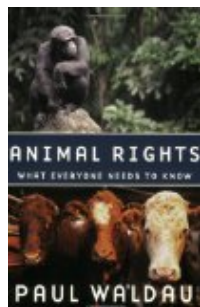




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ETHICS



Review - Animal Rights

What Everyone Needs to Know

by Paul Waldau
Oxford University Press,
2011

Review by Michael-John Turp
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Paul Waldau's book is a clear, accessible and generally reliable introduction to issues in animal rights. The book's content is structured around a series of seventy or so questions, with chapters on the philosophical, legal, political, social, pedagogical and scientific dimensions of the animal rights debate. This produces an interdisciplinary patchwork, which could be either read straight through or treated as a reference resource. Whilst the book synthesizes information from a wide range of sources, and contains some important insights, the structure tends to make sustained argument difficult. It also involves the author in some discussion of topics beyond his immediate areas of expertise. For instance, I have reservations concerning his discussion of the philosophy of animal rights. Overall, however, there is much to recommend it as a useful addition to the literature, especially with respect to the legal aspects of animal rights advocacy.

Whilst Waldau traces a concern for animals back into prehistory (Ch. 4), much of the contemporary animal rights debate is driven by the way in which the relationship between human and nonhuman animals has changed in recent generations. Many of these changes have

resulted from 'factory farming' practices (pp. 34–41) and have been for the worse from an animal welfare perspective. There has also been an extraordinary expansion in the scale of human dominion over nonhuman animals. For instance, more than 50 billion land animals are now

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slaughtered each year for food (p. 36). Our best estimates for sea creatures are in the order of one trillion including by-catch. Generally receiving better treatment, there are also an estimated 1.5 billion 'pets' or 'companion animals' under human control. As Waldau observes, companion animals are an interesting category because of our close emotional bonds with them and the strong case for their moral equivalence with other categories of animals (p. 28). There are also 100-200 million animals used annually in scientific laboratories and significant numbers of work and entertainment animals.

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These figures help to indicate the stakes involved in animal rights debates. Unfortunately, the subject tends to be emotive and polarizing. This is partly because most people are committed to the status quo through their food choices. Consequently, some of the policy recommendations of animal rights advocates constitute a deep challenge to common practices, society and custom. They are not infrequently described as anti-human. On the other hand, many animal rights advocates believe that our current treatment of animals constitutes cruelty and injustice on an enormous scale. With this context in mind, Waldau is always careful not to inflame the debate unnecessarily. For instance, he avoids dwelling on the more egregious aspects of 'the unseen production practices that make meat available' (p. 127). Instead, his tone is consistently measured and conciliatory as he seeks to reach out to potential allies. For example, whilst a concern for the humane treatment of animals may seem a relatively modern and secular concern, he is effective at describing its roots in older cultural practices of care for animals. He is particularly alert to the possibilities of fruitful engagement with religious traditions of concern for animal welfare; values manifested, for instance, in Jewish and Islamic methods of ritual slaughter (e.g. pp. 131–4).

These debates play out in the public arena and Waldau's academic background suggests that his survey of legal and political issues is authoritative (Ch. 5–6). Indeed, the author is at the vanguard of 'animal law', which has only recently emerged as a distinct discipline. This emergence has been extraordinarily rapid. For instance, the number of American law schools offering a course in animal law has increased from less than a dozen to over 130 in the last decade (p.86). But, if this may provide grounds for optimism from an animal rights perspective, the overall legal picture is rather mixed. For instance, even though the increasing commodification of food animals is a relatively familiar story, it may still be surprising to learn that between 1985 and 1995, 18 of the 50 US states passed laws expressly exempting agribusiness from anticruelty laws. A further 12 states exempt 'common' or 'customary' farming practices (p. 109). Moreover, even when there are legal protections for animals 'on the books', Waldau describes how they are often diluted or simply not enforced (p. 92). At root, farm animals are chattel property and have very little legal protection except in relation to human property interests. In the words of one poultry industry representative speaking in court, chickens are equivalent to 'trash' or 'manure' (p. 88).

Whilst Waldau's treatment of legal rights is reliable, I have reservations concerning his treatment of moral rights (Ch. 3). The moral standing of nonhuman animals is fundamental to the animal rights movement and subject to lively debate within moral philosophy. Unfortunately, Waldau seems to have a weak grasp of the

subject. To take one example, Waldau writes that 'deontology is often framed as if only members of the human species are rights holders' (p. 67), but offers no explanation of why (some) deontologists take this position. He does, however, comment, that 'the constraints that deontology puts on doing good seem mysterious to many' (p. 67). The unfortunate impression is that he finds deontological constraints 'mysterious' because he does not fully understand the arguments connecting moral standing with rationality and moral agency. Consequently, Waldau misrepresents the debate and misses an opportunity to engage with informed opponents of animal rights.

Perhaps more serious, however, is Waldau's tendency to assess moral theories according to whether or not they support animal rights. For example, he praises philosophical ethics when it has 'made wonderful contributions to the animal rights movement' (p. 195), but criticizes both deontology and utilitarianism on the

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grounds that they are 'used today in ways that harm other animals' (p. 67). This is circular reasoning. Questions of animal rights turn on moral considerations, not vice versa. Setting out the book's agenda, Waldau writes that 'in the class, as in life, inquiring beyond the species line prompts healthy, communicative forms of thinking and rationality' (p. xv). I am sure that he is right and that this book is a useful contribution to that project of inquiry. I recommend it, but with the caveat that genuine inquiry does not begin with results, or tailor itself to the demands of advocacy.

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