed intrinsically wrong. If it were to be found that killing was not intrinsically wrong, then we could allow for the killing of non-human animals and hold that non-human animals had intrinsic value without this being a contradiction. Other problems would of course follow, but at least it would solve the contradiction of holding that all of non-human nature, therefore including all living organisms, has intrinsic value and at the same time accepting the fact that in order to survive we must kill and consume at least some living organisms.

Glover starts his paper with a quote from Albert Schweitzer that highlights the very assumption this thesis wishes to question: “I cannot but have reverence for all that is called life. I cannot avoid compassion for all that is called life. That is the beginning and foundation of morality” (Glover, 2016, p. 225). He seems to be proposing that life is something that should be given moral consideration, and the sole reason for this is that it is life. This appears to be an arbitrary foundation for morality, isolated from the emotions connected to the taking of life, it appears to be totally lacking any logically structured argument that comes even close to the standards normally set in philosophy for granting moral consideration.

Glover goes on to claim that most of us think it is wrong to kill. Some will accept killing for justified reasons to avoid a greater evil, whereas some will think it to be wrong in all circumstances. As Glover explains, the difficulty becomes explaining why killing is wrong. There appears to be some universally accepted self-evident truth that killing is wrong. Why it is wrong on the other hand is clearly more complicated. The ‘sanctity of life’ is, according to Glover, commonly included as a principle of any acceptable moral view. If it is true, that the ‘sanctity of life’ is somehow a core principle in most moral views commonly accepted, and the question of why it is wrong to kill is unsatisfactorily answered, then this leaves us with a weak foundation for most accepted moral views. It could be argued that finding an answer to why killing is wrong, is an essential part of philosophy, especially considering the force that the principle of life being sacred has on society and moral persuasion. Were we to pursue this we would have to accept one further issue; namely that the question of ‘why killing is wrong’ is loaded. The question suggests that killing is wrong. So perhaps the first question to explore would be ‘is it wrong to kill?’ (Glover, 2016, p. 225-234).

1 Direct Objections and Side-Effects

In the first part of his paper Glover discusses the distinction between direct objections to killing and side-effect objections to killing. Side-effect objections have to do with all possible effects on the surroundings connected to the person who is killed. There are many side-effects that can occur by killing someone. Loved ones can feel loss, society can lose a contributor or people can feel less safe as a result to name but a few. Direct objections to killing are objections that claim there is something wrong about killing, even where there are no side-effects to be found. One view that killing is directly wrong is the doctrine of the ‘sanctity of life’. The idea clearly being that there is something sacred about life, and killing therefore is wrong, morally speaking, because it takes away this sacred life. Any argument that killing is wrong, based solely on the side-effect objections, treats life as a means to an end. Killing is wrong because it takes away other things that are valued. These things may have intrinsic or instrumental value, but life is then merely valuable as an instrument to procure those side-effects. Any direct objection to killing, claims that there is something wrong in the act of killing. The life is sacred, and to take it away is wrong, no matter what the side-effects might be. If life is to be understood as sacred, then the objection to killing must be direct. The relevance of this for the purpose of this thesis is to clarify that it is direct objections to killing that must be addressed, if we are to claim that killing is not intrinsically or directly wrong. It will be argued that killing is not intrinsically or directly wrong, but is wrong only when preventing a living organism from achieving worth throughout the span of its lifetime. This will be explained further during the discussion of Glover’s paper and clarified in the conclusion to this chapter (Glover, 2016, p. 225-226).

2 Stating the Principle of the Sanctity of Life

In the second part of his paper Glover discusses the principle of the ‘sanctity of life’. After raising certain problems connected to the formulation of the principle, he raises his objection to the principle itself. “We should reject the view that taking human life is intrinsically wrong, but retain the view that it is normally directly wrong: that most acts of killing people would be wrong in the absence of harmful side-effects” (Glover, 2016, p. 227). Glover is therefore denying that life is sacred in and of itself, and in so doing arguing that it is not intrinsically wrong to take a life. However, he wishes to defend the view that it is

normally directly wrong. By directly wrong he means that it is wrong independent of the side-effects the killing might have on anyone other than the individual being killed. Hence, there is something wrong with the taking of life regardless of how it affects others. To clarify though, it is necessary to highlight that Glover claims it is ‘normally’ directly wrong to take a life. By adding ‘normally’ to his claim he opens for the possibility that it is not always directly wrong. This means there are exceptions to the rule that the taking of life is directly wrong (Glover, 2016, p. 226-227).

3 The Boundary Problem between Life and Death

In the third part of his paper Glover discusses the boundary between life and death. His reasons for doing so are to clarify what is valued when we speak of life, and when the value is lost due to death. Whatever value the ‘sanctity of life’ view proposes will of course be lost at death, or the view would be called the ‘sanctity of life’ and death. Therefore, by clarifying what criterion it is that determines when a person is dead or alive, is central to clarifying what it is that is valued and sacred in the term ‘life’. Glover claims that life ends and death occurs when there is an irreversible loss of consciousness. However, he follows this up with a further important question. “Do we value ‘life’ even if unconscious, or do we value life only as a vehicle for consciousness? Our attitude to the doctrine of the ‘sanctity of life’ very much depends on our answer to this question” (Glover, 2016, p. 228).

It is clear why he raises this question. He is asking if life simply has instrumental value in being the necessity for consciousness or if life itself, regardless of whether it brings with it consciousness or not, has intrinsic value. This is an interesting point in regards to the killing of non-human living organisms. For any non-human living organisms with consciousness, it would be the same result as for humans. If killing a human is wrong, then killing any conscious living organism would be wrong. The result would be the same, independent of if the wrongness of killing was due to life being taken away, or due to the permanent loss of consciousness. It would make no difference if it was life itself that had intrinsic value, or if life was merely instrumental in allowing for a consciousness. However, in regards to non-conscious living organisms, such as plants, this distinction would be a very important one. If we concluded that it was life itself that was sacred, independent of consciousness being present or not, then that would make the lives of plants sacred too. Therefore having the same result as killing a conscious living organism. However, if life was merely the instrumentally valued facilitator of consciousness, and it was consciousness itself

that was valued intrinsically, then plants would have no ‘sanctity of life’. Consequently, this would mean that, combined with my earlier argument – that everything of nature has intrinsic value, the plant’s ‘life’ would have no intrinsic value. Therefore killing a plant would not be morally wrong, despite it having intrinsic value. This opens for the killing of entities that have intrinsic value. However, it still does not permit the killing of all non-human living organisms, as many have consciousness. The moral judgement of the killing of non-human animals is of course, the main concern here, as this thesis’ aim is to advocate for non-human animal rights, as well as claim that killing is permissible even of those who are intrinsically valuable. Therefore this step might be helpful, as it opens up for a possibility of taking life from something that is intrinsically valuable, without this leading to a contradiction. However, the argument that taking the life of a conscious living organism, without this being contradictory, would demand an argument showing that the ‘life’ of a conscious living organism is not intrinsically valuable, despite the living organism having intrinsic value.

4 ‘Being Alive Is Intrinsically Valuable’

In part four of his paper Glover discusses the view that being alive is intrinsically valuable. This being the view that would answer that we value life even if unconscious and not only as a vehicle for consciousness, to the question Glover raised in part three of his paper. As Glover explains, a common argument raised against this view is that some people who are very miserable or in great pain, with no foreseeable cure, might be seen to be better off dead. However, Glover argues that we could admit this without giving up the view that being alive is intrinsically valuable. “We could say that life has value, but that not being desperately miserable can have even more value” (Glover, 2016, p. 228). He admits that he is unable to refute someone who holds that being alive is intrinsically valuable. On the other hand, he goes on to argue that for those who deem ‘a life in a permanent coma’, as not preferable to death, this position will seem unattractive.

Those of us who think that the direct objections to killing have to do with death considered from the standpoint of the person killed will find it natural to regard life as being of value only as a necessary condition of consciousness. For permanently comatose existence is subjectively indistinguishable from death, and unlikely often to be thought intrinsically preferable to it by people thinking of their own future. (Glover, 2016, p. 228).

This argument points back to his earlier argument, in part 3, where he argues that the boundary between life and death is based on whether or not one is in a permanent state of unconsciousness (Glover, 2016, p. 228).

It is difficult not to agree with Glover in regards to humans, and in fairness, he makes it clear that he is speaking of humans in this case. A life of no consciousness, for a human, does appear to be the same as no life at all. This is due to the essential part consciousness plays in our lives. However, for any living organism that never experiences consciousness, this might not be the same. Naturally, if a plant never has had or ever will have consciousness, then it most likely can have no concept of being conscious or unconscious. However, there might be some sense of being alive, even if not conscious as we think about it in our terms. We could understand it as a certain striving to grow and fulfil its purpose in life. Therefore, accepting that a life of no consciousness is indistinguishable from no life at all to a conscious being, need not mean that the distinction makes no difference to a being of no consciousness to begin with. A life of no consciousness for a plant is no different to the life it normally would have, and therefore might very well be preferred to no life at all. The term ‘preferred’ is being used very loosely in this context. It is necessary to imagine that a form of preference⁵ can exist, even if it is not preference as we would use it. This form of preference is imagining the opinion of something we would normally never be able to communicate with. However, this would indicate that there is perhaps more to life than consciousness, at least for a being of no consciousness. The point being that it could be argued that if it is directly wrong to kill, then to kill a plant would be worse than to kill a irreversibly unconscious human. The human has lost the essence of its life with the permanent removal of its consciousness, whilst the plant only loses the essence of its life in the case where it no longer has the possibility to grow and reproduce. This creates some doubt regarding the argument that consciousness is the bearer of intrinsic value, and life merely instrumental in facilitating consciousness. Life clearly has more value than consciousness to a non-conscious living organism. If this makes the theory seem unattractive, then we are left with two choices. Hold that consciousness is not the intrinsic value of which life is merely the facilitator, even for a human, or alternatively that killing a non-conscious living organism is worse, morally speaking, than killing a irreversibly unconscious human. The point of this argument was simply to show why there might be some doubt in the view that consciousness is the bearer of intrinsic value. The motivation for arguing that consciousness might not be the bearer of intrinsic value is that this

⁵ Preference could be replaced with interest, but the term has been avoided due to the confusing use of it in many different contexts of ethical theories.

thesis wishes to show that the intrinsic value from nature is for everything of nature. Human concepts, such as consciousness might have great value for humans, but this does not mean that it is the only intrinsic value worth speaking of when morally judging the taking of life (Glover, 2016, p. 228).

5 Being Conscious Is Intrinsically Valuable

In the next part of his paper Glover explores the position that holds that being conscious is intrinsically valuable. This would be the position that answers that life is only the vehicle necessary for consciousness to the question posed in part three. By this, it is meant that consciousness has intrinsic value, but life does not. Glover clarifies that this position is still different from someone who holds that consciousness is only instrumental in achieving happiness.

The believer in the sanctity of life may accept that being alive is only of instrumental value and say that it is consciousness that is intrinsically valuable. In making this claim, he still differs from someone who only values consciousness because it is necessary for happiness. (Glover, 2016, p. 228).

Therefore, this is not a position that holds that anything less than a happy life has no intrinsic value, but rather that a conscious life has intrinsic value, and a life where this is absent is merely life and so only has instrumental value (Glover, 2016, p. 228-230).

On this view, however, it is hard to see why killing would be intrinsically wrong. It removes the necessity for consciousness, which is intrinsically valuable, but it does not directly harm the consciousness. That is the same as claiming that water is intrinsically valuable, because we cannot survive without it. However, in saying that we cannot survive without it, we are saying it has instrumental value to us. It would seem absurd to judge someone for harming water. If the water was of instrumental for someone, we might judge him or her, morally, for poisoning it. However, this is a moral judgement based on the consequences of harming the water, not of harming water itself. If you see a child jumping up and down in a puddle of water, you would not judge that child for harming the water, even if water is a necessity to be alive and therefore conscious. Therefore, if life is merely instrumental in facilitating for consciousness we cannot judge someone for harming life, but only if they harm the consciousness directly (Glover, 2016, p. 228-230).

Glover makes a further distinction between ‘mere’ consciousness and ‘a high level of

consciousness'. He states that mere consciousness is nothing more than being aware or having experiences. This is the kind of consciousness that is lost only when in a dreamless sleep or after fainting. This very basic understanding of 'being conscious' is what he wishes to distinguish from another understanding of being conscious. "We sometimes say that men are at a higher level of consciousness than animals, or else that few, if any, peasants are likely to have as highly developed a consciousness as Proust" (Glover, 2016, p. 229). Glover agrees that there is some vagueness as to what distinguishes non-human animals from men or peasants from Proust or even if these are the same kind of differences. However, he suggests that it has something to do with the richness, variety, complexity or level of emotional response to experiences. Glover concludes that for the 'sanctity of life' debate, we needn't look any further than mere consciousness (Glover, 2016, p. 228-230).

There is, according to Glover, a problem with the view, which holds that the sole reason why it is directly wrong to take a human life, is the intrinsic value of 'mere' consciousness. This problem is of great importance in the debate regarding non-human animal ethics. The problem is that many other lifeforms, other than humans, have 'mere' consciousness. This means that if intrinsic value were based on the bearer having 'mere' consciousness, certain non-human animals, at the very least, would have the same value as humans. The example Glover uses to highlight this predicament is of the choice between saving a cow or a man in a flood. According to the view that it is 'mere' consciousness that gives the individual's life any value, it would be equally correct to save the cow as the man, morally speaking. Animal rights advocates differ in how they approach this topic. Some would claim that there is no problem and that the cow and the man have the same value. Others might claim that although the cow has value, its value is somehow less than the man's value. One approach from the opposite view to the animal rights advocates, have tried claiming that non-human animals cannot be said to be conscious, because we have no way of knowing what they experience. An alternative claim could be that non-human animals are less conscious than humans are. These are all claims that are similar to those discussed in the first part of this paper regarding Speciesism. Therefore, it will simply be stated, as with Glover, that the problem is that of moral arbitrariness of where to draw the line of moral consideration. Conclusively this means that we are left with the choice of holding that the taking of life is directly wrong due to the intrinsic value of 'mere' consciousness or that the taking of life is in fact not directly wrong. "If the whole basis of the ban on killing were the intrinsic value of mere consciousness, killing higher animals would be as bad as killing humans" (Glover, 2016, p. 230). There was an attempt to argue, in part 4, why it is reasonable

to doubt that it is intrinsically wrong to kill due to the intrinsic value of ‘mere’ consciousness. In other words, there was an attempt to argue that there is reasonable doubt of if ‘mere’ consciousness has intrinsic value. This is something the vast majority in society would like to avoid, due to the consequences of such a view. The consequences being that we would have to accept, in order to be consistent, that many of our dealings with non-human animals would be immoral. Seeing as many of our dealings with non-human animals ultimately result in the killing of beings that have ‘mere’ consciousness. The alternative would be to abandon the ‘sanctity of life’ argument. It could be the fear of this outcome that has led to such a resistance to the arguments made by animal rights advocates. This fear might be removed were it shown that killing conscious lifeforms was in fact not intrinsically wrong (Glover, 2016, p. 228-230).

6 ‘Being Human Is Intrinsically Valuable’

In part six of his paper, Glover discusses the view that being human is intrinsically valuable, which is the view that Speciesism supports. This will get no further attention here as it was discussed at length in Chapter I in this thesis (Glover, 2016, p. 230-231).

7 The Concept of a ‘Life Worth Living’

It is in the seventh part of his paper that Glover discusses his concept of a ‘life worth living’. Glover holds this to be the total sum of all things that are valuable for their own sake. He denies that life or mere consciousness have any value for their own sake. They simply have instrumental value in procuring a ‘life worth living’.

I have suggested that, in destroying life or mere consciousness, we are not destroying anything intrinsically valuable. These states only matter because they are necessary for other things that matter in themselves. If a list could be made of all the things that are valuable for their own sake, these things would be the ingredients of a ‘life worth living’. (Glover, 2016, p. 231).

This is important because it reduces ‘life’ and ‘mere’ consciousness to being bearers of instrumental value and not of intrinsic value. In turn, it follows that the ‘sanctity of life’ view falls short and needs to be replaced by a view that holds intrinsic value in a ‘life worth living’, but denies an intrinsic value in a life that is not worth living. The possible objection that

Glover foresees, that we cannot compare death to life, he explains is a preference for a 'life worth living' to a death that equates to nothing.

It is rather that we treat being dead or unconscious as nothing, and then decide whether a stretch of experience is better or worse than nothing. And this claim, that life of a certain sort is better than nothing, is an expression of our preference. (Glover, 2016, p. 231).

From this, it follows that a 'life worth living' is simply a life deemed better than nothing. This would appear to set the bar rather low and bring with it the problem of how and who is to decide what makes a 'life worth living'. However, it clearly separates a 'life worth living' from a happy life or a morally virtuous life. Glover avoids saying what it is that makes a life a 'life worth living', but rather asserts certain assumptions. "I shall assume that a 'life worth living' has more to it than mere consciousness" (Glover, 2016, p. 231). From this, it follows that killing is intrinsically wrong where it is the destruction of a 'life worth living'. "I shall assume that, where someone's life is worth living, this is a good reason for holding that it would be directly wrong to kill him" (Glover, 2016, p. 231).

This is where Glover's path takes a different turn to what is argued in this thesis. If you ask a tree what a 'life worth living' is, you'd receive a different answer than if you asked a human. The fact that trees are unable to communicate in any language known to mankind, is understood. However, allow yourself the creative possibility of a dialogue being held to follow the point. It is conceivable to believe that living organisms of less consciousness would demand less to deem a 'life worth living'. A tree might ask for some rain, sunshine, healthy earth and some space, whereas a man may ask for certain possibilities to socialise, be entertained, support a healthy diet and lifestyle, form relationships of a romantic nature, be a part of a family etc. The result of this would be that killing living organisms with lower or no consciousness would be less permissible than killing living organisms of a more complex consciousness. This is because the living organisms of a more complex consciousness would most likely be less satisfied with their lot in life than a living organism of less conscious experiences, were the lives equal. The more conscious a being is, the more that life craves, for it to be deemed a 'life worth living'. It takes more to satisfy Socrates than it does to satisfy a pig. However, if we turn this on its head we might find it to be more satisfactory. Ensuring all living organisms live a 'life worth living', demands less, the less consciousness that is in place in the living organism in question. To give a tree a 'life worth living' is less demanding than giving a human a 'life worth living'. This could be seen as a reason that all living organisms should be given a 'life worth living'. This means more effort would be placed on ensuring a

'life worth living' for living organisms of a more complex and extensive consciousness, as it demands more to be achieved, and less effort would be demanded on less complex and extensive conscious living organisms, as they have fewer necessities for a 'life worth living' to be achieved.

In addition to this, a 'life worth living' for most living organisms, if not all, includes the consumption of other living organisms. Therefore, killing is a necessity for a 'life worth living' in the same way that life is a necessity for a 'life worth living'. Neither life, nor killing are intrinsically wrong or sacred, they are simply of instrumental value to a 'life worth living'. To sum up, the position in this thesis is to agree with Glover that 'life' or 'mere consciousness' are of instrumental value and not intrinsic value. In addition, there is no disagreement that a 'life worth living' has intrinsic value. However, whereas Glover sees the intrinsic value of a 'life worth living' as a reason to not have that life taken away, this thesis does not.⁶ The intrinsic value of a 'life worth living' is reason to secure that everything alive is allowed to achieve a 'life worth living'. Taking life is a part of a 'life worth living', the killing does not take away the intrinsic value of a 'life worth living', it simply takes away life. Life only has instrumental value. Life and killing both have instrumental value to a 'life worth living'. To conclude, everything alive should be helped in achieving a 'life worth living', but this invokes no moral right to be left alive. The only right, if any, that is established, is the right to live a 'life worth living' whilst alive.

At the end of part seven Glover agrees that there are dangers connected to the idea of dividing people's lives into ones that are worth living and ones that are not. He stresses that it is not a matter of making godlike judgements on other people's lives, but rather to try and understand a life from the point of view of the one living it. In addition, Glover wishes to stress that it does not automatically follow that it is right to kill people, whose lives are deemed unworthy. (Glover, 2016, p. 231-232).

It must also be stressed that no suggestion is being made that it automatically becomes right to kill people whose lives we think are not worth living. It is only being argued that, if someone's life is worth living, this is one reason why it is directly wrong to kill him. (Glover, 2016, p. 231).

Some might find this to be a bit weak. The objections might be better formulated as questions. Then what are the other reasons? In addition, does it follow that someone whose life is not

⁶ There might be an argument that a 'life worth living' not be ended before it has achieved its worth. This is something that will be returned to in part 8 and 9 of Glover's paper.

worth living according to others, should be happier to die?

It appears to be logically sound that we need not understand the suggestion as a free for all to kill everyone deemed to be living a life not worth living. This would lead to obvious dangers and problems. However, it does not follow why it would be a reason not to kill someone. Rather, it should be understood that a life should be made worth living where possible, but not that this life worth living is some protection against being killed, that in turn, those who do not have a 'life worth living', cannot protect themselves with. Unnecessary killing would seem to be wrong, but killing in order to uphold a 'life worth living' would be right so long as everything possible has been done to secure a 'life worth living' for the killed individual. We needn't worry about this leading to humans killing each other, except in extreme cases. A tricky question would be where there is no other food source other than humans, in which case to be consistent with view presented so far, it would be necessary to accept that the killing of one human by another would be morally permitted. However, it could be argued that a life in which we must consume humans is not a 'life worth living' as the intuitive distaste at doing so would severely damage the quality of life one lived. On the other hand, some might overcome this distaste by justifying it for themselves in order to survive and enjoy other aspects of life, and therefore making it worth living. In this case, the individual would be living a 'life worth living' by killing another human. In this case, although counter to intuitive judgement, it must be accepted that the individual does nothing morally wrong according to the view that has been presented so far. Perhaps it would be necessary at this point to clarify what has been argued so far. It has been argued that all of nature has intrinsic value and that all living organisms are the only entities of nature capable of living a 'life worth living', as they are the only ones that possess life. Consciousness and life does not have any intrinsic value, but a 'life worth living' does, but only for living organisms.

8 Is the Desire to Live the Criterion of a Worthwhile Life?

Clearly, there is a problem of what criterion should hold for a 'life worth living'. If we are to allow for or ban the killing of an individual based on the assessment of whether or not it is a 'life worth living', as Glover suggests, then there would clearly need to be a criterion to decide which life is worth living and which is not. One possible suggestion for a criterion could be the desire to live, which is what Glover addresses in part eight of his paper. The core reason for choosing this criterion, is due to the desire of being concerned with the standpoint

of the person in question and not merely decide it on the effects the person has on society or others. Glover argues that this would commit us to a belief that a person living a 'life worth living' would not want that life to end and that someone who was not living a 'life worth living' would want to end it. Glover highlights some doubt to such a belief by using examples of people who have a passing depression who might want to end a 'life worth living', or people that do not have a 'life worth living' that want to avoid death at all costs due to a fear of death or life after death. Glover argues on the back of this that it cannot be exclusively rested on someone's desire to live or die, but that a first person account must be considered. (Glover, 2016, p. 232).

For these reasons, someone's own desire to live or die is not a conclusive indication of whether or not he has a 'life worth living'... ..we cannot escape appealing to our own independent beliefs about what sorts of things enrich or impoverish people's lives... ..when the question arises whether someone's life is worth living at all, his own views will normally be evidence of an overwhelming powerful kind. (Glover, 2016, p. 232).

It falls beyond the scope of this thesis to argue what the criterion for a 'life worth living' is. It is clearly necessary to find such a criterion in order to implement the view presented so far. However, the purpose of this thesis is to present a view that killing is not intrinsically wrong, and that aiding living organisms to achieve a 'life worth living' is possible despite allowing for killing. Once this is established the next necessary step is to find a criterion for what a 'life worth living' is. It would be beneficial that this view leads to someone else establishing such a criterion, but solving that puzzle is not the intent of this thesis.

The length of life could be a possible objection to the view this thesis has presented so far. If a 'life worth living' demands a certain length for the life to achieve its worth, cutting it short would take away the chance for a 'life worth living' to be achieved. Therefore, killing would be wrong because it would prevent someone from living the life of worth they otherwise could. If we put aside the obvious difficulties connected to predicting the future and the questions regarding if it would be the same individual in these two alternative possible futures, it would seem this objection has some sway. However, it does not necessarily follow that killing is directly wrong. Granted, it could be wrong where it takes away the chance to live a 'life worth living', but not where a 'life worth living' is achievable before having its life ended. Perhaps the solution to this particular problem is that everything must be granted a certain length of time to achieve its worth. The conclusion to this is not that killing is wrong,

but rather that killing before the individual has had time to reach its worth is wrong. Without going into too much detail, there is likely to be reasons why a human life should be granted a longer life than a tree. The tree would perhaps deem its life worth living if it had the chance to grow and suck up rain and sun before being chopped down. It might prefer never to be chopped down, but that does not mean that it has not had a 'life worth living'. However, a human, and certain other non-human animals might deem it as necessary to see their children grow and develop, as an example, for their lives to be worth living. In this regard, a human should be granted a longer life than a tree before having its life taken away. The purpose here is not to give a list of an exact length each individual living organism would need to achieve a 'life worth living', but rather to accept that the length of necessary life may vary due to what makes each individual's life worth living. The more long-term projects that are necessary in procuring a life of worth, the more length of life an individual would need to be given. Conclusively, this means that killing at a certain stage of life for an individual would be wrong for one individual, but not necessarily for another. This distinction is important, as it would allow for the killing of living organisms of a lower consciousness or no consciousness at an earlier stage than those of a greater consciousness. A human could still be killed before its natural death, were it to reach a point of no more worth in continuing, however it would not allow for the killing of humans unless certain exceptions were in place. This would open for euthanasia in cases where no further worth to the individual's life were apparent. It would also allow for the killing of non-human animals, were the worth of their lives achieved.

9 Length of Life

Glover discusses length of life in part nine of his paper. Quantity and quality appear to be the reasons Glover puts forward that a lengthy life is to be preferred to a shorter one. In regards to the quality of life, Glover holds this to, at times, be linked to the length of life. The more time you have, the more meaningful projects you can undertake. In regards to quantity, it seems to be the argument that more is better. If life were worth living, it would be better to enjoy this for longer (Glover, 2016, p. 232-233).

There are at least two good reasons why a longer life can be thought better than a short one. One is that the quality of life is not altogether independent of its length: many plans and projects would not be worth undertaking without a good chance of time for

their fulfilment. The other reason is that, other things being equal, more of a good thing is always better than less of it. (Glover, 2016, p. 233).

Glover defends this by saying that it is only in the case that ‘other things being equal’. The idea is that as long as it is enjoyable, and does not become less enjoyable, it would be better to keep enjoying it. “So, unless life begins to pall, it is not in any way unreasonable to want more of it and to place a value on the prolonging of other people’s worthwhile lives” (Glover, 2016, p. 233).

Glover highlights some traditional scepticism to this view, by quoting Lucretius.

If the future holds travail and anguish in store, the self must be in existence, when that time comes, in order to experience it. But from this fate we are redeemed by death, which denies existence to the self that might have suffered these tribulations. (Glover, 2016, p. 233).

Glover also discusses the view that we are not depressed or terrified by the knowledge of the eternity we spent experiencing nothing before we were born. Therefore, why should we fear the end of experiences after death. Both these examples have the purpose of dispelling death as something to be feared. Glover accepts these points, but does not therefore see it as irrational to want to stay alive.

Lucretius is right that being dead is not itself a misfortune, but this does not show that it is irrational to want not to die, nor that killing someone does him no harm. For, while I will not be miserable when dead, I am happy while alive, and it is not confused to want more of a good thing rather than less of it. (Glover, 2016, p. 233).

The purpose of this thesis is not to argue with Glover on this account. However, it appears necessary to point out that wanting to live for a long time or forever, does not equate to there being an intrinsic value being violated, were this desire denied. As stated before, there is an intrinsic value connected to living a worthy life. Part of the criterion of what a worthy life is, must be based on the desire the one living it has. However, that would not be the whole of the criterion. Therefore, a desire to live longer is not the same as wanting to live a ‘life worth living’.

10 The ‘No Trade-Off’ View

In part ten of his paper Glover discusses the ‘no trade-off’ view. This is the view that there is an infinite value in not killing people or that there is an infinite value on a worthwhile life. “...the ‘no trade-off’ view, gives an infinite value to not killing people (whose lives are worthwhile) compared to anything else... ...Or it may be because infinite value is set on worthwhile life itself“ (Glover, 2016, p. 234). Glover’s objections to these alternatives of the ‘no trade-off’ view, are that there are things worse than killing, where he uses the example of torture, and that the second alternative commits us to giving priority to life-saving over all other social objectives. The point being that if torture, or even a life of torture, is perceived as worse than being killed, then being killed is better than the alternatives. Therefore dispelling the first alternative. The second alternative commits us to prioritize any form of life-saving equipment over other things, such as better housing, better schools or a higher standard of living. Glover sums up by claiming that once the implications are clear, none of the alternatives of the ‘no trade-off’ view are attractive. What Glover is trying to drive home is that although it is wrong to destroy a ‘life worth living’, there might be other things of a worse nature that would take an overriding consideration to that of being killed. “... ‘it is wrong to destroy a life which is worth living’we can hold this view while thinking that the avoidance of other things even worse may sometimes have to take priority” (Glover, 2016, p. 234).

Glover makes a fair point here, as there are clearly things that are worse than being killed. Therefore, any claim such as what the ‘no trade-off’ view makes, appears to be unsatisfactory. The avoidance of killing cannot have an infinite value, as in some cases the loss of life is to be preferred. This supports the view being put forward in this thesis. The view of this thesis is that killing is wrong where it ends a ‘life worth living’, before it has had the chance to achieve its worth. However, this is not an infinite worth. Anything deemed worse than killing an individual living organism before it has achieved its worth, such as torturing it for the rest of its life, would be worse than ending its life before its worth was achieved. The life chickens live in the chicken farming industry could be an example of this. Ending their lives would be better than not ending their lives, despite the remote possibility that they could somehow break free and achieve a ‘life worth living’.

11 The Social Effects of Abandoning the ‘sanctity of life’

Glover finishes his paper by arguing that the view of the ‘sanctity of life’ is not beyond criticism. Furthermore, a fear of what criticising it might lead to, is not a valid reason to avoid doubting what is doubtful. Glover defends this by claiming that he is in fact not removing the ‘sanctity of life’ as such, simply modifying it to exclude lives that are not worth living. The argument that is being put forward in this thesis, is somewhat more distasteful at first sight and probably more provocative. The argument summed up, is that killing is not morally wrong, except when it is done before the life has had the chance to achieve its worth. In agreement with Glover, the view of a ‘life worth living’ should take precedence over a view of life being sacred. However, this does not commit us to say that killing is wrong even for those who have a ‘life worth living’. It commits us to try to provide a ‘life worth living’ for all that is alive. However, claiming that killing is wrong would appear absurd, considering that if all killing was wrong of anything that had life, no one would be able to eat. As stated before, killing is a necessity, in the same way as life is a necessity, for anything to have a ‘life worth living’. To make either of these necessities morally wrong would be to end any talk of a ‘life worth living’. In order to have a ‘life worth living’, killing and life must both be morally permitted. Similarly, if we claimed that any further reproduction of humans would be morally wrong, due to overpopulation or some other such reason, we would claim this to be absurd. If we were not permitted to reproduce, the lives of many would seem not worth living. In the same way, being told that killing is wrong is absurd at the same time as speaking of a ‘life worth living’. A ‘life worth living’ is simply not achievable without killing (Glover, 2016, p. 234).

Conclusion of Chapter III

Chapter III shows that although everything of nature has intrinsic value, it does not follow that the right to life exists. Intrinsic value can be respected even though a life is taken. The respect for life demands that life be given worth. Therefore, the proposed argument is that we are obliged not to prevent a living organism from living a ‘life worth living’. Furthermore, we might argue that we are in fact obliged to help any living organism achieve this where possible. Therefore, killing is not intrinsically wrong, so long as the individual has been given sufficient length of life to achieve its worth. Any living organism has intrinsic value, as it is of nature, as was argued in Chapter II, however it is not a contradiction to say that killing a

living organism is morally permissible, so long as the living organisms has been given sufficient length of life in order to achieve a 'life worth living'. This leads us to the view that living organisms have the right to a 'life worth living'. This is not the same as a right to life, as the right to a 'life worth living' as it has been argued in this chapter, allows for the killing of living organisms. The right to live a 'life worth living', with the additional length of life necessary to achieve this life, is the topic of Chapter IV.

The shortcomings of Chapter III, are not providing a criterion of what a 'life worth living' contains for each living organism. This falls beyond the scope of this thesis, but the purpose is to argue in favour of the right to live a 'life worth living', not to pinpoint what the criterion for this is. The criterion is necessary for this view to have any practical value, but this is designed as a step in the right direction, not a conclusive theory of animal ethics.

Chapter IV. What are rights and can they be applied to non-human animals?

As stated several times, the purpose of this thesis is to advocate for non-human animal rights. The previous three chapters have been necessary stepping-stones in order to arrive at this final chapter. The three previous chapters have been an attempt to show, that in order to avoid being arbitrary at setting the boundary of the moral sphere of consideration, we must accept that everything in nature must be morally considered. The attempt was to make the significant criterion for moral consideration, to be intrinsic value. This left us the problem of how to survive without violating the intrinsic value of individual living organisms. To solve this problem the suggestion offered, was to refute the ‘sanctity of life’ view, and to replace it with a focus on promoting a ‘life worth living’. Therefore, this chapter is focused on promoting the idea that a ‘life worth living’ is a right for all living organisms. The motivation for doing this is that rights appear necessary to protect those considered to have intrinsic value from discrimination. Women received rights to protect them from views that they were inferior to men. To dispel racism, rights were extended to include people of all different races. Children received rights to protect them from abuse and to give them all an equal opportunity at a brighter future. Once these rights were acknowledged, it gave the groups of individuals a certain security against further discrimination. The acquisition of rights therefore, is generally how we have battled various forms of discrimination.

However, the term rights has many different meanings and interpretations. Therefore, in order to make sense of the term, certain distinctions will be clarified and explained. These clarifications and explanations will be structured around four central questions when dealing with rights: 1. Who has rights? 2. What are rights? 3. What is the criterion for rights? 4. What is the function of rights? After attempting to answer these questions, the intent is promote the view that all living organisms have a right to a ‘life worth living’. Finally, the chapter will end with a conclusion summing up the main points of the chapter.

One distinction is necessary to make before answering the four central questions mentioned above. When speaking of rights it could be understood to be legal rights or moral rights. Legal rights are the rights we have enforced by law, whereas moral rights are rights held in ethical thought. Both overlap to a certain degree and influence each other, but they are not the same thing. The easiest way to exemplify this is to pick a specific right. In most parts of the world, selling cannabis is illegal. In other words, we have no legal right to sell it. Furthermore, if you are caught selling it you could be punished for it, as it is considered

breaking the law. In certain parts of the world though, selling it is legal. This means you have a legal right to sell cannabis. Therefore, we can, at the same time have two opposite legal decisions that result in two opposite legal rights. Moral rights, on the other hand, can differ depending on who is arguing and what conclusions they come to. However, for every conclusion that we should have the right to sell cannabis, in ethical thought, it is applied universally. Similarly, for every conclusion that we should not have the right to sell cannabis, in ethical thought, it would be applied universally. Therefore, whatever conclusion is reached, the application is global. In other words, things can be legal, but deemed morally wrong. Examples of this would be refusing to give up your seat on a crowded bus for an elderly person, or jumping past someone in a queue at the grocery store. In addition, things can be illegal, but deemed morally right. Examples of this would be Rosa Parks refusing to give up her seat in the bus for a white person, or hiding Jews during the Second World War. The reason for making this distinction is to clarify, that although legal and moral rights often overlap and influence each other, it is not always the case. Sometimes people will find it necessary to challenge legal rights due to their belief that they are indeed immoral. This thesis is concerned with moral rights, and not legal rights. One might hope that once certain moral rights were established within moral thought, they would influence legal rights to follow suit. If moral reasoning is powerful enough, this is in fact what often happens. The purpose of this thesis, as previously stated is an attempt to add to the moral persuasion that non-human animals should have certain rights acknowledged, in a further attempt to push for certain changes in the legal approach to dealings with non-human animals.

1 Who has rights?

Throughout history there have been several movements with one shared purpose, namely to secure rights for groups of discriminated individuals. This is due to the belief that getting their rights acknowledged is an important step in putting an end to discrimination. The civil rights movement and women's liberation are examples of this. Throughout these movements, many philosophers have devoted vast amounts of effort and time to developing arguments in order to explain and advocate for why these groups of discriminated individuals should, or indeed should not, have their rights acknowledged. For many the fight has continued after these rights were legally acknowledged. Discrimination is a powerful force, which appears to linger long after the grounds for the discrimination have been refuted. This could be a reflection on how ideas, that have been universally accepted, for a long period, are

hard to dispel completely, no matter how lacking the ideas are of persuasive argument in their favour. There are those who believe that one of the ongoing battles for rights are those pertaining to non-human animals. This is the movement of the non-human animal rights advocates in animal ethics, of which this thesis is attempting to support. There is vast disagreement within the views of non-human animal rights advocates, but all agree that it is overdue that we acknowledge certain rights for, at the very least, certain non-human animals.

Throughout this thesis, the argument has been in favour of a view that acknowledges intrinsic value in all of nature. This appeared to be a necessary step, to avoid the arbitrary choice of criterion, for exclusion from the moral sphere of consideration. It seems uncontroversial to claim, that in order to advocate for non-human animal rights, it is helpful, if not necessary, to establish moral consideration for non-human animals. The reason for doing this in this thesis, rather than leaning on previous non-human animal rights views, is due to believing it necessary to develop a view where we can speak of rights for non-human animals, which in turn does not lead us to hold that killing them is wrong. Most arguments in favour of non-human animal rights would likely deem this as a contradiction in terms. Therefore, the desire was to build a view of non-human animal rights that avoided this contradiction.

Non-human animals have not always been a serious part of the discussion of rights. However, this is no grounds for withholding them from the discussion in the future. All discriminated groups had rights withheld from them, until movements grew to fight that very fact. The non-human animal rights advocates are such a growing movement. They might be proven to be wrong, and have to accept defeat, but as a non-human animal rights advocate, it must be believed that they will be proven right. The particular problem, that non-human animal rights advocates have, is that they are fighting for the rights of those who have no means to partake in the debate themselves. Therefore, arguments in favour of non-human animals having rights, must be made without the ability to gain insight and support through conversations with the discriminated party. This could mean that the road to having the rights acknowledged will be a longer affair than previous rights movements. However, if non-human animal rights advocates are correct in thinking that non-human animals should have certain rights acknowledged, then the movement must continue despite the length of time and amount of effort it may take to achieve it.

2 What are rights?

What rights are, is a convoluted question. According to the Stanford Encyclopaedia of Philosophy a definition of what we are talking about when we call something a right is the following:

Rights are entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states. Rights dominate modern understandings of what actions are permissible and which institutions are just. Rights structure the form of governments, the content of laws, and the shape of morality as it is currently perceived. To accept a set of rights is to approve a distribution of freedom and authority, and so to endorse a certain view of what may, must, and must not be done. (Wenar, 2015).

This definition of rights is helpful in getting a certain overview of what we are talking about when we talk about rights. However, in order to include non-human animals in the discussion of rights, we must clarify in some further detail what rights are. This is helpful in understanding why there is such disagreement regarding the issue of acknowledging rights for non-human animals. Furthermore, it helps us understand which distinctions are of importance in regards to the discussion of non-human animal rights. As stated in the introduction of this chapter, the first distinction is that we are speaking of moral rights and not legal rights.

Therefore, the question to be discussed in this part of the chapter is what moral rights are.

When analysing how rights are constructed in a descriptive sense, there is an important distinction between the form and the function of rights. The form of rights has to do with the internal structure of the composition of rights. The function of rights has to do with what the rights do for those who hold them. Therefore, the form of rights, will be discussed in answering what rights are, whereas the function of rights will be discussed under the question of what the function of rights are (Wenar, 2015).

The most widely accepted view of the form of rights is the ‘Hohfeldian system’. Therefore, that will be the focus here. Wesley Hohfeld split rights into four components, and these components are therefore, most commonly referred to as ‘the Hohfeldian incidents’. The first of these is privilege⁷ right. A privilege right marks out what their bearer has no duty to do. “A has a privilege to ϕ if and only if A has no duty not to ϕ ” (Wenar, 2015). This is an active right in the sense that it concerns the right-holders’ own actions. In the discussion of

⁷ Some prefer the term ‘liberties’ but this thesis will stick to use of privilege.

relations between humans and non-human animals this would translate to: if we have no duty to non-human animals, we can do with them as we please. It is our privilege to treat them how we wish. This is something very close to what appears to be the view held by most industries dealing with non-human animals. Some restrictions have been made, due to animal welfare, but this is not based on any rights acknowledged, but rather an acknowledgement of moral consideration. The attraction to such a conclusion from a human perspective is clear to see. If a non-human animal has no duty offered to it, then we are privileged to do as we please. This would allow us to make decisions regarding the treatment of non-human animals, based on what is most beneficial to us with no concern for anything else.

The second 'Hohfeldian incident' is the 'claim-right'. "What is distinctive about the 'claim-right' is that a duty-holder's duty is 'directed at' or 'owed to' the right-holder... .A has a claim that B ϕ if and only if B has a duty to A to ϕ " (Wenar, 2015). This is a passive right in the sense that it concerns the actions done to the right-holder. The relevance of this type of right, in this discussion, is that if non-human animals have a claim to certain treatment by humans, then we must act in a way that does not violate this claim. As soon as non-human animals are understood to have certain claims, the privilege right disappears. The privilege-right is only valid as long as the privileged has no duty to the object that it is directed at. This is why the privilege-right does not allow humans to do what they want to other humans, because other humans have claim-rights. They have claims that make us duty bound to treat or not treat them in certain ways. Therefore, if these claim-rights were extended to non-human animals, the privilege humans exercise in the treatment of non-human animals would no longer be justified.

The third 'Hohfeldian incident' is the 'power-right'. A 'power-right' is what Hart referred to as a secondary rule. By secondary rule, he means a right that can alter the primary rules, which consist of the privilege and claim-rights. The power-right gives the holder the possibility to overrule a privilege-right or a claim-right that another right-holder has. "A has a power *if and only if* A has the ability to alter her own or another's Hohfeldian incidents" (Wenar, 2015). Therefore, like with the privilege-right this is an active right. When discussing non-human animal ethics, the power-right can be understood to mean that humans have the power to alter the privileges and claims that non-human animals have regarding certain treatments of them if and only if humans have the ability to do so. Therefore, if the advocating of non-human animal rights is to lead to a more considerate treatment of non-human animals by humans, then it should be argued that humans do not have a power-right over the non-human animal's claim-rights.

The last of the Hohfeldian incidents is, like the power-right, a secondary rule. Immunities-right has the potential to alter primary and secondary Hohfeldian incidents. “B has an immunity if and only if A lacks the ability to alter B's Hohfeldian incidents”, and is therefore a passive right like the claim-right (Wenar, 2015). In other words, non-human animals have the right to not be treated in certain ways, if and only if humans lack the power to alter non-human animal claims and privileges. Therefore, for the purpose of this thesis it should be argued that non-human animals have an immunity-right with regards to the right to live a ‘life worth living’.

One other distinction that is useful to clarify for the analysis of a right’s form, is that of negative and positive rights. A holder of negative rights has a right to not be interfered with. In other words, a negative right gives you the right to do what you have a right to do without anyone getting in your way. It can also refer to not being harmed by others as this gets in the way of your right to not be harmed. When considering non-human animal ethics, a proposed negative right for non-human animals could be, being left to live their lives without being herded, caged or otherwise controlled by humans. On the other hand, a positive right is a right that demands some extra consideration from others. In other words, it is not enough to not be impeded, but you actually have the right to some assistance of some sort. In regards to human and non-human animal relations, a suggestion could be that non-human animals that are suffering have a right to help, that a passing human cannot ignore. The passing human would be duty bound to help the non-human animal.

3 What is the criterion for rights?

As philosophy cannot appeal to an external authority such as a governing body or God, as a source for answers to what is and what is not a moral right, philosophy must turn to rational thought. Moral rights are therefore grounded in moral reasons. However, our moral reasoning can vary, and when it does, we are left to hash out the different views in order to find the most plausible one. Our moral reasoning can be influenced by conscious and sub-conscious agendas, whether we wish it or not. The job of a philosopher is to try to stay as neutral as possible when developing a theory, by sticking to the logical validity and soundness of the arguments. However, being aware of possible and certain biases one holds is useful, as they are always present, and the awareness of them can allow for adjustments to be made. In this thesis, the bias is wanting non-human animals to receive better treatment than they do today. This means that in developing a theory of why this should be, there is already an

answer that is intended. The intent is to develop a view that supports the idea that non-human animals have rights. People's fear and resistance to accepting non-human animal rights, could be based on the knowledge that in doing so, killing non-human animals would be judged immoral. Therefore, the intent is to develop a view that allows for non-human animal rights, but denies the right to life. If this is successful, it might prove beneficial in breaking down the resistance to ascribing rights to non-human animals.

However, the question of this part of Chapter IV, is what criterion we have for saying that non-human animals have rights. When justifying rights for an individual there are two important approaches, namely status-based theories of a deontological nature, and instrumental theories of a consequentialist nature. Therefore, these will both be summarized, in order to see which is preferred for the purpose of including non-human animals as rights-holders. This is also interesting in regards to this thesis putting forward the view that rights are necessary in order to protect any bearer of intrinsic value, from having its intrinsic value violated.

Status theories hold that human beings have attributes that make it fitting to ascribe certain rights to them, and make respect for these rights appropriate. Instrumental theories hold that respect for particular rights is a means for bringing about some optimal distribution of advantages. (Wenar, 2015).

In other words, the status theories are interested in the rights in and of themselves. The rights should be respected because this is the nature of rights. The holder of rights is the starting point, and the rights the individual holds must be respected because they are rights. The consequentialist theories, on the other hand, are interested in what consequences will come from the application of certain rights. Therefore, their main focus is on what consequences will derive from which rights. Once this is clarified, the rights that lead to the overall good are the rights that should be advocated.

The argument put forward in Chapter II of this thesis, argued that all of nature was to be understood as having intrinsic value. In this regard it could be argued that it is a status-based line of thought in regards to intrinsic value, rather than rights. All of nature, it could be argued, should be morally considered due to all of nature being the bearers of intrinsic value. However, when it comes to rights, an instrumental theory might be preferred. Rights, it could be argued, are necessary in order to protect the intrinsic value that non-human animals have due to the fact that they are of nature. The moral consideration of their intrinsic value demands the protection of rights, so that their intrinsic value is not violated. Therefore, the

consequences of the rights are what is in focus, but only in as much as they lead to the protection of the intrinsic value grounded in nature. Therefore, a culmination of the status-based and instrumental theories appears necessary in order to advocate for non-human animal rights in this thesis.

There is a third option, that of the contractual approach. The idea is that a form of contract is formed on how to distribute the rights. The most famous version of this is most likely the one presented by Rawls. In his thought experiment ‘the veil of ignorance’, the idea is that you are not aware of which geographical area or social class you will be born into. Based on this ignorance you must choose a contract of the distribution of rights that you are happy to be born into. You could choose a risky option where you might be born as a small percentage that has more wealth and rights than anyone else, or more likely be born into the greater percentage of people that share what little is left. Another option would be to choose a more evenly distributed wealth. The difficulty of this approach when dealing with non-human animal ethics, is that we cannot ask non-human animals these questions or present them with the choice of these options. Perhaps we could choose on their behalf, but this does seem to defeat the purpose of the exercise. On the other hand, it could be a useful tool to awaken people to the unjust lives that many non-human animals live. If people did not know if they would be born as a human or a factory chicken, they might prefer a drastic change to the way the chicken farm industry is run today.

4 What is the function of rights?

What function a right has is the question of what rights do for those who hold them. Therefore, if the claim is that non-human animals hold certain rights, the question is what these rights do for them. Certain rights would have no function for non-human animals, such as the right to free speech or the right to vote. This would be the same as giving men the right to have abortions or women the right to free health-checks for testicular cancer. These rights would not have any function for the holders. Therefore, any suggested right for non-human animals, must have some function for them.

In regards to the function of rights, there are two main theories. These are the will theory and the interest theory. They both present a theory of what the function of rights are, that according to themselves, captures an ordinary understanding of what rights do for those who hold them. This thesis will not deal with the debate between the Will theorists and the Interest theorists, but simply clarify which is the more promising for the purpose of this thesis.

In Hohfeldian terms, a will theorist, such as Kant, Savigny, Hart, Kelsen, Wellman, and Steiner assert that every right includes a Hohfeldian power over a claim. “In colloquial terms, will theorists believe that all rights confer control over others' duties to act in particular ways” (Wenar, 2015). This means a right gives us power to decide what others might do or not do. However, it does not allow for any rights that protect you from such power. There is, as an example, no possibility for the right to not be enslaved in the will theory. This would obviously be a problem in non-human animal ethics, as most non-human animal rights advocates would like to acknowledge that non-human animals were holders of the right to not be enslaved. “Within the will theory it is impossible for incompetents like infants, animals, and comatose adults to have rights” (Wenar, 2015). Therefore, it is not a theory that is well suited to advocating rights for non-human animals. However, if it proves to be the correct understanding of the function of rights, non-human animal advocates will have to find a way to incorporate it or acknowledge that non-human animals cannot be holders of rights. However, up until that point, this thesis will choose to support an interest theory of the function of rights, as it is more promising in advocating for the moral rights of non-human animals (Wenar, 2015).

For interest theorists, such as Bentham, Ihering, Austin, Lyons, MacCormick, Raz, and Kramer, your rights are the Hohfeldian incidents you have that are good for you. Therefore, the function of a right for interest theorists, is to further the right-holders interests. This opens for non-human animals to hold rights, due to the fact that the rights can protect their interests. However, its strength in protecting interests with rights could also be seen to be its weakness. All interests cannot be said to be rights, and an interest theorist might struggle to make this distinction. If the function of a right is to protect an interest, then how do we pick which interests to protect with rights and which to not. To clarify, both these theories of a right’s function, are descriptive approaches. They are attempting to say how we commonly think of a right’s function. The purpose of including the divide of descriptive theories of the descriptive functional nature of rights in this thesis, is to clarify that in advocating for non-human animal rights, it would be beneficial to adopt an understanding of a right’s function along the lines of an interest theorists position (Wenar, 2015).

However, a prescriptive approach is necessary to make any progress beyond the debate between the will theorists and the interest theorists. A prescriptive theory attempts to say what the function of a right should be, and not merely what it is. It has a normative approach. An example that could be a good starting point for the position in this thesis, is a quote by John Stewart Mill:

When we call anything a person's right, we mean that he has a valid claim on society to protect him in the possession of it, either by the force of law, or by that of education and opinion... To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of. (Mill, 1861, p. 54).

This is a prescriptive approach in that it is saying something about how the function of rights should be understood, and it is stipulative in that it gives rights a potentially new understanding than the traditional way we think of it. Unfortunately, for the purpose of this thesis, using this view to advocate for non-human animal rights would raise the question of personhood. It would first be necessary to argue that all non-human animals were persons, which is an undertaking that is beyond the scope of this thesis, as well as not necessarily being the position of this thesis. The last sentence in the quote, however, is of interest to this thesis. The idea that a right invokes a duty of society to defend the right-holder, is useful in advocating for non-human animal rights. As discussed earlier, one of the greater problems for a non-human animal advocate is that the individuals being argued in favour of, have no voice of their own. Therefore, one possible way to secure a better treatment of the individuals is to invoke such a duty in society towards non-human animals. To conclude this discussion, it would be necessary to have a prescriptive approach to the function of rights, that argued in favour non-human animals having a claim right that invoked a duty from society. Once this was established and acknowledged, non-human animals would be protected by their rights against discriminatory behaviour directed at them.

Prescriptive usages of the term 'rights' differ from descriptive usages, in that prescriptive usages say something about how we should use it, whereas descriptive usages say something about how we actually do you use it. One prescriptive theory is that we can speak of certain rights trumping others. This means we would have to give more consideration and weight to those rights we hold to trump the others. Gewirth (1981) asserts one such right to trump all others, the right of all persons not to be made the victim of a homicidal project (Wenar, 2015). It is not the case, that the suggestion of this as the trumping right hasn't been contested, but it definitely has received heavy support in the tradition of philosophy. It has both functioned as a negative right in the sense that no one may impede your interest in staying alive, but also as a positive right in the shape that others are duty bound to help keep you alive, sometimes even against the wishes of the individual being kept alive. There are a few countries that allow euthanasia to take place, but they are in the minority. Despite the broad and historic acceptance of the 'sanctity of life' view' as this trumping right, it is what

this thesis questioned in Chapter III. There are too many cases in life that point in a different direction, for them to be ignored, i.e. abortion, euthanasia, capital punishment and war. However, there are other more vague cases, like those of people willing to die for causes related to other rights. This includes dying in protest of the unjust treatment of a race, gender or other groups of individuals experiencing oppression and discrimination. This is an indication that these individuals believed there were certain rights that were more important than, and therefore trumping, the right to not be killed. These might be the right to vote, speak freely or the freedom to pursue a life of one's own choosing. In short, some lives are deemed not worth living, by those who have lived them, based on other rights being withheld from them. If certain lives are not worth living, then the right not to have life taken away does no longer appear to be the trumping right. It is not the assumption that life is necessary in order to have a 'life worth living' that is being questioned, as this appears to be a logically sound and sensible assumption, but this is not the same as saying that once you are alive the trumping right is to the continuation of life itself. It could equally follow that, once alive, there are lives that respect the intrinsic value of the ones living them and lives that do not. Furthermore, if certain individuals feel that their lives are not worth living, due to the impediment of living valuable lives, then, for them at least, certain rights related to how they live trump the right to live.

Another issue worth highlighting, is when the rights of two different parties collide and conflict each other. This is not the same as when someone who is the holder of a power-right changes the primary rule right of the other, but rather when two primary rule rights come into conflict. The obvious concern for this issue related to non-human animal ethics is when human desires and interests come into conflict with the well-being of a non-human animal. If non-human animals have any rights at all, it is not controversial to claim that they are violated continuously, and in vast numbers. Therefore, any advocating of non-human animal rights will have to deal with the issue of non-human animal rights coming into conflict with human rights. A possible solution to this is to speak of trumping rights that will take precedence over other rights. However, this is not always simple to do. It is not straightforward to determine which rights should trump others, or even if certain individual's rights should trump others on account of who the individuals are. Does one right pertaining to humans trump other rights only when pertaining to humans, or does a certain trumping right always trump no matter who is the holder? This thesis claims that a life of worth is necessary to trump all other rights, in order to maximize well-being. Therefore, every living organism has a right to achieve worth in its life before being killed, and this right trumps all other rights.

5 A right to a ‘life worth living’, not a right to life

By accepting the argument, that anything of nature has intrinsic value, put forward in this thesis, the next step would be to hold that we have no privilege to treat non-human animals as we please. It could be argued that we have a duty to respect the worth of a life. Furthermore, we have the privilege to kill any living organism that has achieved the worth in its life, but only after sufficient length of life has been given to it. All living organisms have a claim to be left alive long enough to achieve a ‘life worth living’. However, once this life worth living has been achieved, we have a privilege to end that life. In addition, by accepting the argument put forward in this thesis, we would have to accept that non-human animals have a claim that humans allow non-human animals to live a ‘life worth living’, because humans are duty bound to let non-human animals live a life that is worth living. Furthermore, by accepting that killing is a necessity to live a ‘life worth living’, we must accept that it is morally permissible. Therefore, in this case the killer has the power right. However, by accepting that length of life must be provided, so far as it ensures that a life becomes worth living, any living organism has the immunity-right to be left alive long enough for it to achieve a ‘life worth living’. Conclusively, by accepting that all living organisms have a negative right to live a ‘life worth living’, any killing of a living organism before it has achieved its worth in life, would be deemed a violation of the right. By accepting that all living organisms have a positive right to a ‘life worth living’, we would be duty bound to aid any living organism in achieving its worth in a ‘life worth living’. All of this is of course is made valid or not based on the success of the previous arguments of the thesis. The hope is that this thesis has successfully put forward a strong reason for non-human animals should be attributed rights, and to deny that killing is directly or intrinsically wrong. In failing to do so, the hope is that this thesis has brought some doubt to the reasons for denying non-human animals rights, and to the view that life is sacred. The belief is that the main reason animal rights advocacy has struggled to win through is due to the challenges that follow from holding a view that life is sacred.

Conclusion to chapter IV

In this chapter, the attempt was to lay the groundwork for advocating the right to a ‘life worth living’. The first part of this chapter, in answering who rights pertain to, it was attempted to show why non-human animals might be right-holders. The argument was, in

short, that discriminated parties have in the past fought for rights, in order to put a stop to the discrimination directed at them. Accepting that non-human animals are being discriminated, would be a reason for acknowledging certain rights for them also. The second part, answering the question of what rights are, was intended to clear up certain distinctions of what rights are. The purpose of this was to highlight what is being claimed, when we attribute rights to non-human animals. In short, claim and immunity rights must be attributed to non-human animals, in order to protect them from the privilege and power rights that humans make use of in their dealings with non-human animals. In the third part, it was argued that if we accept that non-human animals have intrinsic value, then an instrumental view of the justification of rights, is the most plausible view to defend. According to the instrumental view of the justification of rights, it is the consequences of attributing rights that justifies the rights. The right to a 'life worth living', is a right to have the intrinsic value protected from being violated. The fourth part, answering the question of what the function of a right is, was focused on explaining why an interest theory was to be preferred to a will theory of the function of rights. However, any descriptive theory of rights is of limited help in advocating for a new unrecognized right, so we must turn to prescriptive theories. In the last part of the chapter, the argument in favour of the right to a 'life worth living' was put forward. Summed up, it is the right for all living organisms, to be given sufficient length of life to achieve the worth in their lives. Some living organisms will demand more length of life than others, as their worth will be more dependent on long time projects. The other side of this is that killing is not directly or intrinsically wrong, so long as it is not prior to worth being achieved. In practice, this would mean that we could continue to kill and consume any living organism, but that we would be duty bound to allow all living organisms to achieve worth in their lives. This means the practices of most industries connected to the dealings with non-human animals would have to change considerably. It would most likely make the price of meat more expensive and in turn for meat to be a rarer commodity.

Conclusion

The overall purpose of this thesis was to advocate for non-human animals holding the right to a 'life worth living'. Everything else that was argued in this thesis, were steps deemed necessary in order to promote this purpose. The first step was an attempt to show how certain views choose arbitrary reasons for excluding non-human animals from the moral sphere of consideration. The second step was to attempt to make use of the understanding of intrinsic value in environmental ethics to draw the line of moral consideration. In supporting the view of an objective intrinsic value, it left the thesis the challenge of answering how we could survive without violating the intrinsic value that was concluded to exist in everything of nature. The attempted solution to this challenge was to suggest that life is not sacred. Rather, it is a 'life worth living' that is of intrinsic value, and life is merely instrumental in providing a 'life worth living'. In addition, it was argued that killing is of instrumental value in procuring a 'life worth living'. Therefore concluding that killing is not directly or intrinsically wrong. The only stipulation being that every living organism must be given a sufficient length of life to achieve its worth. Finally, it was argued that a 'life worth living' should be a right attributed to all living organisms, in order to secure all living organisms from any discrimination of their intrinsic value. If this presented line of arguments is acceptable, this thesis might provide further support for the general movement of animal rights advocates. The desire for doing so, is based on the belief that the way non-human animals are treated today, in most if not all, dealings with non-human animals is immoral. Furthermore, the belief is that by drastically changing the behaviour towards non-human animals will be an important step in providing more happiness in the world. In addition, it is believed that viewing non-human animals as rights-holders is necessary. This is due to non-human animal welfare being more concerned with bettering the lives of non-human animals. However, bettering their lives is not the same as arguing that they have a right to a life of worth. It is merely saying that it is better moral practice for humans to treat other living organisms better. In order to achieve the desired changes in behaviour directed at non-human animals, the arguments of non-human animal rights advocates must move beyond the clouds of philosophy and influence the governing bodies. In doing so it could invoke legal support for the rights being advocated for. An important move in this direction is the legal ruling by the high court of Uttarakhand in India. It was ruled that all non-human animals, including birds and aquatic life, should receive similar rights to humans. Furthermore, all non-human animals were recognized as legal entities with a distinct persona and corresponding rights. In addition, all citizens of

Uttarakhand were to be seen as *locos parentis*. By giving non-human animals rights, recognizing them as legal entities and making humans legal guardians of them, it could be argued that the high court of Uttarakhand has made an important step in providing non-human animals with lives of more worth than they had previously. Hopefully, this is only the first step of many to come in enforcing legal rulings that support the movement of providing lives of more worth to all living organisms (Ray, 2018).

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