

# Tom Regan: A Celebration

## Schedule of Events

### Friday, April 15, 2011

#### 8:30 Registration and Morning Reception

#### 8:45 Welcoming Remarks

Michael Pendlebury, Head  
Department of Philosophy and Religious Studies

9:00-9:45

#### “Animal Rights for Libertarians”

##### Jeremy Garrett

Children’s Mercy Bioethics Center and University of Missouri - Kansas City

9:45-10:30

#### “‘Coulda, Woulda, Shoulda’ Arguments in Animal Ethics”

##### Nathan Nobis

Morehouse College

#### 10:30-10:40 Coffee Break

10:40-11:25

#### “Rights and Capabilities: Tom Regan and Martha Nussbaum on Animals”

##### Ramona Ilea

Pacific University

11:25-12:10

#### “Do All Subjects-of-a-Life Have an Equal Right to Life? The Challenge of the Comparative Value of Life”

##### Aaron Simmons

Grand Valley State University

#### 12:10-1:30 Lunch

#### 1:30 Welcoming Remarks

Jeffery Braden, Dean  
College of Humanities and Social Sciences  
Susan Nutter, Vice Provost and Director of Libraries

1:40

Video: Tom Regan at the Royal Institution

1:45-2:30

#### “A Conditional Proof of Animal Rights, and a Consistency-Based Alternative Account of our Duties toward Animals”

##### Mylan Engel Jr.

Northern Illinois University

2:30-3:15

#### “Debunking the Bunk: Uncovering Error in the Anti-Animal Rights Position”

##### Paul Bowman

University of Colorado, Boulder

#### 3:15-3:30 Coffee Break

3:30-4:15

#### “Subjects of a Life, Marginal Cases, and the Argument from Risk”

##### Alastair Norcross

University of Colorado, Boulder

#### 5:00-7:00 Vegan Dinner

Location: Sitti Authentic Lebanese Restaurant,  
137 S Wilmington St., Raleigh, NC 27601 PH: 919.239.4070

**Saturday, April 16, 2011**

**9:00 Coffee**

9:10

Video: Tom Regan in "We Are All Noah"

9:15-10:00

**"We Are All Noah: Tom Regan's Olive Branch to Religious Animal Ethics"**

**Matt Halteman**

Calvin College

10:00-10:45

**"Bearing Witness to Animal Suffering"**

**Kathie Jenni**

University of Redlands

**10:45-11:00 Coffee Break**

11:00-11:45

**"Rights, Utilities, Virtues and the US Regulatory Structure for Animal Research"**

**Rebecca Walker**

University of North Carolina, Chapel Hill

11:45-12:30

**"Vegetarianism in the Balance"**

**Scott Wilson**

Wright State University

**12:30-1:50 Lunch**

1:55

Video: Tom Regan in Los Angeles

2:00-2:45

**"The Benefit of Regan's Doubt"**

**Robert Bass**

University of North Carolina at Pembroke

**2:45-3:00 Coffee Break**

3:00

Video: Tom Regan and the 5 Cs

3:05-3:50

**"La Mettrie's Objection': Like Animals, Humans Control Themselves Largely in Non-Conscious Ways"**

**Gary Comstock**

NC State University

3:50-4:00

**Concluding Remarks**

4:00-5:00

**Downtime**

**5:00**

**Vegan Reception**

Location: Gary Comstock's Residence

## ABSTRACTS

### 1. Robert Bass (University of North Carolina at Pembroke)

Author of "Undermining Indirect Duty Theories," *Between the Species*

#### "The Benefit of Regan's Doubt"

I'm focusing on some of the cases that Regan admits his argument may not quite reach--mammals less than a year old, etc. His general view is that we should give them the benefit of the doubt. I'm developing an argument about what to do when our best arguments do not seem to be conclusive.

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### 2. Paul Bowman (University of Colorado, Boulder)

Author of "Assessing Reductio Arguments in the Animal Rights Debate"

#### "Debunking the Bunk: Uncovering Error in the Anti-Animal Rights Position"

Critics of Tom Regan often appeal, both directly and indirectly, to the counter-intuitive implications of Regan's strong animal rights position in order to argue that non-human animals do not have rights. This paper seeks to defend Regan's strong animal rights position by deploying plausible and empirically supported debunking arguments against the intuitions that motivate the case against animal rights.

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### 3. Gary Comstock (North Carolina State University)

Author of *Vexing Nature: On the Ethical Case against Agricultural Biotechnology*

#### "La Mettrie's Objection': Like Animals, Humans Control Themselves Largely in Non-Conscious Ways"

In the first chapter of *The Case for Animal Rights*, Tom Regan responds to Descartes' argument from parsimony, that the simplest explanation of animal behavior is that animals are not in control of themselves, not consciously aware of anything. Regan argues that none of the reasons for thinking animals lack awareness are persuasive. He notes in passing a rather different objection--La Mettrie's objection--that the argument from parsimony can be used to undermine the case for human awareness. Regan does not pursue the skeptical idea that humans are not in control of themselves, holding that control is essential to responsibility and an essential assumption of any attempt at moral philosophy. Evidence from neurophysiology and psychology suggests, however, that a) we probably exercise less conscious control over ourselves than we think, and yet b) still have enough control to be held responsible for our actions. If these contentions are true, then La Mettrie's objection helps to close the alleged gap between human and animal awareness by showing how much control we exercise non-consciously, and how similar to other mammals we may be in this respect.

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**4. Mylan Engel Jr. (Northern Illinois University)**

Author of “The Immorality of Eating Meat”

**“A Conditional Proof of Animal Rights, and a Consistency-Based Alternative Account of our Duties toward Animals”**

I develop and defend a conditional proof that animals have negative moral rights including the right to life, the right to bodily integrity, the right not to be tortured, and the right not to be harmed. I argue that most people are rationally committed to the view that animals have such negative rights, on pain of inconsistency. I then consider what duties we have to animals, if the condition on which I predicate my conditional proof of animal rights fails to obtain. I conclude that even if animals don’t have rights, we still have stringent duties not to harm or kill them.

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**5. Jeremy Garrett (Children’s Mercy Bioethics Center and University of Missouri - Kansas City)**

Editorial Advisory Board, *The Journal of Medicine & Philosophy*

**“Animal Rights for Libertarians”**

Deontological libertarians view moral rights as “side-constraints” that limit the initiation of non-consensual force against others. According to most libertarians, all human beings have such rights, while no other animals do. But it’s not at all obvious that this radical asymmetry can sustain serious scrutiny. The principle of non-aggression is rooted in the core claim that others’ lives are “theirs” and not ours to make decisions about. However, this insight, which Tom Regan develops in his “subject of a life” criterion, is also one that applies to many non-human animals. Thus, deontological libertarians, I shall argue, face a dilemma of sorts: either (1) they must accept that their core commitment entails that at least some animals have rights, or (2) they can reject animal rights only by abandoning their core commitment. After analyzing the nature of this dilemma, I will examine some ways that libertarians might try to avoid it and argue that each attempt fails. I conclude that deontological libertarians have good reason to accept, and certainly no good reason to be openly hostile to, animal rights.

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**6. Matt Halteman (Calvin College)**

Author of *Compassionate Eating as Care of Creation*

**“We Are All Noah: Tom Regan's Olive Branch to Religious Animal Ethics”**

For over twenty-five years, Tom Regan has bucked the trend among philosophers and spoken patiently and persistently—if not uncritically—to the best angels of religious ethics in hopes of promoting therein a more reasonable and compassionate dialogue on the moral standing of animals. The work he has produced for religious and especially Christian audiences, while not his best known, is nonetheless substantial and wide-ranging. This work spans three decades; encompasses four edited volumes, numerous essays, and a short film; and addresses everything from the cosmic heights of the Christian creation and redemption narratives (which, carefully considered, are surprisingly animal-friendly even if their vegan resonances are usually ignored) to the more mundane endeavors of worship services and congregational potlucks (which, newly imagined, can expand animal consciousness even if they have traditionally entrenched indifference). My aim in this essay is to mine this unique and remarkable body of scholarship for the wealth of strategies it offers to those—theist, atheist, or otherwise—who wish to encourage audiences of faith in the pursuit of an animal ethics that is more consistent with their professed commitments to the values of love, mercy, and justice.

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**7. Ramona Ilea (Pacific University)**

Author of “The New Green: When Pigs Fly ... Off Our Plates”

**“Rights and Capabilities: Tom Regan and Martha Nussbaum on Animals”**

While many philosophers have compared and contrasted Tom Regan’s rights theory with utilitarianism, few have compared it to more recent theories like the capabilities approach. This new theory, developed by Martha Nussbaum and Amartya Sen – and extended to non-human animals by Martha Nussbaum – is gaining popularity among both philosophers and policy makers. In this paper, I will compare Regan’s rights theory to Nussbaum’s capabilities approach, showing that they have much in common. The capabilities approach, however, translates more easily into animal-friendly laws and public policies, while Regan’s personal commitment to veganism and to non-human animals enables him to extend his theory to animals in a more consistent and effective way.

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**8. Kathie Jenni (University of Redlands)**

Author of “The Power of the Visual”

**“Bearing Witness to Animal Suffering”**

Activists confront images of human violence to animals that challenge us both psychologically and morally. Sometimes images are so graphic, the treatment they capture so degrading and cruel, that they approach the pornographic. How can we responsibly approach them? Is it more respectful to witness such suffering, or to look away? I explore the notion of bearing witness to animal suffering as a manifestation of respect.

I begin by asking why it is important to bear witness to human atrocities such as the Holocaust. Some rationales are forward-looking and consequentialist: we bear witness in the spirit of “never again”: to stir moral motivation and preventive action. But there are also backward-looking, deontological, expressive reasons: to show respect for the dead, to express our solidarity and grief, to honor survivors, to affirm the moral value of both the lost and the saved.

Some might argue that differences between human and nonhuman victims of violence make the latter rationales irrelevant when animal victims are in question. The animal dead did not value being remembered; animal survivors do not share a degrading collective memory of horror and do not care if we acknowledge it. Yet obligations of memory do find a foothold here. Bearing witness to human-animal violence affirms the moral status of animal victims; it expresses respect and is part of constitutive justice.

Bearing witness, however, carries moral risks, so that it matters greatly *how* one does so. One problem is that witnesses’ “testimony” does not find its way only to compassionate audiences, but also to others who will use it in pernicious ways and some who are simply voyeurs. In this way, the witness can unwillingly become “a pornographer of pain.” Given the motive of paying respect to the animal dead, this is the last outcome a moral witness desires. In light of such dilemmas, I explore the importance of bearing witness in private and as communal activity, of *who* attends to animal suffering, and of *how* and through what media we do so.

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**9. Alastair Norcross (University of Colorado, Boulder)**

Author of “Puppies, Pigs, and People: Eating Meat and Marginal cases”

**“Subjects of a Life, Marginal Cases, and the Argument from Risk”**

Tom Regan’s criterion for inherent value is being the “experiencing subject of a life” (ESL). This involves more than just sentience, in Singer’s sense of the ability to feel, but requires some cognitive sophistication. An ESL has a welfare that has importance to it, wants and prefers things, believes and feels things, recalls and expects things, has ends of its own. All ESL’s have inherent value, and have it equally. It is highly unlikely that fetuses or newborn mammals (including humans) satisfy the requirements for being an ESL. It doesn’t follow, though, that we should treat fetuses and newborns as if they don’t have inherent value. Regan gives an argument from risk to the conclusion that we should treat these beings as if they have inherent value, even though it’s likely that they don’t have it. I critique this argument, and suggest that a combination of Regan’s subject of a life criterion and Singer’s sentience criterion might give a more satisfactory account of moral status. An ESL is such that it is wrong to kill it without serious justification, and a sentient being is such that its suffering (and flourishing) should be considered equally with the like suffering of other sentient beings. It follows from this position that (painless) infanticide is probably permissible, but that is a bullet worth biting.

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**10. Nathan Nobis (Morehouse College)**

Author of “Reasonable Humans and Animals: An Argument for Vegetarianism”

**“‘Coulda, Woulda, Shoulda’ Arguments in Animal Ethics”**

I discuss a set of common responses to arguments in defense of animals, which I call “coulda, woulda, shoulda” arguments, since they often claim that mentally unsophisticated human beings *could have, would have &/or should have* been mentally sophisticated, and so we are obligated to treat them as if they were (even though they are not), whereas animals *could not, would not, and should not* be mentally sophisticated, so they are permissible to harm. I attempt to identify what might be said in favor of such arguments. I offer some of my criticisms of these responses, and some of Professor Tom Regan’s. Concerning Professor Regan’s responses, I offer some suggestions for where I believe his responses could be strengthened.

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**11. Aaron Simmons (Grand Valley State University)**

Author of “In Defense of an Animal’s Right to Life”

**“Do All Subjects-of-a-Life Have an Equal Right to Life? The Challenge of the Comparative Value of Life”**

In *The Case for Animal Rights*, Tom Regan argues that all subjects of a life have equal inherent value and an equal right to not be caused harm. Moreover, he defends the idea that one of the ways in which subjects of a life can be harmed is by being killed. This implies that all subjects of a life have an equal right not to be killed. One of the most important challenges to this view stems from the thought that the value of life is greater for more psychologically complex beings. This has led philosophers like Mary Anne Warren to hold that some beings have a stronger right to life than others. I argue that it makes sense to think that life has greater value for some beings than others. However, I aim to reconcile this position with Regan’s view that all subjects of a life possess a strong right to life. Along the way, I point out some of Regan’s key contributions to our understanding of the mental lives and moral status of animals.

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**12. Rebecca Walker (University of North Carolina, Chapel Hill)**

Author of "Human and Animal Subjects of Research: The Moral Significance of Respect versus Welfare"

**"Rights, Utilities, Virtues and the U.S. Regulatory Structure for Animal Research"**

The U.S. regulatory structure guiding animal research and the ethos of responsible conduct of research with animals incorporates many measures to protect animal welfare, presumably for the sake of the animals themselves. However, on either a rights based or a utility based view of animal moral standing, the most consistent reading of the regulatory structure is that animals lack moral considerability. This state of affairs is contrasted with some suggested guidelines in the EU. The proposal is made that the most coherent reading of the US regulations is that researchers have non-moral obligations toward animal subjects that may be considered obligations of "humane care", "virtue" or "relationship-based" obligations. Further, it is suggested that this state of affairs is problematic precisely in a system in which obligations to human subjects are instead rights or utility based.

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**13. Scott Wilson (Wright State University)**

Author of "Respect for Utilitarianism: A Response to Regan's 'Receptacles of Value' Objection"

**"Vegetarianism in the Balance"**

One of Regan's main targets is the utilitarian position in support of animal liberation: while he agrees that their conclusion is sound, he believes both that the theory itself is flawed and that even if it were true, it would not support a liberationist position. I want to explore and partially defend the second contention here, namely, that even if true, a utilitarian position does not strongly support a liberationist view. While this has been pursued by others (Regan himself has a lengthy discussion of it in *The Case for Animal Rights*, and Nathan Nobis has a great paper on it entitled *Animals and Virtue: Does Consequentialism Demand Too Little?*) I want to explore an area of this debate that is, in my opinion, under-discussed. In particular, utilitarians like Singer almost always portray the case for vegetarianism as one that pits the serious interests of animals in avoiding pain and (possibly) continuing to live against the trivial interests of humans in eating tasty food. I believe that this is a serious misrepresentation of the kinds of interests that are at stake for humans. My suggestion will be that the interests that are stake here are significant enough to call into doubt Singer's claim that utilitarianism requires almost everyone to be a vegetarian. The rights view, on the other hand, makes these kinds of comparisons of interests largely irrelevant, and thus is able to provide better support for a strong liberationist position.

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Finally, we would like to thank the Culture and Animals Foundation and the Animals & Society Institute for providing scholarships that allowed six highly deserving recipients to attend the workshop.

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