

SHOULD WE TREAT NON-HUMAN ANIMALS WELL BECAUSE THEY HAVE RIGHTS, INTERESTS, NEITHER, OR BOTH?

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Abstract: With the common occurrences of animal right campaigns and numerous laws that have been passed to benefit animals, the idea that we should treat non-human animals well is widespread in 2025. Many believe that treating animals well is morally right but are unsure about the philosophical reasoning behind why animals should be treated well. This essay will tackle this question in three steps to provide an answer. First, I will establish a viable theory on animal ethics to explain why (some) animals matter. Second, I will discuss why these animals should be treated well. I will first look at rights which I define as entitlements to own something or to perform certain actions and then look at interests which I define as what arouses the mind, regardless of whether it is essential for survival or not. Ultimately, I will conclude that although the fact that (some) animals have interests wouldn't be an incorrect answer, the best answer would be neither rights or interests but sentience because it is fundamental to both interests and rights.

Keywords: Animal ethics; Moral status; Animal rights; Moral considerability; Sentience

1 INTRODUCTION

When asking the question of whether animals have rights, we can first look at whether humans have rights. Most people would agree that humans have rights because whether looking at ethical systems, legal frameworks (United Nations, 1966), or international declarations, you will see a widespread belief in human rights. This belief is prevalent among humankind because it feels morally justified to most people. Furthermore, most people also believe that such rights shouldn't be based on divisions like race or gender that feel morally irrelevant.

2 THE FAILURE OF SPECIESISM AND BIOCENTRISM

Additionally, some philosophers have convincingly argued that speciesism, the idea that some species of animals have more moral importance than other species, seems unethical because it involves morally valuing some species more than other species based on arbitrary traits such as aesthetic appeal. For example, treating a dog better than a pig because a dog is physically more appealing to humans when both are sentient and capable of feeling pain seems morally inconsistent and hence wrong. Therefore, speciesism is ethically problematic as it leads to unequal treatment of beings who deserve similar moral concern. This means it would be logical to provide animals with rights too because denying rights to animals mean humans have preferable moral consideration compared to animals and this would be practicing speciesism which feels as arbitrary as racism or sexism.

As we have argued that animals should also have rights, we are led to the conclusion that the animalia kingdom deserves more moral value than any other kingdom. This conclusion can be called 'kingdomism' for the purpose of this essay. However, kingdomism, though seeming rational, is flawed. This is because there are some animals that only differ from other kingdoms on arbitrary differences[1]. To illustrate this, a sponge and a mushroom differ on facts like how sponges are heterotrophs and don't have a cell wall whilst mushrooms are saprotrophs and have a cell wall. Such differences are deemed morally irrelevant due to the fact that they haven't provided us with good moral justification to give preferential treatment to sponges or mushrooms[2]. This results in the fact that mushrooms and sponges only differ on arbitrary differences that don't affect their moral consideration. Hence if some animals don't have any non-arbitrary differences to other kingdoms, other kingdoms should deserve the same moral consideration as animals, leading us to the conclusion biocentrism where all living organisms deserve moral consideration.

Yet this conclusion is absurd because whereas we feel like we should treat some organisms well like dogs, we don't believe we should treat others like bacteria well. To exemplify this, it feels ludicrous to provide each and every single of the countless amounts of bacteria food, water, and shelter to ensure that they're all treated well. This means biocentrism also isn't the right solution and we need another non-arbitrary method that is able to morally justify why some organisms matter more than others.

One candidate is the capacity to have intelligence where if the organism is considered intelligent, then it deserves moral consideration[3]. However, there are instances that argue that this metric is morally wrong. One example is babies where they aren't considered intelligent with their brains still developing but we still consider them morally important. Another example could be someone with the Alzheimer's disease because when they experience a severe decline in intelligence and awareness especially in the later stages, they are generally considered unintelligent yet they are still perceived as morally important. Hence, the capacity to have intelligence is not the right solution.

3 THE CAPACITY TO SUFFER AS A MORAL CRITERION

This means we need another candidate. This essay argues that the best candidate is the capacity to suffer in the sense that if an organism can suffer[4], then they should be morally valued. This has been suggested by famous British philosopher and the founder of modern utilitarianism Jeremy Bentham when he said, “The question is not, ‘Can they reason?’ nor, ‘Can they talk?’ but, ‘Can they suffer?’”. This is morally right as it relies on the morally relevant trait of suffering.

Additionally, how much moral consideration the organism deserves can be calculated by the Hedonic calculus which is a method for measuring the moral value of actions by calculating the amount of pleasure and pain they produce. For example, the act of stepping on someone’s foot would be significantly more moral than the act of torturing somebody as it causes substantially less pain to the victim[5]. How high an organism score on every part of the calculus compared to how high another organism has scored when the same action has occurred is how much moral importance they should get. Assuming that some animals feel more pleasure or pain than others in the first place, meaning they deserve more moral consideration than others, this also creates the assumption that how much pleasure or pain such an animal can feel is on a gradient because of the Hedonic calculus. Though we are unable to know if both assumptions above are true as we don’t have scientific proof yet, we do believe such guesses are logical and hence currently sufficient. For example, looking at a mosquito and a dog, many believe that the dog should have more moral value than the mosquito because we theorise that on whether saving a dog or a mosquito from a fire[6], the dog would suffer more intensely than the mosquito if not saved.

Though there is the possibility that the capacity to suffer may not be the only viable theory for animal ethics, it is suitable for this essay. This is because it isn’t morally irrelevant and inconsistent like arbitrary speciesism and kingdomism and it does explain why non-human animals matter. At the same time, it still preserves key intuitions like how we believe that pigs morally matter and fungi don’t or how we believe some animals like a dog matter more than other animals like a mosquito. Therefore, the capacity to suffer is a very promising theory for animal ethics that suits this essay.

Now that a viable theory for animal ethics has been established where we understand why we should care about (some) non-human animals, should we consequently treat such non-human animals well because they have rights, interests, neither, or both?

4 THE ROLE OF RIGHTS IN ANIMAL ETHICS

Primarily, we can examine rights where the question of existence of rights appears. Jeremy Bentham rejected the idea of rights, famously calling them “nonsense upon stilts”. He believed that rights are created by law instead of nature, meaning they are fundamentally non-existent. Therefore, they would only exist where there is an authority or government to create laws.

However, I will argue that this argument isn’t entirely accurate because there is another circumstance outside law where rights exist[7]. Imagine two strangers on an uninhabited island where there is no law. For the two people to survive, they would need a constant sufficient amount of food but also shelter so they decided for one person to be in charge of the shelter whilst the other would be in charge of food. Then they agreed that the person in charge of the shelter would share the shelter for both of them to sleep in in exchange for an equal portion of the food the other person had foraged. Said agreement in this scenario is a contract that provided the person in charge of the shelter the right to have food whilst providing the person in charge of food the right to have shelter. This contract wasn’t constructed by law but by human communication. Therefore, rights, as long as humans have created them via contracts, can exist independently of a legal system.

How does this relate to animal ethics? Throughout history, humans have drawn up contracts that allowed animals to have rights. This has occurred in the legal sense like Martin’s Act (originally the Cruel Treatment of Cattle Act) that was passed in UK in 1822 which made mistreatment like beating towards domesticated animals illegal. It can also occur in a situation where the law isn’t involved like if somebody simply gave a contract or more commonly known as adopted an animal off the streets without reporting it to authorities to make the adoption legal. Nonetheless, animals have had rights through contracts that humans have created and humans have been treating them well when obliging to these contracts[8]. However, the rights that animals have can be argued to not be the reason why they are treated well but only the outcome. This is because of this question: why have contracts, legal or otherwise, been drawn up for animals by humans?

5 INTERESTS AS A BASIS FOR MORAL TREATMENT

The answer to that question is because animals have interests. Such interests could be the wish to consume a sufficient amount of food per day or unwilling to be locked up in a cage[9]. As refusing animals these interests would cause them suffering, which is immoral and humans fundamentally have moral principles, humans would naturally try to allow animals have these interests and create contracts that allows animal rights in an effective way to promote and protect the interests of animals. As a result, animals rights is argued to be the outcome of animals interests, making interests seem like the answer to the question of why we should treat animals well.

6 SENTIENCE: THE FUNDAMENTAL GROUND

However, for an animal to have interests, the animal would need to have enough sentience. Without a sufficient amount of sentience[10], an animal like a sponge wouldn't be able to recognise that it has interests like it wants food and hence the sponge would be unaffected if deprived of it. More importantly, the sponge wouldn't even have the capacity to suffer and according to the theory on animal ethics that was previously discussed[11], such an animal doesn't matter. Subsequently it doesn't even need to be treated well without even needing to consider if it has rights and interests. Therefore, with sentience argued to be intrinsic to interests, it could be the correct answer.

7 CONCLUSION

In conclusion, the answer to the question "should we treat non-human animals well because they have rights, interests, neither, or both" is sentience where neither rights or interests are the reason. As we have established the capacity to suffer as a viable theory for animal ethics, we understand why some animals should be morally considered.

Then, when answering why some animals should be treated well, we looked at rights and interests. We concluded that rights aren't the answer because they only exist to serve interests and are the outcome of treating animals well, hence meaning interests could be the answer. However, as an animal shouldn't need to be treated well if it didn't have enough sentience to have interests, sentience is the most fundamental concept in terms of animal ethics. Thus, though the answer that we should treat animals well because they have interests isn't incorrect, the fact that we should treat non-human animals well because they have sentience is the more fundamental reason.

COMPETING INTERESTS

The authors have no relevant financial or non-financial interests to disclose.

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