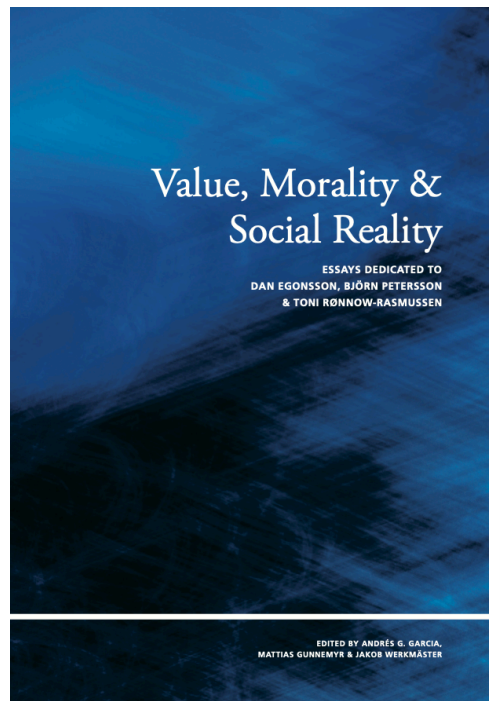


The Animal Rights Debate Reconsidered

David Alm

In: Garcia, A., Gunnemyr, M. & Werkmäster, J. (2023) *Value, Morality & Social Reality: Essays dedicated to Dan Egonsson, Björn Petersson & Toni Rønnow-Rasmussen*. Lund: Department of Philosophy, Lund University. DOI: <https://doi.org/10.37852/oblu.189>

ISBN: 978-91-89415-65-2 (print), 978-91-89415-66-9 (digital)



Published by the Department of Philosophy, Lund University.
Edited by: Andrés Garcia, Mattias Gunnemyr, and Jakob Werkmäster
Cover image by Fabian Jones. Cover layout by Gunilla Albertén.

DOI: <https://doi.org/10.37852/oblu.189.c510>



This text is licensed under a Creative Commons Attribution-NonCommercial license. This license allows reusers to distribute, remix, adapt, and build upon the material in any medium or format, so long as attribution is given to the creator. The license does not allow for commercial use.

(License: <http://creativecommons.org/licenses/by-nc/4.0/>)

Text © Andrés Garcia, Mattias Gunnemyr, and Jakob Werkmäster 2023.
Copyright of individual chapters is maintained by the chapters' authors.

The Animal Rights Debate Reconsidered

David Alm

Abstract. This paper concerns a certain kind of skepticism about moral rights (in the paper simply called "rights skepticism"), according to which the debate between different views about the nature of rights generally, or at least the debate over animal rights in particular, is misplaced and the participants are talking past one another. While I cannot show that skepticism about the animal rights debate is correct, I offer some reasons for endorsing it, in the form of significant differences between rights of the kind we can attribute to persons and rights we can attribute to animals. I then argue briefly that if skepticism about the animal rights debate is correct, we should not attribute rights to animals (where this is understood as a verbal claim). I then note that rights skepticism could lead us in the direction of rights *nihilism*, the claim that we can simply replace all talk of rights with talk of impersonal moral reasons and requirements, but go on to suggest that my defense of rights skepticism indirectly provides a response to the nihilist challenge.

One of the most contentious issues in the theory of moral rights is that of whether only persons have rights. The root of the difficulty is that the constituent concepts, (moral) *right* and *person*, are themselves contentious. Here I will be concerned only with the former, however, taking the latter notion more or less for granted. Considering rights, we find that (apparent) disputes over their nature appear so intractable that one might wonder whether they are genuine at all. Are the disputants even talking about the same thing? Conveniently, if misleadingly narrowly, let us

call a negative answer to that question 'rights skepticism'.¹ Perhaps it does not strictly speaking entail that the question of non-person rights is also merely verbal, but here I will simply grant that it does.

To illustrate how rights skepticism impacts the debate over non-person rights, let us briefly consider the two best-known views about the nature of rights, the so-called "benefit" and "choice" theories.² According to the former, the holder of a right corresponding to some duty is the *beneficiary* of the duty's being performed. Obviously a non-person could benefit from the performance of a duty no less than a person could, so there is no obstacle to a non-person's being a right holder on the benefit view.³ On the choice theory, by contrast the right holder is the one who exercises *control* over the duty, who can waive it or insist on its performance. Since such exercises clearly require mental capacities usually taken as unique to persons, the choice theory implies that only persons can have rights.

I find myself attracted to rights skepticism, at any rate when it is applied to that particular debate about rights in which the opposing camps seem the furthest apart, which is precisely the one over the rights of non-persons. However, I cannot really *show* that rights skepticism is true, even in a restricted version dealing only with the debate over non-person rights. After all, to make that case, one would have to show that the term 'right' is ambiguous, meaning that it picks out two distinct moral phenomena, rather than just one (about which different philosophers have opposing views) — and I do not know how to do that. I simply do not have a sufficiently worked-out view about how, in general, to distinguish between moral phenomena. Failing that, though, I do wish at least to offer some support for the skeptical position, in the area of non-persons rights, and I will do that precisely by identifying the *differences* between those rights we can intelligibly attribute to non-persons and those that only persons could have. That will be the first, and main task, of this paper. As an ancillary to that task, I will also address the question of how we should use the word 'right', if rights skepticism holds. Finally, I will offer some reflections

¹ For examples of such skepticism, see van Duffel (2012) and Hayward (2013). The convenient label in the text is misleading because the rights skeptic, as understood here, does not (necessarily) deny that rights exist.

² The characterizations that follow are intended to be fairly generic and simple. More in-depth treatments can be found in many books on rights theory, such as Kramer, Simmonds & Steiner (1998). Note, however, that such textbook accounts typically concern rights quite generally, whereas I am concerned here solely with moral rights. I should also note that, though I describe the two theories in the text as "views about the nature of rights," I actually formulate them as ways of identifying the holder of a given right (in line with much of the literature). This is because a theory about the nature of rights *is* largely (if certainly not exclusively) a theory about what makes someone a right holder.

³ To be sure, advocates of the benefit theory would need to say more about how to identify "the" beneficiary of a given duty: clearly it could not be just any creature who benefits, directly or indirectly, from the duty's being fulfilled. For present purposes, though, this complication matters little, for there is no apparent reason why this "specially privileged" beneficiary must be a person.

on the significance of the skeptical position. In particular, I will address the familiar question of why we should be talking about moral rights at all.

Before proceeding, it might be useful briefly to address the scope of the discussion to follow. Specifically, when I speak of "non-persons", which types of entity do I have in mind? There are mainly three kinds of entities to which moral rights are often attributed and that are not persons (at least arguably): animals, (small) children and collectives of persons. In each case, the question of whether entities of the type in question can have rights generates special difficulties. To simplify the discussion, I will accordingly restrict my attention in what follows to only one of these types of entity, namely animals. That way, we can avoid a pair of quite difficult issues: that of whether being a *potential* person matters to one's having rights, and that of whether collectives are agents (if not persons).

Turning to animals specifically, a pair of additional disclaimers are helpful. In the first place I will not be concerned with the empirical issue of what mental capacities animals possess. Indeed, and as I anticipated in the opening paragraph, I will not pause to specify in any detail what I myself take to be necessary for counting as a person. I will proceed, if only for convenience, as if animals are all non-persons (though I will add some relevant remarks later). Second, and relatedly, I am not suggesting that a proponent of animal rights must accept the benefit theory of rights, or more generally accept that any being capable of being "benefited" (or, probably not equivalently, of having "interests") is at least a possible right holder. To illustrate, likely the best-known defender of animal rights (Regan 2004) holds that all beings that are, in his term, "subjects-of-a-life" have a "right to respectful treatment," precisely in virtue of being such subjects (*ibid.*, pp. 276ff). Further, being the subject of a life would seem to go beyond merely having "interests." Indeed, it involves capacities that plainly not all animals possess, such as "having a sense of the future, including [one's] own future," (*ibid.*, p. 243).

We can now state rights skepticism, as applied specifically to the case of animal rights. While it could no doubt be understood in different ways, it will be convenient for present purposes to employ the following formulation: in one sense of the word 'right' animals have rights, and in another sense they do not, and there is no way of eliminating this ambiguity. We will never arrive at a clear, unambiguous answer to the question of whether animal rights exist. To repeat, I take it as implicit in this formulation that those philosophers who assert that animals have rights and those who deny this use the term 'right' to refer to distinct moral phenomena (at least to the extent that the term 'right' refers at all).

I also wish to add a caveat. Though the term 'right' itself is of course quite colloquial and is indeed used in a variety of contexts and senses, its strictly philosophical use is, inevitably, a good deal more technical and theory-laden. Further, the debate over who has moral rights is typically conducted in terms of that philosophical concept (unclear though it admittedly is). It could perhaps be charged, then, that the skeptic's ambiguity is an artifact of a philosophical debate, rather than something that inevitably grows out of our thoughts or language. I will make no

effort to assess this objection here, though I concede that it would eventually have to be confronted. While I would not wish to be taken as implying that current philosophical jargon is irreparably defective — nor that it is beyond reproach, for that matter — I note that we could probably in any case reframe what I say below about differences between person and non-person rights in terms of the arguably less technical notion of "being wronged" — though I will not stop to do so.

With these preliminaries, it is time to move on. The main task I have set myself in this paper, recall, is to outline the differences between (what I take to be) two distinct moral phenomena, both of which are typically called "rights," but only one of which can be correctly attributed to persons. As will soon become apparent, these (purported) differences are concerned largely, if in different ways, with the types of *reasons* we have for relating in various ways to persons and (non-person) animals. As a consequence, I should note, I am susceptible to two kinds of challenge. In the first place, critics could deny that the differences I identify are genuine. In other words, they could maintain that the reasons we have to relate to persons and animals are not different in the ways I claim they are. I cannot here deal fully with this kind of criticism, though I refer interested readers to Alm (2019), in which I characterize the rights of persons in greater detail. In the second place, someone could grant that the differences I mention do exist, but deny that they are sufficient to warrant our talking about "two distinct moral phenomena." This is the challenge I noticed earlier, and said I could not meet, because I do not know how to distinguish between what I have here called "moral phenomena." For what it is worth, though, I will at least assert that in my opinion the differences I identify below are significant enough that I would want to see rather strong arguments for not drawing the conclusion I prefer (that opponents and proponents of animal rights refer to distinct phenomena when they use the word 'right').

The second challenge just noted finds a counterpart also at the verbal level, with respect to the question of how we should use the word 'right'. In that context we may note that rights skepticism can lead us in either of two directions. On the one hand, we could rest content with the ambiguity, holding that there are two perfectly legitimate ways of talking about rights, and that in either usage the term refers to an important moral phenomenon. Those who take this line will no doubt concede that it is wise to mark the distinction linguistically in some way ('X rights' and 'Y rights'), but (they say) that is just for convenience. On the other hand, we could hold that the two phenomena picked out by the term 'right' are so different that using the same term to label them both indifferently would foster confusion rather than clarity. I stress that this second response is compatible with skepticism. It does not imply that it is a *mistake* to claim that animals have rights, and still less that such a claim amounts to an "abuse of language." It concedes to the skeptic that our actual language is not precise enough to allow us to say either of these things.

To be sure, there is no substantive difference between the two standpoints described in the preceding paragraph: they are concerned only with how best to use a certain word. Hence the choice between them is hardly of profound philosophical

significance. Yet words matter, too, and we do need to take a stand. I favor the second standpoint. It does not tell us which terms to use for the two phenomena, only that we should use different ones. However, I am also inclined to believe that we should restrict our application of the term 'right' to persons only, and therefore use some other term in speaking about animals. Indeed, perhaps it is sufficient, in that case, to speak merely of what it is right or wrong to do, in a purely impersonal sense. (We will return to this last point.) This preference is perhaps ultimately merely a matter of taste, but at any rate my preference is that, if a choice needs to be made, 'right' should be applied to the phenomenon that demands the most of the right holder.

One final caveat might be useful. My aim below is not to offer anything like complete descriptions of the two phenomena, but rather only to point at differences between them. What is more, while I offer a positive, if partial, characterization of rights properly so called — those that only a person could have — I provide only a negative characterization of rights *not* properly so called (according to me, anyway) — those that animals can also have. For present purposes, though, this blatant instance of invidious discrimination is not really much of a problem. Indeed, it does not really matter here whether the term 'right' as applied to animals refers to anything at all, whether there *is* any phenomenon there to contrast with rights properly so called. I have spoken of "two distinct phenomena," and will continue to do so, because I am inclined to believe that there *is* a genuine phenomenon picked out by talk of animal rights — perhaps something along the lines suggested by the benefit theory, or even Regan's view — though, again, I prefer not to use the word 'right' to refer to it.

I will now describe five differences of note between rights that can plausibly be attributed only to persons and rights (or "rights") that can plausibly be attributed (also) to non-persons. To repeat, I will not argue for these attributions, but will rather make do with describing the various features attributed and adding some hopefully elucidating remarks.⁴ I also do not assert that the list is exhaustive. What matters, as noted earlier, is that they are significant enough to warrant talk of "distinct phenomena."

I start with what is probably the most obvious point of difference, that the rights of persons are associated with certain *powers* that non-persons, including animals, could not have (if only because they require the use of language). Most prominently, these include the powers of *waiver*, and its opposite, *demanding performance*. We have here also the power to demand *compensation* for harm. In some cases there is also the power to transfer a right to someone else. Admittedly, these powers could be exercised on an animal's behalf by a proxy, but it is unclear at best that this fact allows us to conclude that the animals themselves have rights.

Speaking of compensation specifically one could go further and assert that we are under no moral requirement to compensate animals for wrongful harm, without

⁴ Again, see Alm (2019) for further discussion.

taking a stand on whether such harms are themselves right infringements. If so, there would seem to be a further difference. However, while I sympathize with this stronger claim I need not make it here: the position I have taken is strictly speaking compatible with there being an impersonal requirement to compensate animals for harm one has caused them, but (obviously) not a duty, corresponding to a right (properly so called).

To prevent misunderstanding, the point of adverting to the above difference between the rights of persons and those of non-persons, put in terms of “powers” and “control,” is not to endorse the choice theory of rights, which (as I noted above) is defined precisely in terms of such powers.⁵ I am not concerned here with how to identify the bearer of a given moral right, or the nature of such rights more generally. I wish merely to make the point that the ability to exercise certain powers is an essential component of the “distinct moral phenomenon” I am out to elucidate.

The second difference to which I wish to draw attention concerns reasons for *attitudes* (broadly speaking), rather than actions. First and foremost, I have in mind the reason to *resent* actions that wrong one. Again it seems clear that an animal could not have such a reason. I will not assert dogmatically that no animals are even *capable* of resentment (as opposed to mere anger) — though surely many are not. Whether a given animal has that capacity — or, perhaps more accurately, whether its observed behavior on a given occasion amounts to an exercise of that capacity — is a hard question to answer for several reasons, which I could not address here in any case. It is a further question what, if anything, is involved in being able to have *reason* to feel resentment — or any other emotion, for that matter — beyond merely having the capacity for feeling it. I will attempt no answer to that question, either. For present purposes it is enough to observe — or at least assert — that the capacity for having reasons, whether for emotions or for actions, requires mental capacities that few if any animals possess. This claim is in line with my earlier assertion that animals are not persons.⁶

We might also point to the related, if admittedly somewhat obscure, phenomenon of *forgiveness*. I do not have a firm view of the nature of forgiveness. Indeed, perhaps it is best understood as the exercise of a power, in which case it should have been addressed above, under the heading of the first difference. Or perhaps it should simply be understood in terms of emotions or other attitudes. Depending on how it is interpreted, it is perhaps possible for an animal to forgive a wrongful harm — though I would want to see the case made. In general, the “thinner” our notion of forgiveness, the more likely it is that an animal would be capable of it; but, by the same token, the less clear it is that such a capability is relevant to having rights.

⁵ However, I have at least arguably committed myself to rejecting the benefit theory (at any rate as applied to persons' rights).

⁶ In the case of emotions also, we could again appeal to proxies, noting that a person could feel a sort of vicarious resentment on an animal's behalf. As before, though, that fact (even if granted) does not obviously tell us anything about *the animal's* rights.

An additional phenomenon of some relevance here is that of *apologies*. While these are, obviously, actions rather than attitudes, it would seem that apologizing to some being makes sense only if it is capable of forgiveness. I note, though, that even if animals are not capable of forgiveness, a person could feel *guilt* over harming an animal, which might in turn manifest itself in a desire to say that one is sorry, or even to make amends somehow (cf. the remarks above about compensation). Such actions are not crazy, but they also differ in crucial ways from actions described in the same words which we perform vis à vis other persons (who clearly *are* capable of forgiveness).

A third difference is a bit more theoretical — and certainly controversial. I would maintain that duties — or at least duties corresponding to standard negative rights — are constituted by so-called *exclusionary* reasons.⁷ Though I could not offer anything like a complete defense of that large claim here, I do need to say something about why it is supposed to be true. An exclusionary reason is a (second-order) reason not to do something for some reason. I take such reasons to be essential to rights (and duties) because we need it to explain the fact that a duty bearer is *bound by* another's demand or command. This phenomenon, I hold, cannot be explained simply by appeal to the idea of weighing (first-order) reasons for and against an action. It requires that the right holder — the one doing the demanding — rules out certain considerations, in favor of not acting as the right holder has demanded he act, to which the agent would otherwise have been free to appeal. What is more, I favor an account of those exclusionary reasons that help constitute duties that in turn refers to features characteristic of persons. That account is closely linked to the idea that in respecting the rights of another agent — which is at the same time also to respect his value — we treat him as "being in charge of" certain aspects of his life, or as being decisive over certain matters, in a way that only a being capable of autonomous choice could be (where the notion of "being in charge" must be understood in terms of exclusionary reasons).

Fourth, moral rights have certain normative consequences, generally accepted among rights theorists, that do not seem to apply to non-agents; nor could my preferred explanations of these consequences be extended to non-agents — though I could not show that here. Most prominently it is questionable whether so-called "deontological constraints," unclear though they admittedly are, that theorists frequently associate with rights, apply also to non-agents. One philosopher who has made this point is F. M. Kamm.⁸ As such constraints are typically understood, they forbid killing one person in order to save the lives of several others. But, Kamm asks, is it equally a right violation to kill one dog in order to save several other dogs?

⁷ I derive this notion from the work of Joseph Raz. See especially Raz (1986, 1990).

⁸ See, e.g., (2007, p. 255).

In Kamm's view, and mine, the answer is no, and so there is a significant question about whether dogs, and other animals, have rights (of the kind that persons have).⁹

A fifth difference is doubtless the most controversial: even some philosophers who share my disinclination to speak of rights for non-persons would bristle at the suggestion that the feature I have in mind here is essential to rights. Yet it has sufficiently wide appeal to merit a mention (and I do accept it myself). I have in mind the idea that most or perhaps all of a person's rights are dependent in various ways on how he *acts*. It is reflected in the familiar idea that rights can be *forfeited* (though I prefer not to use that term myself.) As only agents can act, in the relevant sense, only agents can have forfeitable rights. I concede, however, that it could still be true that non-agents, and indeed agents also, could have non-forfeitable rights, so this fifth difference is perhaps less important than the others. There is a good deal more to say about this matter, but I will leave it aside here.

Having described the various differences holding between the rights of persons and the (purported) rights of animals, it is time to take a step back and reflect on what we have found. A first point concerns the differences just outlined. It should be immediately apparent that some of them are *practically* important, in that they seem arguably to matter to what we ought to *do* ("all things considered"), or at least to our reasons for acting. That is perhaps most obviously true about the fourth point, concerning deontological restrictions, but it is also, at least arguably if also less obviously, true of several of the others. Some other differences matter rather to how we ought to, or at least have reason to, *feel*. It should be plain, then, that they are not merely relevant to the merely verbal question of how to use the word 'right'. Nor would it be fair to say that though they matter to how we should *classify* our moral requirements, or our moral reasons for action, they do not matter to *which* requirements we have.

This last point is important because it also tells us something about the significance of rights skepticism. To see how, it is useful to contrast that doctrine with another type of skepticism in the moral domain. A notoriously intractable (apparent) disagreement in moral philosophy holds between *objectivists* and *subjectivists* about the moral 'ought'. According to the subjectivist, what a person (morally) ought to do in a given situation depends on what information he has (or, in some sense in need of definition, *should* have) in the situation. According to the objectivist, by contrast, what one ought to do is determined by the facts of the

⁹ One might consider also cases of so-called "aggregation." Some philosophers maintain that we are not required to save the larger number when persons are involved, on the grounds (as Anscombe [1967] puts it) that no one is wronged if we save the smaller number instead. This view is admittedly quite controversial, and I am not inclined to defend it, but we may at least note that it might seem to hold no appeal at all when animals are involved instead of persons. In such cases, that is, perhaps even so-called "numbers skeptics" would maintain that we ought to save the larger number (insofar as we are under any requirement to act at all). At least one leading numbers skeptic (Taurek [1977], p. 306) takes this view when it comes to valuable objects, such as works of art, but he does not specifically address the case of animals.

situation, whether or not one knows (or even could know) about them.¹⁰ A skeptic about this debate holds that it cannot be resolved and that the disputants are talking past one another.

For concreteness, imagine the following situation. Bob's leg is infected and will have to be amputated unless he is quickly given a powerful antibiotic. Betty has a bottle labeled "Powerful Antibiotic". However, she is unaware, and could not be expected to know, that the bottle has been tampered with and in fact contains a deadly poison. Ought she to administer the contents of the bottle to Bob? The objectivist says "no", while the subjectivist says "yes." The skeptic's diagnosis of the case is that in one sense of 'ought', the objectivist is right and in another sense of 'ought', the subjectivist is right — and that is all there is to say about the matter. That line is maddeningly unsatisfactory (which, unfortunately, does not show it mistaken). Whatever our views about the (apparent) dispute between objectivists and subjectivists, we are likely to respond in frustration with something like: "Well, but what *ought* Betty to do then (really)?" By the same token, we are unlikely to rest content with the suggestion that there is *nothing* she ought to do "really" (because the notion of what she "really" ought to do is vacuous or nonsensical).

Now again consider rights skepticism. Speaking of some particular animal, let us say, the rights skeptic proclaims that in one sense of 'right', the animal has rights, and in another sense of the word it does not, and that is all there is to say about the matter. The striking contrast is that *this* type of response, in the case of animal rights, is not as maddening as the parallel response in the case of Bob and Betty just described. What explains the difference? It is tempting to say here that a disagreement about what a person ("really") ought to do is "immediately practical" in a sense that a disagreement about whether some person, or animal, has a right is not. It is admittedly not easy to identify exactly what this notion of being "immediately practical" amounts to, and this is in any case not the place for an inquiry into that matter. For present purposes it might be enough to note instead that the claim that x has a right to some treatment could intelligibly be met with the question "OK, but what ought I to do (as far as x is concerned)?", whereas one obviously could not intelligibly respond in that way to the claim that one ("really") ought to ϕ . We can set aside the question of whether there is *anything* further to say once you have come to accept that you ("really") ought to ϕ , of whether there is anything for it but simply to ϕ . (In doing so, we are presumably also setting aside the question of whether the claim in question is "immediately practical.")

Explaining the contrast between the two cases in that way, however, raises a different issue that is harder to set aside. After all, if we express the difference between the two moral phenomena in the ways I have suggested, or something similar, why not simply make do with talking about what we *ought* ("really") to do (and perhaps feel)? Why bother with rights at all? This question raises the specter of what we could call *rights nihilism*, the view that there are no rights at all, or that

¹⁰ The distinction goes back at least to Moore (1912).

talk of "moral rights" fails to refer. This position is plainly more radical than rights skepticism, and every rights theorist would sooner or later have to address it. It is worth asking, then, whether the above discussion of animal rights can help us respond to rights nihilism.

The obvious difficulty in answering that question is that it is not clear what would constitute a satisfactory response in the first place. The nihilist wishes to reduce, and indeed ultimately reduce *away*, rights to non-relational moral phenomena, concerned simply with the agent's reasons for action and for taking various attitudes. For such a reduction to be successful, the notion of a reason must not itself be relational. In other words, a reason for not harming another person (or whatever is at stake) must not be a reason "to" that other person. It is, however, not easy to say what it would mean for a reason to be relational, and hence whether a given attempt at reduction of the relational to the non-relational is successful.¹¹

Though I will not here address the difficult question of "relational reasons," and am indeed not even able to provide necessary and sufficient conditions for a right's being "reduction proof," as it were, I do believe that I have identified above at least one feature of rights ("properly so called") that cannot plausibly be reduced to non-relational reason facts. I have in mind the significance of the right holder's control over the duty bearer's duty — the type of control I have said only a person could have.¹² The key point here, I hold, is that the right holder's demand or insistence on performance is not itself a (first-order) reason for action, but rather provides an exclusionary reason, as I have described. Hence, the relevant relational fact — that the right holder demands compliance of the duty bearer (or, alternatively, fails to waive his right) — is not the ground of a reason for action (in the way that, say, the relational fact that an action would harm another could serve as such a ground), but rather serves to make some other fact (itself most likely relational) decisive for what the duty bearer ought to do.

I concede that a demand could at least easily be made to *look* like a reason for action (if perhaps a peculiar one). After all, it would make perfect sense for an agent to *explain* or *motivate* his action by pointing precisely to the demand. (On being asked "Why didn't you take Bob's bicycle when you had the chance?" the response "Because he told me not to" would be no less intelligible than, say, "Because it would have broken his heart.") The demand, then, looks like something that could *rationalize* an action, and that is of course just what reasons are supposed to do. Here I cannot give this challenge the attention it probably deserves. That said, in response I would stress that the demand is not a consideration counting against the action to a certain extent, or with a certain weight, to be weighed against (or with) other considerations. Which would that weight be? Rather, either the right holder's say-so is decisive or it is not (he is "in charge" or he is not). If he is, then his demand

¹¹ Cf. Thompson (2004).

¹² I address this issue at greater length in Alm (2019, pp. 91ff).

settles the matter; if he is not, it makes no difference at all (though it might still be wrong not to do as he demands).

A final point, worth making fully explicit, is that the type of argument just made — whatever its merits — is not applicable to non-person rights (even if we grant that such exist). It presupposes that the holder of the purported right has the ability to control the duty bearer's duty in a way that only a person could. Does that mean that adherents of animal rights are unable to explain why it makes sense to attribute rights to animals, or indeed to speak of "rights" at all? No, it does not — though I have recommended against talking in that way. For all I know, however, it *does* mean that they would have to concede that such talk is simply reducible to talk of impersonal, non-relational requirements.¹³

References

- Alm, David (2019) *Moral Rights and Their Grounds*. New York: Routledge.
- Anscombe, G. E. M. (1967) "Who Is Wronged?" *Oxford Review* 5: 16–17.
- Hayward, Tim (2013) "On Prepositional Duties" *Ethics* 123: 264–91.
- Kamm, F. M. (2007) *Intricate Ethics*. Oxford: Oxford University Press.
- Kramer, M, N. Simmonds & H. Steiner (1998) *A Debate over Rights*. Oxford: Oxford University Press.
- Moore, G. E. (1912) *Ethics*. Oxford: Oxford University Press.
- Raz, Joseph (1986) *The Morality of Freedom*. Oxford: Oxford University Press.
- Raz, Joseph (1990) *Practical Reason and Norms*. Second Edition. Oxford: Oxford University Press.
- Regan, Tom (2004) *The Case for Animal Rights*. Berkeley: University of California Press.
- Taurek, John (1977) "Should the Numbers Count?" *Philosophy & Public Affairs* 6: 293–316.
- Thompson, Michael (2004) "What Is It to Wrong Someone? A Puzzle about Justice" in R. J. Wallace, P. Pettit, S. Scheffler and M. Smith (Eds.), *Reasons and Value: Themes from the Moral Philosophy of Joseph Raz*. Oxford: Oxford University Press.
- Van Duffel, Siegfried (2012) "The Nature of Rights Debate Rests on a Mistake" *Pacific Philosophical Quarterly* 93: 104–23.

¹³ This paper is a significantly expanded, and I believe also improved, version of a section of Alm (2019, pp. 84–87).