

1 The Basic Right

This work seeks to examine the moral principles which human and non-human coexistence on the planet. But before venturing into more uncertain territory, I will begin by sketching out a starting point:

The Basic Right: all animals have the right not to *used* as property, resources, or as mere means to an end.

In this section, I'll provide some arguments reasons to believe that the basic right exists and touch on how to determine which things are owed this right (which things are animals). This section won't contain an exhaustive argument for this right — several other works have already painstakingly laid out the arguments to support this basic right for animals. I will conclude by describing what implications this fundamental right has, and which implications it does not have.

1.1 Grounding the Right

For the purposes of this work, I take the view of fundamental rights advanced by Christine Korsgaard in *Fellow Creatures*.¹

Korsgaard's argument is established on the foundation of Kant's moral philosophy. Kant seeks to determine the presuppositions of valuing; the premises that are implicitly accepted any time we confer value upon something. There is no metaphysical "absolute" reference frame from which "true" value can be determined. Rather, things are valuable insofar as they are valuable to a being.

Kant argues that rational beings can only pursue ends that are absolutely good, good from all perspectives.² So, an end that one rational being pursues is absolutely good and worthy of pursuit by any other. Humans have the capability to act as rational beings. When humans rationally act on ends, they confer absolute value on those ends, marking them as good absolutely. "By pursuing what is good for you as good absolutely, you show that you regard yourself as an end in itself, or perhaps to put it a better way, you make a claim to that standing."³

This seems to leave animals — most of whom are not rational beings — out of the moral picture. If animals are not rational, then they cannot make a claim to standing as an end in themselves.

Korsgaard argues that Kant uses the phrase 'end in itself' to refer to two slightly different concepts. Kant sometimes refer to an 'end in itself' as a being who has the ability to legislate for itself and all rational beings. At other times, Kant refers to an 'end in itself' as a being whose ends are recognized as absolutely good and protected by universal legislation. Korsgaard argues that the two do not always need to be one and the same.

1. C.M. Korsgaard, *Fellow Creatures: Our Obligations to the Other Animals*, Fellow Creatures: Our Obligations to the Other Animals (Oxford University Press, 2018), ISBN: 9780198753858, <https://books.google.com/books?id=Bv9eDwAAQBAJ>.

2. Korsgaard, 8.4.1.

3. Korsgaard, 8.4.4.

When we act as rational beings, we do not assert that only rational beings have value. After all, a rational being without any substance, form, or other natures would not have any ends within itself to seek or any desires to pursue. Instead, our rational nature confers value upon the ends we seek as animals, creatures who have representations of the world and seek good within it. We share these ends and this nature with other non-human animals, and so when we value ourselves as creatures that have a final good, we also confer value on other creatures with final goods. In her own words,

As rational beings, we need to justify our actions, to think there are reasons for them. That requires us to suppose that some ends are worth pursuing, are absolutely good. Without metaphysical insight into a realm of intrinsic values, all we have to go on is that some things are certainly good-for or bad-for us. That then is the starting point from which we build up our system of values—we take those things to be good or bad absolutely—and in doing that we are taking ourselves to be ends in ourselves. But we are not the only beings for whom things can be good or bad; the other animals are no different from us in that respect. So we are committed to regarding all animals as ends in themselves.⁴

1.2 Coming Apart from Korsgaard

Thus far, it has been established that animals are ends in themselves. But this alone does not show the principle laid out in The Basic Right. We must ask what it means to be treated as an end, and how treatment as an end in the rational, legislative sense might differ from treatment as an end in the human sense.

Korsgaard comes to the conclusion that animals have a good, but because they lack rationality, they do not get an ‘equal vote’ in our interactions with them.⁵ Despite the fact that they cannot consent to our interactions with them, because our own moral legislation declares their ends to be worthy, we have a duty to treat animals in a manner that is consistent with their ends.⁶ Korsgaard distinguishes this treatment from treatment of animals “in ways to which they would consent if they could,” but she is unclear if the two generate different outcomes.⁷

However I think that Korsgaard’s conclusions entail the principle of the Basic Right, and that respect of the Basic Right is a subset of Korsgaard’s duties to treat animals in a manner consistent with their ends.

1.2.1 Consistent with Consent and Consistent with Good

A creature is an end in itself by virtue of the fact that it has a final good which it seeks through action. What is good-for the creature are things which the creature seeks by acting. Our knowledge of the good of creatures is only gained by observing the creature’s

4. Korsgaard, *Fellow Creatures: Our Obligations to the Other Animals*, 8.5.5.

5. Korsgaard, 12.2.1.

6. Korsgaard, 12.2.1.

7. Korsgaard, 12.2.1.

actions; what the creature seeks and avoids. When we assert that something is good for a creature, we assert that it is a thing that the creature would seek out or act towards. When we interact in ways that are consistent with a creature's good, we interact in ways that are not contrary to things that are good for the creature — things that we think the creature would seek out as a final good.

This doesn't mean, of course, that we must always act in ways that creatures would — it is permissible, after all, to take a cat to the vet. But taking a cat to the vet against their wishes is different from attempting to make a cat appreciate classical music, or choosing to kill the cat for use as coat-liner. In the former case, we take something we know the cat would act towards (good health), and intervene to use our greater knowledge of the situation (the vet is there to help) to help secure the cat's own final good. The euthanization case that Korsgaard gives may be something similar; a decision we can permissibly make for a creature because we have a greater knowledge of what death is.⁸ In the latter cases, we seek to impose some other good on the cat; goods that a cat would not act towards themselves.

Because our knowledge of a creature's good is defined by their actions and pursuits, I don't think there's very much daylight between Korsgaard's two moral guidelines of acting in ways that an animal could consent and acting in ways that are consistent with an animal's good. The one place where they may come apart is in treatment that would undermine a being's autonomy while still satisfying their good. For a rational being, this class of actions does not exist, because a rational being has no good other than their autonomous choices. Non-rational ends such as creatures mark their final goods as absolute, but do not legislate for others through their actions.

Deception, for example, is wrong because it undermines a rational being's autonomy, and it is not something a rational being could consent to. Non-rational beings cannot consent to treatment, but define their good through their actions over time. It would be permissible to deceive a cat (by offering a treat, or lying about a travel destination) to get them to go to the vet, as long as the ultimate aim of the action was consistent with the good of the cat.

1.2.2 Consistent with Good and Basic Right

I believe that, similarly, there is a narrow window between treating an animal in a manner which is consistent with their good and not treating an animal as a means to an end. I think that this gap is essentially close-able, depending on one's view of the moral

1.3 Epistemology of Subjectivity

1.4 Implications

1.5 Uncharted Territory

8. Korsgaard, *Fellow Creatures: Our Obligations to the Other Animals*, 12.2.1.