

## Revisiting Animal "Rights"

Tibor R. Machan

### ***Introduction***

In the concern about how human beings treat animals, whether as pets, as prospective nourishment, or for medical research or experimentation, one school, led by Professor Tom Regan, has proposed the idea that animals have rights like human beings do,<sup>1</sup> while another school, under the leadership of Professor Peter Singer, has proposed that the well being of animals should be considered in a utilitarian assessment of how they ought to be treated.<sup>2</sup> I aim to argue here that the concept of "rights" has not been shown to apply to animals in anything like the way it applies to human beings. Looking at the conceptual foundation of basic rights, especially *a la* John Locke, rights are founded on the moral nature of human beings, specifically on their moral agency. They identify, as the late Robert Nozick put it, our *moral space*. Given that animals have not been shown to possess moral agency, the basis of ascribing to them rights of the sort human beings possess is lacking. As to the utilitarian case associated with Peter Singer, I will only mention, briefly, that Singer's ultimate foundation for ethics does not support any kind of normative stance toward animals, given that he is fundamentally a non-cognitivist or conven-

tionalist.<sup>3</sup> I shall develop these ideas and consider some objections to my position.

### ***Outlining the Case Against Animal Rights***

Since 1985 I have addressed the question of whether animals have rights in the sense that human beings are said to have them, first in my papers "Some Doubts About Animal Rights,"<sup>4</sup> and "Do Animals Have Rights?"<sup>5</sup> and later in my book *Putting Humans First, Why We Are Nature's Favorite*.<sup>6</sup> Since then I added yet another paper to my examination of the topic, namely, "Rights, Liberation and Interests: Is there a Sound Case for Animal Rights or Liberation."<sup>7</sup>

In the presentation today I plan to offer an outline of my objections to animal rights and consider some questions that arise in connection with these objections and have been raised both directly in criticism of my work and indirectly by supporters of the animal rights/liberation position. In particular, I wish to make clear that the reason I object to animal rights is that I hold that arguments for such rights commit what has been dubbed by some "the fallacy of the stolen concept."<sup>8</sup> This fallacy is well exhibited by defenders of intelligent design when they make confident use of the concept "intelligence" but deny, in the same breath, that intelligence arises from a living human brain, in particular the frontal cortex. Affirming that intelligence ex-

isted at one time while such a human brain did not is to commit the fallacy because the concept of intelligence requires the concept of the human brain as its foundation in reality.

In the same way, the concept of rights—as in the right to life, liberty, the pursuit of happiness, and private property—presupposes something that such rights theorists as William of Ockham and John Locke affirmed, namely, human moral agency. In more recent times the natural rights advocates Ayn Rand and Robert Nozick both rested their conviction that human beings have basic rights on the fundamental idea that human beings are by their nature moral agents. As Nozick argued, rights secure the moral space that human beings require in their communities, the breach or trespass of which space undermines their dignity or capacity for morally significant action. This kind of action requires choice—or, as Kant had it, “ought” implies “can,” meaning, the responsibility to do the right thing and avoid doing the wrong assumes that the agent can choose between the one and the other; either way of acting is open to the agent, all things being equal.

Given that non-human animals aren’t moral agents—not in the general and fundamental sense, certainly, that we take human beings to be—there is no conceptual basis for ascribing to them the kind of rights that human beings are said to possess. Some higher primates do exhibit sensibilities that some take to be characteristic of moral

agents but they do not involve moral responsibilities, guilt or pride. So, then, to attempt to ascribe such rights to non-human animals is akin to attempting to build a third story in a building that has not got a basement and first story. It produces a mythical but not an actual right.

This is the gist of my skeptical argument about so called animal rights. Notice here that the point of my argument isn't so much to establish that animal rights do not exist—which would require proving a negative—but rather that the existence of such rights hasn't been established. To put it somewhat differently, the burden of showing that animals have those rights human beings possess hasn't been met.

If, however, it were to be argued that animal rights aren't the sort that human beings are said to have, then we have something like the case of God's existence that denies that God is omniscient, omnipotent and omni-benevolent—it is not about the God that is of interest in philosophy and theology. Rights not founded on the moral agency of the rights holder are not the sort of rights that command respect and require protection in a just legal order; they aren't the rights of interest in political and legal theory.

## ***Some Criticisms of the Refutation***

### The Marginal Case Argument

There have been several efforts to discredit my argument and I wish now to turn to some of them. One maintains that the claim that human beings are moral agents is wrong since there are human beings, such as infants and some invalids, as well as all of us while asleep—who lack the capacity for moral agency, yet they are generally deemed to possess the basic rights ascribed to human beings. As Nathan Nobis and David Graham put the point:

...true, we might agree that *only* humans have this capacity for discerning right and wrong, but only *some* humans, not *all*: it's not the case that all humans who, intuitively, should not be treated as animals are treated have this "moral nature" that Machan describes: they don't make moral decisions and so are not moral agents. Thus, Machan's theory of rights seems to provide no protection for vulnerable humans—human babies, severely mentally challenged individuals, and others (regrettably these humans are often called "marginal cases" or "marginal humans")—who are not moral agents and so lack the moral nature he describes. So, if such humans have rights, this shows that Machan's argument against animal rights is unsound because he has a mistaken view of what is necessary for having any moral rights.<sup>9</sup>

There are several problems in this passage. First, I do not speak about moral rights anywhere in my argument against animal rights. I am talking about natural rights in the tradition of John Locke. It is these sort of rights that serve as the foundation for laws that secure for human beings their moral space. Graham and Nobis make a lot of my failure to discuss moral rights yet do not say why such a discussion is relevant. After all, moral rights are no what is at issue in the animal rights debate. What is at issue is the kind of rights that warrant legal protection.

Another problem with this response is that it demands an account of a definition of the concept "human being" that is impossible to attain and because of this it cannot support any account of the kind of rights animal rights advocates are interested in ascribing to non-human animals. To complain that moral agency is lacking while someone is in a coma or asleep is to misunderstand the point of a definition, a statement of the nature of something. Such a statement is not a necessary truth but a truth for "the most part." Human beings are moral agents when they are intact, awake, healthy, and so forth, not, however, while asleep or seriously brain damaged or in a vegetative state. However, the definition of "human being" applies to them nonetheless since it captures what best distinguishes them from other animals.

It is unclear what kind of rights my critics want to ascribe to animals if they are dissatisfied with the rights associated with the natural rights tradition or rights talk. Yes, a conventionalist approach to rights may provide some very weak support for human and animal rights but not the kind that either human or animal rights advocates need in order to back up their demands for treating human beings or animals with the kind of respect that human beings receive in light of their possession of natural rights. In another words, if the rights involved are conventional—which is to say, they are not derived from something firm such as human nature but decided upon in some community—they then may be over-ridden by some alternative preferences of the majority in a human community that could abolish rights altogether.

The point of claiming that animals have rights, exactly as it is of claiming that human beings do in the Lockean tradition, is to convince those who make laws, perhaps the majority, perhaps its representatives, that animals really ought to be treated in certain ways, namely, left alone, free to do as they will. It is not sufficient for this to establish that some group, say the majority, could decide, willy-nilly, to claim rights for animals. Some group might not, just as easily, and if there can be no convincing objection to this, nothing of significance has been achieved by ascribing rights to non-human animals. This also holds

for ascribing merely conventional rights to human beings—it carries to philosophical or moral weight at all.

### The Moral Agency Argument

Another objection to my defense of skepticism about animal rights is that in our Darwinian era, in which the theory of evolution has become scientifically validated, there is no justification for regarding human beings as unique in being moral agents. As John Gray states,

The idea that morality is uniquely human has many variations, but all of them rest on the assumption that humans are in some fundamental way exempt from the evolutionary laws that govern other animals.<sup>10</sup>

Gray goes on to state that

Darwinian theories have no place for teleological explanations—that is to say, explanations that rely on ascribing purposes to evolutionary processes.<sup>11</sup>

Let us take a closer look at this objection. First of all, there are variations among Darwinians. Some of them argue that it is possible to find purposive or goal-directed behavior among living things, especially when we come to humans who have evolved so as to be able to set their own goals, purposes or ends.<sup>12</sup> Some believe that all of human behavior consists of random events, without any purpose or end

in sight for any of it and certainly with no free will anywhere to be found.

The most curious invocation of Darwin's views is found among environmentalists who tend to both accept it and then apply it in quite inconsistent ways. For example, many environmentalists insist that there is what we can identify as a *healthy* ecosystem. Supporters of endangered species legislation insist that there is an optimal balance in nature which is supposed to include a great variety of living species. And they believe in ethics, as well, urging us all to abide by certain standards of right conduct so that the environment is well cared for. Urging us to act this way certainly suggests that human beings have a moral nature.

Darwinian teleological explanations do not ascribe a goal to evolution—except in the sense that what results from natural selection needs to be successful, namely, survive. But there is no reason to deny the validity of teleological explanations to some aspects of life. Indeed, most biologists invoke just such explanations when they talk about the beak of a particular bird or the color of the fur of a certain type of rabbit and how these serve to promote the welfare of the animals in question. Similarly, there is nothing anti-Darwinian about the claim that certain ways of choosing to act—e.g., those in conformity with the virtues—enhance the life of a human being.<sup>13</sup>

Contrary to Gray's claim, if human beings are moral agents it doesn't follow that they are "exempt from the evolutionary laws that govern other animals." The process of natural selection, Darwin's most important discovery, does not imply that a species that emerges in nature *cannot* possess moral agency. The contrary is far more compatible with Darwin's theory.

The highly diverse natural living world can accommodate a kind of animal that has the capacity for moral responsibility and choice. After all, among all the living things on earth, among all the different species, there are enormous differences. A sea horse, for example, is very different from a puma. Yet both are subject to Darwinian evolutionary laws. Why then would it not be possible for human beings to have emerged from a process governed by those same general laws with attributes and capacities that are very different from those other animals possess? Their capacity for making original choices, for free will and moral responsibility, could be as much a part of the natural order as the male sea horse's capacity to carry the young (unlike other animals, where it is the female that does this).

Moreover, environmentalists routinely talk of the health of the ecosystem, which is one reason they are concerned about, say, anthropogenic global warming. Health is a concept that pertains to an organism's doing well at proceeding toward the goals of surviving and

flourishing. It assumes that there exists such a goal, one that can be enhanced or thwarted as the organism carries out its life processes. If the goal is enhanced, it is a healthy specimen, if it is thwarted than it is unhealthy (either from some internal malaise or from external impediments).

The very idea of health contradicts the idea of mere random, mechanical development. If all development had to be purposeless, then none would be an enhancement or a thwarting of the life of something. It would be akin to how we see the movements of celestial entities—they just move, none of their movement is better or worse in and of itself. It makes no sense to construe the behavior of Mars or the sun as good or bad, healthy or sick. All of that is misapplied when it comes to behavior that has no goal, no end in sight.

So, now, if one accepts that Darwin rules out both purposive talk and endorses thoroughgoing determinism, applicable to all living things including humans, then talk about a healthy or sick ecosystem is completely out of order, as would of course be chiding human beings for failing to promote it. There can then be no sensible discussion without morality of how human beings *should* act as far as the environment or animals are concerned—they will do what they are determined to do and they have no choice in the matter, nor is there some standard by which how they act can be evaluated since nothing is ei-

ther good or bad for the ecology or the environment. It all just happens, period.

So in terms of some of the most elementary features of environmentalist language certain moral concepts are quite explicit—we are all being urged to conduct ourselves responsibly toward the wilds, for example. And this sort of admonition is not addressed to non-human animals, suggesting very strongly that environmentalists accept the moral nature of human beings.

So, a version of Darwinism clearly does not negate the moral nature of human beings. Although people are animals, they also differ from other animals—as indeed, other species of animals differ from one another—in that they are moral agents. And this is quite compatible with Darwinian biology.

### ***Reply to Another Critic***

In the title of his comment on my recent paper “Why Human Beings May Use Animals,”<sup>14</sup> Professor John Hadley refers to non-human animals as “others,” as if they were akin to, say, one’s neighbors.<sup>15</sup> (He also loads his title with the notion that *using* such others would be some kind of “abuse.”) So, then, even before reading his comment, one is already lured into sharing his conclusion, never mind that the argument is yet to come and may turn out to be unsuccessful.

But, of course, this is something many of us do—the title of my own original paper assumes that we may use non-human animals and proposes to justify this. Still, I shall henceforth resist such ploys whenever I am tempted to use them. Let me then get to why I do think Hadley’s case is unsound.

The form of his argument is of the *reductio ad absurdum* variety. He purports to accurately recast my own argument in such a way that (a) it is compatible with what I believe and say and (b) results in an “unpalatable conclusion.” What is that? That cognitively impaired human beings maybe used by the non-impaired ones.

This not only conjures up the Nazis but Hadley explicitly states that “It was the Nazis who used cognitively impaired human animals as resources for the sorts of tasks that Machan claims are necessary for beings considered more important to ‘succeed in life’ or ‘flourish’ as in medical research.”<sup>16</sup> The approach to arguing one’s position that charges one’s opponent with sharing the views and policies of the Nazis is a pretty low blow but, again, not all that unusual. Let us now see how he justifies this rather drastic charge, namely, that my views are equivalent to those of the Nazis.

Hadley states that in my paper I am making only a generalization when I define human beings as animals capable of moral agency. This is because there are cases of what we would all regard as human

beings who are “incapable of moral reasoning.” He puts it this way: “After all, if the value of an individual is commensurate with their [*sic*] capacity to engage in moral reasoning, then it is reasonable to suggest that human animals wholly incapable of moral reasoning will have value at least equal to, or even below, some nonhuman animals such as greater apes.”

Let me first note that Hadley changes my own wording quite significantly. He speaks of the “capacity of engage in moral reasoning,” whereas I speak of moral agency. He never justifies his rewording. Perhaps he has in mind the same thing, but those were not my terms. Quite a few human beings who are moral agents aren’t capable of engaging in moral reasoning at some point, say when asleep. And such reasoning, in any case, is something moral philosophers do, not ordinary folks who, for example, when they act negligently—say by driving recklessly—aren’t reasoning much,<sup>17</sup> yet their moral agency is in no dispute. Is one necessarily capable of moral reasoning when one is blamed for this? I am not sure but it doesn’t sound right—moral reasoning is more of an intellectual activity—it requires deliberation—whereas moral agency requires only that one is capable of intentional action or conduct, judgments that issue in behavior. Such judgments may well amount to no more than unexamined beliefs, ones someone has picked up without any “moral reasoning.”

But perhaps this is indeed minor for even such minimally intellectual performance could rest on the capacity to reason morally. The risk of such recasting of someone's way of stating his or her argument is considerable, however. My own moral theory, for instance, makes reasoning itself a moral act, so those who do in fact reason correctly, carefully, are *ipso facto* morally praiseworthy. This is in the tradition of Aristotelian "right reason" ethics. I do not hold that there is some special intellectual activity called "moral reasoning."

In any case, is Hadley correct to hold that because I define human beings as "rational animals," that is, "animals with the capacity to think abstractly," and ascribe to them moral agency—being responsible to act rightly and open to praise or blame depending upon whether they do so—I am committed to the view that I consider "rights inappropriate for cognitively impaired human beings"? No.

When one defines a class of beings, one focuses on what they are normally, and in the case of living things, what they are at their state of maturity. So infants and those who are impaired will not (yet) fit the correct definition of the concept "human being" fully but it is clearly understood—in biology, botany, and other life sciences—that a certain definition is the most apt way to classify them.

A pheasant, to take another case, may be defined as "a large bird related to and resembling domestic poultry." Now some pheas-

ants, in fact, will lose their wings or experience some other temporary or even permanent impediments or alterations, yet this does not lead to their being something other than pheasants. No new classification will be required for such specimens of pheasants and whatever biological or zoological statements will be applicable to pheasants will be applicable to such infant or impaired instances, with appropriate modifications taking account of their special status.

This epistemological approach is routine. Furniture may be defined as "the movable items such as chairs, desks, or cabinets in an area such as a room or patio," yet when some chairs are affixed permanently to a floor or if one of them breaks and is no longer usable as a chair, or, again, if some piece of furniture from years gone by becomes a fragile museum piece and would break upon being moved, it does not alter the fact that the most apt definition of furniture still applies, provided the requisite modifications are made. "Model furniture," "play furniture" or the like will clarify that, though these pieces are indeed properly called "furniture," they are exceptional for the specified reasons. No wholesale reclassification of them is required or would be rational.

When a person is asleep and does not evidence moral agency, he or she is still a moral agent and if moral agency is what justifies the ascription of rights to human beings, the sleeping person possesses

the rights in question. Similarly with infants or children—which partly explains the substance of the debate about abortion rights: though no one disputes that zygotes, embryos, fetuses, or infants are unable to exercise moral agency as of yet, it makes perfectly good sense to inquire as to whether they possess rights since normally they are on the way to becoming mature members of the class of beings who are normally moral agents. When it comes to impaired people, again the policy of classifying them with normal mature people for the sake of learning what sort of political principles need to be observed in order to treat them properly (say, in the field of medical ethics and law) is the most rational approach to take, provided certain modifications in the way they are to be treated are also spelled out. (Thus, children’s rights are not respected and protected exactly the way the rights of human adults are, nor are the rights of the invalid or senile.)

Hadley and some others who have addressed my discussion of the basis of natural rights<sup>18</sup>—namely, the normal capacity for mature or adult human beings for moral agency (which is in gradual development from infancy and which is temporarily or permanently undermined for impaired persons)—are making a case for a way to understand what it means to be a given kind of being via a definition that is useless for deriving any kind of policy conclusions, be these ethical or political. That is because these definitions are envisioned as having the

attributes of logically necessary truths, not of definitions as they develop in such sciences as biology, botany, sociology, economics, and psychology. They confuse definitions in the formal disciplines like logic and geometry with those in these substantive disciplines (or spheres of knowledge). As such, they rob themselves of any possibility of defining substantive entities, as distinct from formal ones.<sup>19</sup>

A theory of rights is by its very nature general, guiding law and public policy, and since human beings living in communities who are in need of such guidance aren't formal entities, definable by statements that are necessary truths, there will naturally be some exceptional cases. (This, among other things, accounts for the familiar jurisprudential idea that "hard cases make bad law," as well as the doctrine of judicial discretion which authorizes legal authorities to make exceptional rulings.)<sup>20</sup>

Despite Hadley's very confident language alleging that my approach to assessing whether animals have the kind of rights human beings have (that would justify banning their use by human beings) fails, he has not shown such failure, nor, therefore, that my ideas lead to anything like the Nazi practices he claims I must endorse, nor, certainly, that non-human animals have rights. They do not, whereas young and impaired human beings do, along, of course, with the rest of us (which makes good sense of why Amnesty International and

various organizations monitoring governments and legal systems concerning whether they respect and protect rights are focusing on human, not animals rights).

In his initial comment-review of my book in which I discuss, among other matters, so called animal rights<sup>21</sup> (posted both on Amazon.com and his web site<sup>22</sup>), Nathan Nobis says that my basic idea is that “a being has rights—it is wrong to harm it for pleasure or even serious benefits—only if it has a ‘moral nature,’ i.e., a ‘capacity’ to see the difference between right and wrong and choose accordingly (pp. xv, 10).” This is roughly right but contains a serious misunderstanding. It consists of a mischaracterization of having rights that needs to be avoided.

Having rights does not mean it is wrong to harm someone for pleasure or even serious benefit, not if they consent (as in sports or scientific experiments). Having rights means it is wrong to invade someone’s person or property, as when I assault another person or rob him or trespass over his land. Harm is definitely not the issue since often invasive actions are not at all harmful, may even be quite helpful. When someone is hospitalized against his will, this is invasive but it is not harmful—could, in fact, be helpful—but by rights theory it is also a violence against the person, against his human dignity. Or when someone is burglarized, this may not be harmful at all—the person

may be so wealthy as not to suffer any harm from the burglary. If I trespass and take up residence on someone's land, that may again not be at all harmful.<sup>23</sup>

One clear way to appreciate this point is to contrast the beneficial nature of some paternalistic actions with their rights violating character. Recall once again, that the whole point about rights, which is political and not ethical, is that they help us identify out what Robert Nozick called the "moral space" surrounding moral agents, space required for them to exercise meaningful moral choice (something non-human animals cannot do).

Indeed, in *Putting Humans First* I state that it may well be wrong to harm or hurt animals—I explicitly condemn wanton infliction of suffering—but that is not an issue of rights. For example, even in human relations, when one wrongs another person—say a friend or lover or kin—it is not even usually a matter of violating rights. It is more often, instead, not treating the person as he or she deserves or should be treated. Rights violations are only a small group of such untoward actions toward others, mainly to serve as the basis of the rule of law in a free society.

Recall, also, that Hadley also objects, as did Nobis, that "Machan says humans are of that 'kind' [meaning moral agents] and animals are not and so concludes that humans have rights and animals

have none. But these arguments are imprecise: true, only humans have this capacity, but only some humans, not all. Thus, his theory of rights seems to provide no protection for vulnerable humans who are not moral agents and so lack the moral nature he describes.”

The humans my critic says aren't moral agents are, as I have noted both in my papers and my book, are typically, infants, people in a coma, and other “marginal” or borderline examples of humans who are clearly enough known to be such (we could add people who happen to be asleep). A legal system that aims for the protection of human individual rights deals with some of these cases by making special provisions in light of their special attributes. To object to regarding human beings *in general* as moral agents because of these marginal cases is akin to objecting to regarding, say, chairs as artifacts for sitting simply because, well, one cannot sit on museum chairs or broken ones.

One should not develop theories about how the world should be understood based on marginal, exceptional cases, cases that, by the way, couldn't even be identified as marginal or exceptional without first having a clear enough grasp of typical or normal ones an understanding of which enables one to develop general principles, laws or rules. Where would medicine or engineering be if such exceptions could undercut the principles that guide our actions in these fields? In-

deed, no one who embarks upon a systematic statement of ethical or legal principles, based on the most up to date substantive understanding of the world, is ever going to be able to produce the kind of geometrical framework these critics demand of me as I spell out a reasonable conception of human individual rights.<sup>24</sup>

### ***Summary of My Position***

So what have I tried to do here? I outlined, very briefly, my skeptical argument about animal rights, claiming that the foundation for the sort of rights human beings are said to have does not obtain in the case of animals. I then responded to the charge that the rights I agree human beings have cannot be defended because human beings often fail to exhibit moral agency (when they are vulnerable, for example). And finally I replied to those who maintain that human beings lack moral agency altogether and any differentiation between human and animal rights based on this capacity must fail.

I should like to close with just one more important point. The fact that animals lack rights does not imply that no moral considerations apply to how human beings interact with them. Just as human beings may have moral responsibilities toward great works of art, none of which have rights, so they could also have moral responsibilities toward animals, or some animals, even though these animals have no

rights. Rights talk pertains to human beings because of their capacity for moral agency. But even in the case of human beings, many other moral considerations apply to how they interact with one another and the world around them other than considerations of rights.

Of course, one can always raise the issue of “where do rights come from in the first place.” I address that in my books *Human Rights and Human Liberties* (1975) and *Individuals and Their Rights* (1989) along lines that may be called Lockean, although without any reliance on Locke’s theology and even on his labor theory of property rights. (See, for more, my *Reflections on the Right to Private Property* (2002).) Yet, in the discussion of animal rights that question is irrelevant since proponents implicitly accept that there exist rights in one or another objective sense of “exist.” Between them and skeptics like me, the issue of whether basic rights are well founded can be set aside.

As to those like Singer, who do not defend animal rights but only animal liberation, the issue of foundations is more relevant. Have they a meta-ethical position that is sound? As I noted before, in the case of Singer that is highly doubtful and so his liberation position is even more shaky than the position of animal rights advocates.

*Endnotes:*

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- <sup>1</sup> Tom Regan, *The Case of Animals Rights*, Berkeley: University of California Press, 1984.
- <sup>2</sup> Peter Singer, *Animal Liberation*, New York: New York Review of Books, 1975.
- <sup>3</sup> See, Peter Berkowitz, "Other People's Mothers," *The New Republic*, January 10, 2000. Berkowitz shows Singer to be a non-cognitivist and also makes note of the fact that despite Singer's proclamation that the very old ought to be allowed to die and the resources to keep them alive ought to go to help those who suffer poverty and deprivation, Singer himself has spent extensive resources on helping his own elderly mother.
- <sup>4</sup> "Some Doubts About Animal Rights," *Journal of Value Inquiry*, Vol. 19 (1985), 73-75.
- <sup>5</sup> Tibor R. Machan, "Do Animals Have Rights?" *Public Affairs Quarterly*, Vol. 5 (April 1991), 163-173.
- <sup>6</sup> Lanham, MD: Rowman & Littlefield, 2004.
- <sup>7</sup> Hon-Lam Li & Anthony Yeung, eds., *New Essays in Applied Ethics: Animal Rights, Personhood, and the Ethics of Killing* (New York: Palgrave & Macmillan, 2006).
- <sup>8</sup> Nathaniel Branden, "The Stolen Concept," *Objectivist Newsletter*, January 1963.
- <sup>9</sup> David Graham and Nathan Nobis, "Putting Humans First?" *Journal of Ayn Rand Studies* (Fall, 2006): 90-91.
- <sup>10</sup> John Gray, "Are We Born Moral?" *The New York Review of Books*, May 10, 2007, 26.
- <sup>11</sup> Ibid.
- <sup>12</sup> For more on this, see James G. Lennox, 'Teleology' in *Keywords in Evolutionary Biology*, eds. Evelyn Fox Keller and Elisabeth Lloyd, Cambridge MA, 1992, pp. 324-333, and 'Darwin was a Teleologist', *Biology and Philosophy* Vol. 8 (October 1993) pp. 408-421.
- <sup>13</sup> For more on this, see Tibor R. Machan, "Environmentalism Humanized," *Public Affairs Quarterly*, Vol. 7 (April 1993), 131-147.
- <sup>14</sup> Tibor R. Machan, "Why Human Beings May Use Animals," *Journal of Value Inquiry* 126 36(1) (2002).
- <sup>15</sup> See, John Hadley, "Using and Abusing Others: A Reply to Machan," *Journal of Value Inquiry* xxx; 1-4, (2004)
- <sup>16</sup> Ibid., p. 2.
- <sup>17</sup> Indeed, that may well be the source of their negligence. For more on this point, see Tibor R. Machan, *Classical Individualism* (London, UK: Routledge, 1998), chapter 3, "Human Action and the Nature of Moral Evil."
- <sup>18</sup> See, for example, Nathan Nobis at <http://www.courses.rochester.edu/nobis/papers/review-of-machan.html>.
- <sup>19</sup> This pretty much means they are unable to produce any kind of theory of rights or ethical conduct based on an understanding of what kind of beings might have such rights or require certain conduct. Perhaps this is why these philosophers seem to be more apt to engage in criticism than theory development, at skeptical reflections rather than at producing a workable understanding of something.
- <sup>20</sup> I develop some of these points in greater detail in Tibor R. Machan, *Putting Humans First, Why We Are Nature's Favorite* (Lanham, MD: Rowman & Littlefield, 2004).
- <sup>21</sup> Op. cit., Machan, *Putting Humans First*.
- <sup>22</sup> <http://www.courses.rochester.edu/nobis/papers/review-of-machan.html>.
- <sup>23</sup> It was the philosopher J. Roger Lee who made all this clear in a paper titled "Choice and Harms," critical of another philosopher, Judith Jarvis Thomson. (The ex-

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change is included in M. Bruce Johnson and Tibor R. Machan, eds., *Rights & Regulations* [San Francisco: Pacific Legal Foundation, 1983].)

<sup>24</sup> Unfortunately, these critics do not bother to look at the work I have produced on natural rights theory so as to develop my position as fully as possible—Tibor R. Machan, *Human Rights and Human Liberties* (Chicago: Nelson-Hall, 1975), and *Individuals and Their Rights* (LaSalle, IL: Open Court, 1989), work that paves the way for my discussion of so called animal rights.