

**Gary Francione debating Jan Narveson on Radio Netherlands' *The State We're In*
(March 27, 2009)**

Transcribed by David Stasiak

Jonathan Groubert: You're listening to *The State We're In*, I'm Jonathan Groubert. Last month we asked the question: do we have a right to a pet? Philosopher Gary Francione was on that show and his answer was unequivocal.

Gary Francione: (audio clip from previous interview) *We cannot justify domestication. We simply cannot do it. Whether we're domesticating those animals to be eaten or whether we're domesticating those animals to serve us as pets, we can't justify it.*

Jonathan: Gary's point of view inspired a lot of listeners to respond and it also inspired a fair amount of debate among ourselves on the show. Do animals, in fact, have rights? What does it mean for animals to have rights? So we asked Gary to come back on the show and we matched him with another philosopher, Jan Narveson. We begin with Jan explaining why he *doesn't* believe that we have any moral obligation to animals.

Jan Narveson: What morality is, is a sort of uniform set of rules to be imposed by everybody on everybody. These amount to something like a social contract in the sense that we've got all these people that we're relating to. Animals, on the other hand, are not part of this because they can't communicate with us. They do not have – they're not moral agents in the sense in which we are. And the question is: what is there about animals which makes us, who are moral agents, compelled to recognise rights on their part? And the trouble is that the answer to this seems to be virtually nothing.

Jonathan: Jan I don't completely understand. Are you saying that humans have morality and animals don't, and that's it in a nutshell?

Jan: In a sense. The nutshell is this: we're talking about moral agency, not morality.

Gary: But Jan, don't we recognise though that humans that don't have moral agency are still members of the moral community? And so it's not clear to me – and I think that that's a generally accepted view. That is, I think that –

Jan: Now this is what I call the argument for marginal cases. Now hardly anybody is like that. Children of course are. And children don't have full rights. They grow up and they become people with full rights and they're very important to us obviously for that kind of reason.

Gary: Jan, let me ask you a question. Do you accept that it's morally wrong to inflict unnecessary suffering or death on sentient non-humans? Do you think that there's just no moral prohibition on that activity?

Jan: That's right.

Gary: Okay.

That is to say – I mean, I’m certainly a nice guy myself, and most of us are rather sympathetic, and that sort of behaviour is recognised as being not very nice. But the claim that we’re doing something seriously morally wrong under that category I think is not the case.

Gary: So, so –

Jonathan: Can I just interrupt here? Let me bring it to you Jan. If you believe that animals belong in a separate moral category from humans, let’s put it that way, what is to stop us then from being very cruel to them?

Jan: Well, what’s the point in the first place? And in the second place, I agree with the general psychological perception that a habit of being cruel to animals could very well lead to a similar habit in regard to humans, and that’s serious.

Gary: But there are a lot of –

Jan: By the way there’s another general point to make here, and that is we’re talking indiscriminately about animals but in fact all the animals that you and I relate to virtually (unless we’re hunters) are actually tame animals. They’re somebody’s property and we do not have the right to inflict damage on other peoples’ property. Pets nor domestic farm animals, et cetera. They all belong to somebody, they’re not ours, we can’t do whatever we want with them.

Jonathan: But Gary you don’t –

Jan: - they don’t have intrinsic rights, it’s only because their owners do.

Jonathan: Gary, you don’t believe that animals are property.

Gary: Of course they’re property, I mean as an empirical matter they’re property. I don’t think they ought to be. And when I use the expression animal rights, I mean one right: the right not to be treated as property. But once we recognise that animals have the right not to be treated as property, once we recognise that their interests in not being treated as commodities and in having their interests valued at zero depending on what our whim is or what our desire is, we have to abolish our institutionalized exploitation of animals.

Jan: Notice that Gary doesn’t count the sentiment in favour of animals as a whim. I can easily imagine many people in many cultures regarding it as precisely that. Who are these crazy people who like animals?

Gary: Jan look, I think you are misunderstanding my position if you think that I think we should use the law to impose on people this view. I think that would be crazy, it would never work. I think we need to think differently about the way we deal with animals and I believe the revolution has to be one of the heart and it has to be an ethical revolution. But if I’m torturing an animal, if I like torturing animals but I’m otherwise a nice guy – I mean your argument is: my torturing animals is only a problem if it’s going to lead me to be a nasty person otherwise. But as long as I’m not a nasty person otherwise, and there are plenty of people in this world who do all sorts of horrible things to animals but yet most people don’t regard them as horrible people. So on your view, there’s simply no – the moral obligation is

non-existent, there is nothing wrong, as long as people are nice people otherwise to other humans, if they torture animals and they get a charge out of doing that, if they like dog fighting, they like cock fighting, they like all sorts of things like that, then that's just fine, that's fine for them to do. That's your position, is it not?

Jan: Well when you say 'fine', you're talking in a different kind of language –

Gary: Is it morally acceptable? Is it morally acceptable for people to engage in dog fighting?

Jan: Well, in my view, there are sort of two major general parts of morality. One part is the strict part having to do with rights which is what I took you to be talking about originally, though I'm not so sure anymore. And the other part has to do with how we ought to live and what kind of people we ought to be and so forth. And on that front, I mean I think torturing animals is pointless and weird, but the claim that it is morally wrong in anything like the first sense is I think not true.

Jonathan: What do you mean weird? –

Jan: It's such a marginal topic. I mean why are we even talking about that because overwhelmingly the main use of animals from our point of view is first for food and secondly for medical research.

Gary: Well I would suggest though Jan that our use of animals for the production of food involves torture –

Jan: I want to claim that the torture is justified, you want to claim it's not.

Gary: Well let me ask you a question? Let me ask you this –

Jan: I think there's a very strong –

Gary: Well that's my, that's my question, the flipside of the question about dog fighting is we have no justification for eating non-human animals. It's not necessary for us to eat them for health purposes –

Jan: On the contrary –

Gary: Animal-based agriculture is an environmental disaster. So the question becomes: how do we justify killing fifty three billion animals worldwide for food every year, not counting aquatic animals. How do we justify that if we take at all seriously the notion that we ought not to inflict unnecessary pain, suffering and death on animals? I mean what possible justification could we have and how is that any different from dog fighting? Some people like to sit around and watch dogs fight and some people like to sit around a barbeque pit roasting animals that have been tortured every bit as much as the dogs used in dog fighting.

Jonathan: Jan?

Jan: You're arguing from a marginal, weird case, the guy who tortures animals for its own sake, to the conclusion that people who eat hamburgers like me are malevolent torturers. I just don't accept this. Gary runs together two very different issues about this 'unnecessary'

business. We don't need to have justified treating animals by claiming that they are in some serious sense 'necessary' like we would die if we didn't eat animals or something, that's not necessary at all. The fact is that if you liked meat, then you're justified in eating meat and killing animals for the sake of doing so.

Gary: I think that there's a lot of confusion. I think that a lot of people believe – and I know, I mean I spend a lot of time going around and lecturing to various groups and talking to various groups, and it's clear to me that even though it's 2009, a lot of people really believe that they need to eat animal products to lead an optimally healthy life. That is empirically not true but a lot of people still believe it. And I think that has a role to play in it. But I also think we live in a society in which the casual infliction of death on animals is so widely accepted as sort of a default position; in a sense it hasn't sort of really hit the radar screen yet of a lot of people but there is clearly a change occurring. It's happening here in North America, it's happening in Europe. The thinking about this issue is clearly in transition.

Jonathan: Gary, what would it take for Jan to convince you that you are wrong?

Gary: Well, you know (laughs). You're an interesting host Jonathan, you always ask good questions. I don't think he could. Jan's theory, I'm familiar with Jan's general political philosophy and his libertarianism and his notion of contractualism as a basis for morality. I reject that. I do not believe that that's a good argument, I think that this notion that human beings make a contract or there's anything like a social contract, I think that's completely fiction. I think these are devices which philosophers use and don't have any – I mean there's no social contract, I didn't make a contract, you didn't make a contract, there ain't no social contract.

Jan: Gary obviously has –

Gary: No, no, I have Jan, I have –

Jan: – or any of the responsible proponents of contractarianism –

Gary: Okay. But the notion that the members of the moral community are those that are capable of making contracts or who are moral agents is just a notion that – it's a fundamental premise I don't accept and I don't think can be justified and I don't think is reflected in the conventional moral thinking of most people. So I don't think he could convince me. What I find curious about some of the comments he's made is when he says – and Jan correctly me please if I'm misstating this, but you said that you think torturing animals is morally permissible but you think it's weird. So if I leave my house today and I'm on my way to the university and I encounter somebody who is about to blowtorch a dog because he enjoys torturing dogs. I can say to him, what?: This is weird what you're doing, it's morally permissible, it's quite alright for you to do it, but morally – morally – morally there is no 'ought' there, there is no coherent ought statement, I can't really tell you that you ought not to do it, all I can tell you is it's weird. Jan, I don't understand what that means.

Jan: You can tell anybody that he ought or ought not to do anything, people do it all the time
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Gary: I understand, but –

Jan: The question is what kind of fundamental reason do we have for doing this? Now, in the case of torturing animals, other people look by and they're shocked, they don't like to see this kind of thing being done –

Jonathan: Well Jan, well Jan, but hold on, wait Jan, is it unpleasant to you? If you walked down the street and you saw a man putting a blowtorch to a dog, what would you do?

Jan: I would ask him what on Earth he was doing. What's the point?

Jonathan: Would you stop him?

Jan: Uh, probably not.

Jonathan: Would you call the police?

Gary: Why would you call the police Jan? On what grounds would you call the police? Because weird behaviour is not against the law.

Jan: It's probably somebody's dog –

Gary: Ah no, what if it's a stray dog? What if it's a stray dog Jan?

Jan: What if it's a stray dog? Uh, you know, I mean I probably wouldn't stop him. This is... what strikes – what really impresses me about this is how you take these very very outré cases as being typical. Notice that bringing up animals for food is nothing like this. I mean Gary's claim that they're being tortured is a wild exaggeration –

Gary: Ah Jan can I ask you a question? May I ask you a question? –

Jan: I was brought up on a farm, we had cows when I was a kid, and I can assure you that they were not in any normal sense of the word, 'tortured' in any way, shape or form.

Gary: Were they castrated without anaesthesia? Were they dehorned?

Jan: The ones we had were not. We had one – sorry, one of them was dehorned –

Gary: And were they, and Jan –

Jan: – the claim that dehorning a cow is torturing it –

Gary: Jan, I tell you, I'm astonished at this because I have been – I don't know how many slaughterhouses you've been in, I've been in lots of them. I've been on lots of cattle farms, sheep farms, pig farms, I've been in egg batteries and I have been in cow slaughterhouses, pig slaughterhouses, chicken slaughterhouses. And I don't know what your definition of torture is Jan but I can tell you that I wouldn't want to spend any time in any of those circumstances.

Jan: You wouldn't, no, but did the animals, were they arriving in –

Gary: Jan, in many cases –

Jan: Generally speaking they execute animals –

Gary: Well that's actually not true Jan. For example, we have, supposedly we have laws, or at least laws in many countries, which require that large farm animals be stunned before they're shackled, hoisted and cut. I have been in plenty of slaughterhouses; in order to for example stun a pig for an adequate amount of time you've got to keep those electrodes on the pig's head for a certain amount of time and most of the time they don't do it. They just give them a quick shot, they fall over, the chain goes around the back leg, they get hoisted up, many of them – I have been in slaughterhouses where I would say that thirty to forty percent of those animals are conscious when they're being cut into and that's a conservative estimate. So I don't know, I find, I don't know what your familiarity is with a food production. But I can tell you that the things that I have seen give me nightmares.

Jan: Well there we are you see, they don't give me nightmares, and I'm sure they don't give the people who work in the slaughterhouses nightmares.

Gary: Jan, slaughterhouses –

Jan: Is this not in some fairly serious sense a matter of taste?

Gary: Jan, what would it take for Gary to convince you that he's right?

Jan: Well he has several different arguments but the most fundamental one, as far as I can see, is the claim that some sentient beings suffers as a result of something that we do is a sufficient reason why we shouldn't do it.

Gary: Um actually –

Jan: Or at least it's a very strong reason why we shouldn't do it. One that would not be counterbalanced by the fact that it was otherwise very much that it was very much in our interests to do it. I mean the standard example is eating animals. Well, the question is: is our interest in the taste of animals, flesh especially, such as to justify doing the things we do to them to get them into the frying pan? My answer is yes. Now, why is it yes? Because I don't think that animals count in the sense in which humans do. Animals are perfectly reasonable and are perfectly justified to quote enslave unquote and in Gary's sense quote torture unquote animals for these purposes.

Jonathan: Okay I have one last question for the both of you and it is this: Gary, could you ever see yourself becoming a meat eater?; Jan, could you ever see yourself becoming a vegetarian?

Gary: No I really can't. I've been doing now Jonathan for almost thirty years and I'm very familiar with how humans treat animals and it's horrifying. And I would never eat them. What is troubling to me is the notion that our taste – the pleasure that we get from eating something, someone, from inflicting pain, suffering and death, whether it's direct pleasure or indirect pleasure. I mean the bottom line is – this is what morality is about isn't it Jonathan? There are things that we wish to do, there are things that may make us happy, that are wrong.

Jonathan: Jan, could you ever become a vegan?

Jan: Sure. Why not? All I have to do is be persuaded that I'm wrong about the subject of animal rights. I might mention that I'm one of the very few philosophers that I know who has changed his mind in a major way about some fundamental point of moral philosophy. Who knows, maybe it could happen again.

Jonathan: Gary Francione teaches law and philosophy at Rutgers University in the US, and Jan Narveson is a professor of philosophy at the University of Waterloo in Canada.

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