J Acad Ethics (2017) 15:377–395
DOI 10.1007/s10805-017-9282-1

Animal Welfare and Animal Rights: an Examination of some Ethical Problems

Nibedita Priyadarshini Jena [1]

Published online: 1 May 2017

Abstract The spectacle of the relentless use and abuse of animals in various human enterprises led some human beings to formulate animal welfare policies and to offer philosophical arguments on the basis of which the humane treatment of animals could be defended rationally. According to the animal welfare concept, animals should be provided some comfort and freedom of movement in the period prior to the moment when they are killed. This concept emphasizes the physiological, psychological, and natural aspects of animal life with the focus on freedom. Ironically, however it is not concerned with the rights of animals; nor is it interested in their remaining alive. So, animals are least benefitted by such provisions, which is the major concern for those who defend animal rights. It seems dubious to demand comfort for a being in life, but not security for its actual life, since rights and freedom are essential for the maintenance of a normal life. This paper aims to (a) critically analyze the animal welfare system, which prioritizes only freedom; (b) to demonstrate how animal welfare is incomplete without animal rights and how they are closely related to each other; and (c) to bridge the gap between animal welfare and animal rights. The underlying principle of animal welfare concept is restricted by its anthropocentric framework with the result that the ethical element is missing. Mere 'freedom' is not sufficient for constituting an ideal animal welfare domain. In order to achieve real animal well-being, it is necessary to consider both the rights as well as the welfare of animals.

Keywords Animals · Rights · Freedom · Welfare · Killing · Suffering · Cruelty · Dependency

Exploitation of Animals

In their recklessness and haste for 'development', human beings fail to care for other animals and instead tamper with their habitats and endanger their lives. Equipped with intellect, yet

✉ Nibedita Priyadarshini Jena
jnibedita08@gmail.com; nibedita_2k@yahoo.com

[1] Independent Researcher based at Bangalore, Bangalore, India

they exploit animals due to their opacity of vision. The incessant exploitation of animals causes the question of animal welfare and rights to arise. The two concepts— animal welfare and animal rights— are significantly different. The former is indifferent about the uses to which animals are put, but champions their comfort and freedom of movement; however, the latter holds that animals have rights, which implies that humans have responsibilities towards them (for more differences see March 1984; Silberman 1988; Morrison 2009; Bekoff 2010). The concept of welfare can be made more effective. However, the animal welfare legislation already enacted by various states, precludes rights and thus fails to do complete justice**.** Since the two concepts have emerged out of concern about the many ways in which animals are exploited and cruelly treated, it is important to discuss them briefly and to analyze the ethical problems that they give rise to.

Killing for Consumption

Our food habits have a major influence on the lives of animals. Before using animals as food, human beings keep them in horrifying conditions. Breeding animals such as sows are kept in sow or gestation stalls.[1] Chickens are kept in very small cages or battery crates. Their beaks are cut off so that they cannot attack each other in those unnatural quarters. Even in some factories, chickens are hung by their feet from a conveyer belt that transports them through an automatic throat-slicing machine. Likewise, pigs, goats, and veal calves are kept in cages that are so small that they cannot move or turn around and develop muscles. Animals are allowed to be born and then reared expressly for the purpose of providing food to humans. We justify this process because of the food value, namely, vitamins and proteins that flesh provides. Although eating meat appears to be a necessity in some geographical regions, in others, the necessary nutrients can be provided by fruits, vegetables, nuts, and other vegetable products.

It seems that this justification is merely a cover for hiding human eagerness to eat meat. Another misplaced argument often used to justify such consumption, is that since animals eat each other there is nothing wrong in eating them (Franklin 1950). When we follow this reasoning, we forget the fact that animals are physiologically structured in certain ways and have no choice but to kill other animals, unlike humans. Lions kill and eat deer because nature made them carnivorous. Further, humans have a capacity that animals lack. Human beings are able to think in ethical terms about their actions in relation to fellow humans and animals and the results that follow. Therefore, the real problem is whether it is morally permissible to eat animals or not. Is it a necessity or a luxury?

Killing for Scientific Purposes

Animal experimentation is another controversial issue. At several universities dogs, monkeys, and rats have been confined to small rooms in which electric currents emanate from steel grid floors; the animals are unable to escape the shocks. The purpose of the experiment is to determine how they react to unavoidable pain. One must sadly mention that even great biologists have given their consent for using animals in classrooms. Emphasizing the use of animals in classrooms Don Igelsrud (1987), a biologist, has suggested that biology teachers

[1] Though animal gestation, sow stalls, or battery crates are banned in certain developed countries like the United Kingdom, the countries under European Union, New Zealand but in countries such as China, India (though they implement higher welfare standards), etc. these stalls continue to exist.

should help their students to overcome emotional problems resulting from the use of animals in classrooms. Further, he says 'groups who wish to limit the use of animals in classrooms have been successful largely because people do not see the use of animals in classrooms as being very important' (Igelsrud 1987). Use of animals in biomedical research is widely encouraged. In line with this argument, Ringach has said '[the] contribution of animal research to medical science and human health are undeniable. Scientific expertise, consensus and facts on the use of animal research must be weighed accordingly to have an honest public discussion' (Ringach 2011). Justifying animal research in medical science he raised the issue of inequality between humans and animals by pointing to Darwin's argument: '[The] moral status of animals is not equal to that of humans and because opting out of the research condemns our patients (both animal and human) to suffer and die of disease. Stopping the research would be, as Darwin correctly judged, a crime against humanity' (Ringach 2011).

However, our moral concerns and intuition force us to think about whether animal experimentation is justified as there are ethical dilemmas involved. Should innumerable innocent animals be sacrificed for the sake of human beings or should animal experimentation be stopped regardless of human suffering? Perhaps experimentation on animals cannot be stopped and one may have to conclude that it is a necessary evil. One may reason that the use of animals in classrooms has a great importance and no wrong is done if animals are killed in the educational process. In the same way, eating meat may be acceptable because of its contribution to human health and well-being. Thinking in this way one can end up justifying all types of animal exploitation. In other words, if we allow animal life to be taken in some instances, we end up opening the door for other circumstances and, eventually for all. In this context it can be argued that the only way to prevent animal suffering is to stop all the different kinds of use of animals which lead to their exploitation. Human beings should think of alternative ways of testing newly invented medicines and to use their intellect to further scientific knowledge in more humane ways.

Killing for Luxury

Leather bags and shoes have become a mark of fashion in the modern era. However, fur- and leather-producing farms hardly care for those animals which sacrifice their lives in order to run their owner's industry. It is in fact very disturbing to learn about the treatment of such animals. In the routine, fur-bearing animals are kept in wire cages arranged in long rows. And those cages are often placed quite a few feet above the ground. Since the animals are trapped in filthy crowded cages, their movement is restricted, and they are exhausted and terrified, they often begin to display aggressive and psychotic behavior. Their suffering does not, however, end in the cages. After spending their entire lives in these abject conditions, they are killed mercilessly; the methods used are extremely painful. In order to save the animals' skin/fur, farm owners normally sever their necks from the body or slot an electric rod into their genitals so that their vital organs are electrocuted. There are hundreds of other documented instances that are even more perverse. Whether we should stop these purely money-making, inhuman industries is not a tricky question to answer, simply because the fur industry does not involve any necessity of life for human beings. There are plenty of materials available for making warm clothes and blankets to ensure survival in severe cold.

So we can argue that even if we consider human life as being paramount over all others, there is still no excuse for perpetrating extreme cruelty against animals for the sake of creating

products that are not essential in any sense.[2] Donald VanDeveer has rightly pointed out that for the important needs of humans, the basic needs of animals can be sacrificed, but the basic needs of animals should override the peripheral need of humans (VanDeveer 2003). We can lead contented lives without all these luxury items.

The discussion so far has focused on the manner in which animals are treated and the moral issues that arise as a result. The purpose of discussing various ways of animal exploitation is to point out (1) how and in what way welfare policies can help animals to be free from such suffering (and death), and (2) that moral questions that arise as a result lead explicitly or implicitly to the evolution of the concept of animal rights. There have been calls for the humane treatment of all animals used for human purposes. However, can we call it a better system if, for example, sheep or foxes whose necks are ultimately ruptured and who are then skinned for their fur, are provided ample space, food, fresh air, and water, prior to their deaths. It is undeniable that with the implementation of animal welfare policies, animals will lead better lives, at least till they are killed, but their real significance is yet to be understood. Before examining this problem in depth, it is important to consider the issue of animal welfare in detail.

Animal Welfare

There is no single procedure for dealing with animals. Accordingly, the definition of animal welfare requires the study of diverse issues and is actually quite a tricky task. Scholars try to define it according to their own convenience on the basis of the discipline to which they belong. Thus, one must observe that the concept of animal welfare has many dimensions, including the scientific, ethical, political, and so on (Lund et al. 2006). The scientific dimension can be further divided on the basis of ethology, physiology, and psychology. For example, scientists from the discipline of ethology study all about animals including the development of behavioral systems, which helps them to understand stress in animals (Millman et al. 2004). This study has pragmatic relevance as it can help in improving the design of dwellings in captivity and connected paraphernalia; management practices (Grandin 1993) that allow animals to express their needs through normal behavior and adjust with nature can be evolved. Similarly, psychology also contributes much towards animal welfare research. For instance, researchers in this discipline try to extend research techniques and theory on the emotion of animals, especially farm animals (Desire et al. 2002).

However, the primary objective of this paper is not merely to present which discipline contributes to what, but rather to set out the underlying principles that exist in the whole idea of animal welfare. The fundamental questions, normally asked in this domain, are as follows: Should we overlook the amount of pain animals suffer? Should we not be concerned about the proper functioning of their biological systems? Should animals be able to lead their normal life in captivity? These three common questions give rise to three different important approaches in defining animal welfare. They are:

[2] Human beings are rational, self-conscious autonomous beings. They are well aware of what is happening (good and bad) to them. They have intellectual capacity, ability to make judgments (ethical), and aesthetic sense which features distinguish them from other beings or things. However, even though they are endowed with these sophisticated qualities, still they are not entitled to exploit animals.

1. The Feeling Approach
2. The Functional Approach
3. The Natural living Approach

Feeling Approach

It is a commonly accepted view it is not just human beings that have the capacity to feel, animals do also. In the realm of animal ethics the concept of feeling plays a vital role in assessing the quality of life of animals. As a criterion it simply cannot be ignored, since it consists of a cluster of basic elements such as pain, hunger, frustration, etc. The feelings of trees and plants cannot be identified easily and therefore the term 'welfare' is difficult to apply to them. The Brambell Report (1965)[3] clearly accepts the importance of feeling in animal welfare. It says, 'Welfare is a wide term that embraces both the physical and mental well-being of the animals. Any attempt to evaluate welfare, therefore, must take into account the scientific evidence available concerning the feelings of animals that can be derived from their structure and functions, and also from their behavior' (Brambell 1965). This approach gives importance to the psychological aspects of animal welfare, as well as to feeling and emotions as two vital elements in considering the quality of life of animals.

To clarify, it is important to explain the arguments of Duncan and Dawkins (1983) in some detail. These researchers believe that we may find contradictory states among animals, who for instance, may show normal behavior, but in reality may be suffering from certain subclinical diseases. Further, some of them may be physiologically abnormal, but may be showing stereotypical behavior (Terlouw et al. 1991). Thus, we cannot build an ideal animal welfare policy, if we consider merely their externally visible physiological expressions. There is an interconnected reason for taking 'feeling' into consideration. In this context, Dawkins's view is important. He says that: 'To be concerned about animal welfare is to be concerned with the subjective feelings of animals, particularly the unpleasant subjective feelings of suffering and pain' (Dawkins 1988). In the same vein, Duncan says, '… neither health nor lack of stress nor fitness is necessary and/or sufficient to conclude that an animal has good welfare. Welfare is dependent on what animals feel'(Duncan 1993). Similarly, the utilitarian philosopher Peter Singer (1990, 2004) also subscribes to the feeling approach in explaining his views on animal welfare. His position is grounded in the fundamental utilitarian principle that advocates minimizing suffering and maximizing pleasure. However, although effective to some extent, these views still cannot be considered ideal since they preclude the actual needs (in terms of health condition, physiological structure, and behavior) of animals. It is necessary to understand these needs in order to be able actually to provide for their welfare. These views on the one hand identify and emphasize an important problem, but on the other they limit the concept of welfare to feelings. Precluding the physiological conditions of animals, this stance drags itself into the pitfalls of its practical implications. If we consider that real animal welfare is achieved as long as animals are prevented from undergoing any type of mental suffering, then it may lead to a situation of no welfare at all. For instance, should we ignore the disease of a cow by not injecting any antibiotics just because it may cause mental trauma to that cow?

[3] Animal welfare as a formal discipline began with the Brambell Report issued by the British Government. *Report of the Technical Committee to enquire into the welfare of animals kept under intensive livestock husbandry systems*, 1965, Her Majesty's Stationery Office, London, UK.

Another important aspect of the feeling approach is that it claims that undoubtedly certain types of animals are able to have subjective experiences, in terms of feeling and emotion, and it creates space to think about animals. It plays an important role by inviting us to consider animals morally, at least as a moral patient, if not a moral agent. This view limits welfare to the subjective experience of animals. Some animal welfare scientists seem to be subscribing this view believing that for sentient animals proper biological function is important in and of itself (Fraser et al. 1997). In line with these views, Ewbank lays emphasis on freedom from two things, malnutrition, related to biological function, and hunger, related to feeling (Ewbank 1988). Some animal ethicists have extended this idea very precisely. For instance, Regan has pointed out that an animal's well-being does not merely depend on its 'preference interest' (what animals like and what they do not), but also on its 'welfare interest' as well[4] (Regan 1983). This welfare interest embraces everything that is of 'benefit' to animals, it hardly matters whether they consciously desire it or not (Fraser et al. 1997).

Thus, it can be observed that the feeling approach has taken the mental states of animals seriously. The mental state has its own importance in the context of the ethical concern over the quality of animals' lives, which in turn is closely connected to the concern for animal welfare. According to this stance, the health, physiology, behavior, etc. of animals should be taken care of in the light of feelings. Fraser's example is suitable here as it states, '[if] a diseases causes pain, we should prevent the disease in order to prevent the pain; but if a disease (say, painless lung damage) does not affect how an animal feels, then it is not a quality-of-life issue any more than a disease of carrots or the malfunctioning of a machine' (Fraser et al. 1997). The consideration of feeling and emotion as significant criteria, within the moral concern over the quality of animals' lives, may offer partial benefit to animals, but not enough to safeguard their welfare completely. The application of this principle in practice may lead to some irrational and undesirable consequences (the way Fraser has argued). Further, merely accepting the approach that concerns about the welfare of animals are concerns about subjective experience may leave us with certain unanswered and important moral questions. For example, we may ask whether keeping a rabbit in a cage at home and deny it the pleasure of moving in its natural habitat lessens its welfare, or whether allowing a cow to lead its life in its natural habitat improves its welfare.

Functional Approach

The functional approach emphasizes the biological functions of animals. Within this purview, growth, reproduction, diseases, malnutrition, and injuries to animals are considered vital elements in relation to the moral concerns regarding the treatment of animals (Sainsbury 1986). All these factors explicitly or implicitly affect not only their behavior, but also their lives as a whole. So, scientists try to present welfare purely on the basis of the biological functioning of animals. They connect welfare to biological terms like fitness and stress. For instance, Broom says, '[poor] welfare occurs in situations in which … there is reduced fitness or clear indications that fitness will be reduced' (Broom 1991). Similar to Broom's point, McGlone also suggests that 'an animal is in a poor state of welfare only when physiological systems are disturbed to the point that survival or reproduction is impaired' (McGlone 1993). For these scientists, animals, subject to proper welfare practices, are beyond physiological

[4] Although Tom Regan has jettisoned Peter Singer's point, however, they both not only demand an ideal animal welfare policy, but also they both strongly support animal rights.

stress, and no obstruction should be found in their reproduction. Further, taking a stance against the feeling approach, scientists, have excluded subjective experience as redundant and raised questions about its practical applicability. In line with this belief, some thinkers have argued that the subjective experience of animals cannot be checked scientifically, and also it cannot be observed directly (Kennedy 1992). It is true that this view is based purely on the Positivistic approach (Fraser et al. 1997).

According to Positivism, only observable phenomena can be studied scientifically; so theorizing about things beyond direct observation has its limitations. Ultimately they deny the possibility of metaphysical statements. Similarly, thinkers, following Positivism, deny that the consideration of subjective experience could be an important criterion in taking animals into moral consideration. According to this approach, there is a need for scientific animal welfare, which should be formulated on the basis of biological functioning, a phenomenon that can be observed. Further, because science is merely concerned with observable facts, it (subjective experience) can in no way help us to understand the problems of animals (Rollin 1990). Thus it is argued that only through the study of the physiological aspects of animals can a better understanding be gained and welfare measures extended to animals. However, the stance, influenced by Positivism, has been criticized by many thinkers (Midgley 1983; Griffin 1992; Rollin 1992) who say essentially that the subjective experiences of animals such as pain, fear, and frustration also affect their behavior, and hence they cannot be ignored absolutely.

Scientists, justifying the validity of the functioning approach, have argued that there is nothing wrong in studying functioning, instead of feeling, because these two concepts are intimately related (Fraser et al. 1997). This argument has been developed by Baxter (1983) who made attempts to demonstrate the relation between the subjective feelings of animals, their agricultural productivity, and their 'biological fitness' (reproductive fitness). In this context he says, 'welfare is determined by whether the animal is hungry, thirsty, sexually frustrated, bored, physically uncomfortable, and many other experiences'. He further states that subjective experiences are 'psychological representations of attributes of biological fitness' (Baxter 1983). He has made a connection between biological function and subjective feeling, but he has presented it in relation to the benefits of agricultural productivity.

Thus, animal welfare proper is impossible without considering psychological aspects of animal beings. It is the mental aspect that is one of the most important reasons[5] that invite human beings to consider animals morally. However, some arguments of the functioning approach seem more convincing, since they try to include both aspects (mental and physical) in achieving a balanced kind of animal welfare. However, they are still firmly grounded in the idea of the primacy of benefit for humans (for example in agriculture).

Natural Living Approach

The natural living approach holds the view that animals should be left to live on the basis of their natural behavior and attitude, especially in using and developing their natural ability to

[5] Though there are other factors, such as anatomical and physiological similarities and evolutionary kinship, which entice humans to consider animals morally, however, the mental aspect is the vital one because the debate of animal ethics raised grounding on their suffering (mostly mental suffering). All sorts of cruelty against animals not only cause physical injuries, but also severe mental trauma, which can be easily observed from their behavior. Their physical wounds lead to their mental suffering. As long as humans are reluctant to recognize their pain and agony, it is not fair to say animals are considered morally only because there are anatomical and physiological similarities between humans and animals and that they are evolutionary kin of humans.

adjust. In this regard, Kiley-Worthington is of the view that '[if] we believe in evolution … then in order to avoid suffering, it is necessary over a period of time for the animal to perform all the behaviors in its repertoire because it is all functional …' (Kiley-Worthington 1989). It is true that all animals have developed through the same natural evolutionary process and in their natural habitats. However, the predicament is that the living habits of animals have changed through the evolutionary process. Talking about domestic animals, who used to be free from the control of humans before becoming domesticated, it is difficult to accept that they will be better off if left to live freely in a natural environment. They will have to face extreme difficulties in trying to readapt to their supposed 'natural habitat'. In the domestic environment they are at least fed and their health and other needs taken care of. Price is right in saying that domesticated animals are different in various ways from other animals in nature because of the domestication process (Price 1984). Therefore, the implementation of this approach would not result in enhancing the well-being of some animals, especially pets.

The study of these three approaches and their priorities when defining animal welfare, helps us get some clarity about the concept. Actual animal welfare should emphasize all these three factors; feeling, function, and natural living. The ideal definition should emphasize proper food, health, comfort, safety, expression of their normal and natural behavior, and plausibly, freedom from painful mental states. Its scope must be reasonably wide so that it can embrace all important elements, namely physical, mental, and natural, to ensure the all-round development and growth of animals.

Policies and Analysis

Besides the theoretical framework of animal welfare, it is important to understand animal welfare policies.[6]It can be argued that the ostensible realization of the suffering of animals resulted in the formulation of animal welfare regulation policies. The first effort in England to initiate legislation to protect animals against cruelty was made at the beginning of the nineteenth century. However, it did not yield much success. Bills introduced in 1800 and in 1821 with the aim of outlawing bull-baiting and maltreatment of horses, respectively, failed to get serious consideration by Parliament. In 1822, however, cruelty to animals became an offense punishable by law. Richard Martin and other animal lovers formulated the first British animal welfare organization, which went on to become the Royal Society for the Prevention of Cruelty to Animals. In 1965 the British government brought out a report that proposed policies and provisions for the benefit of farm animals. It sets out how animals should be fed, kept, and treated on farms, how they should be used in laboratories, and so on. Known as the Brambell Report, it was imbued with moral concern and was a document of great significance for animal welfare. It made a number of recommendations, including strong legislation to ensure proper care for farm animals. It also emphasized major progress in the science of animal welfare; enlargement of farm assurance schemes; regular scrutiny of farm animal welfare by Animal Health organizations; common development in farming structures and animal husbandry; and creating consumer awareness about farm animal welfare. Moreover, the specialty of this report was that it examined the scope of freedom for animals extensively. In this report, freedom has not been defined very clearly, but has been identified as a necessary condition for ensuring the welfare of animals. According to this report, 'an animal should at least have sufficient freedom

[6] While a large number of animal welfare policies have been made in various countries, in this paper I have discussed only a few of the initial ones.

of movement to be able without difficulty, to turn round, groom itself, get up, lie down and stretch its limbs; … companionship; … adequate food and drink to prevent (it) suffering hunger and thirst' (Brambell 1965).

The Report demarcates five types of freedom for animals:

1. Freedom from hunger and thirst, sufficient provision of water and food to maintain health and energy.
2. Freedom from discomfort, by providing apt surroundings.
3. Freedom from pain, injury, and disease, complete avoidance and quick diagnosis and healing.
4. Freedom to express normal behavior, ample space, correct amenities, and the proximity of a suitable group of the animal's own kind.
5. Freedom from fear and distress, prevention of mental suffering by ensuring appropriate conditions and treatment.

The contemporary Farm Animal Welfare Council (2009) (UK) has presented a kind of revision of the Brambell Report, which emphasizes, along with the five freedoms, 'an animal's quality of life' which 'can be classified as: a life not worth living, a life worth living and a good life. Giving an animal a life worth living requires good husbandry, considerate handling and transport, humane slaughter and, above all, skilled and conscientious stockmen'.[7] The formulation of these five freedoms morally and pragmatically valuable, since it concentrates on the fundamental needs and sufferings of animals, and certainly leads to the enhancement of the standard of life in farms. However, the five could not include the freedom not to be killed. Most probably, these reports do not mention this freedom since they were prepared in connection with the animal husbandry business. It can be considered that recent animal welfare policies have, to a certain extent, a positive effect on the well-being of farm and laboratory animals (as long as they are alive), but 'unfortunately,' have 'satisfied few' (Silberman 1988).

In line with this argument contemporary philosopher Francione shows the feebleness of animal welfare regulation in theory as well as in practice and argues that 'animal welfare regulation provides very limited protection for animals and does not reduce animal suffering in any significant way' (2010). Thus, after observing important views and policies on animal welfare carefully, three important arguments can be made:

- That first, the whole welfare concept is predicated upon farm animals, animals for vivisections, or other similar activities. This is the reason thinkers emphasize their mental suffering and physiological stress.
- Secondly, it is concerned with, human benefit of various kinds, economic, nutritional, medicinal, etc.
- And thirdly, there is a huge gap between theory and practice.

The underlying principle of animal welfare is not grounded merely on the well-being of animals. It has been observed that many proponents of welfare, for example Baxter, propose that animals should be kept with care because healthy animals bring benefits to humans: healthy cows give plenty of milk and produce more healthy offspring in a dairy farm. In other

[7] Farm Animal Welfare in Great Britain: Past, present and Future, Farm Animal Welfare Council, Noble House, London, October 2009, p. iii.

words, the effort to keep animals disease-free and healthy is not made for their sakes, but rather with the aim of ensuring the safety of humans who consume them or of increasing their reproductive capacity, which ultimately enhances their economic value.

These facts strengthen the argument that welfare policies have emerged in order to bring benefit to human beings and with the purpose of making a case against economic loss. Animals are not central to the idea of animal welfare; they de facto get into the argument as a consequence. Further, if animal welfare, by virtue of its definition, which focusses only on freedom and precludes rights since it is made for farm animals, deals merely with the apparent physiological and mental developments of animals, then it loses its dignity as 'a tool' for bringing about the real well-being of animals. It seems pointless to keep goats in a free environment because ultimately they will be killed before their natural death can occur. Furthermore, debate and discussion on their physiological and psychological well-being, only shows the gap between theory and practice. As Garner suggests, 'it is important to distinguish between what is prescribed by ethics and what is achievable politically or strategically, because any viable moral discourse must take into account more than rationalistic ethical principles' (Francione and Garner 2010). Therefore, these reasons are sufficient to make a claim that the animal welfare concept, the way it is defined and policies are made, seems shallow and incomplete.

One may therefore contend that a concept of animal welfare that does not encompass the rights of animals cannot bring about well-being for animals. However, we can move beyond such narrow and limited interpretations of animal welfare by considering the rights of animals.[8] Welfare is a wide term and it was initially connected to the well-being of human beings. Human welfare embraces all fundamental needs and freedom of human beings, and includes all their rights such as rights to property, education, freedom of expression, etc. By subscribing to one of the important maxims of Kant according to which human beings are an end in themselves, I am reluctant to speak in terms of 'right to life' because, in the case of human beings, it is fundamentally prior to all aspects of welfare, including all other rights. Human welfare covers everything that is needed to sustain our lives normally in the long run. All these objectives of welfare cannot be achieved without following certain fundamental notions/principles such as justice, equality, freedom, and rights. However, animals, unlike human beings, are incapable of having some social and political rights such as right to education, right to vote, etc. In that case 'right to life', which is relevant and essential, should be assigned to them. No welfare is possible unless we ensure their being alive. Thus, in supporting the actual well-being of animals, the concept of animal rights should also be emphasized with equal force. Since the rights of animals have an important place in the purview of animal welfare, a detailed discussion is required on animal rights and on how these rights can be identified and applied.

[8] Animal rights consist of many things such as right to life, right not to be subjected to suffering, and right to freedom (since animals want freedom impulsively) which cover all necessities such as staying alive, food, water, security from physical as well as mental injuries etc.. A distinction has been made between animal welfare and rights in academia (in both theory and practice), which treats 'right' and 'freedom' as two different concepts. I discuss 'rights' and 'freedom' as two distinct concepts because I intend to show that animal welfare presupposes animal rights.

Animal Rights

The question as to whether animals possess rights is newsworthy largely as a consequence of the current rush of interest in and curiosity about animal welfare, as also in the moral merit and demerit of eating animals and using them for scientific research. Conceptualizing and demanding animal rights is a rather difficult task because the concept leaves no scope for any kind of animal exploitation. In fact it implies the complete abolition of all animal abuse and further that only such an approach would ensure genuine security of life for animals. The question as to why animals should have rights is preceded by the question 'who should have rights?' In this context it can be argued that rights can be assigned to a being if it possesses intrinsic value. Many philosophers claim that animals also have inherent value. In line with this argument, Paul Taylor, going one step forward, says that all organisms have inherent value. According to him, they are 'teleological centers of life in the sense that each is a unique individual pursuing its own good in its own way' (Taylor 1986). He has also examined the question 'who can have this inherent worth?'. To quote him, 'to say that an entity has inherent worth is to say that its good (welfare, well-being) is deserving of the concern and consideration of all moral agents and that the realization of its good is something to be promoted or protected as an end in itself and for the sake of the being whose good it is' (Taylor 1984). Animals have their uniqueness, the way they eat, drink, sleep, reproduce, and behave, in searching for their own good to lead their lives. Their good should be protected for themselves since they, like humans, are part of nature. Further, the inherent value of animals has been established in a different way. There are certain common qualities that are shared by both human beings and animals, which prove that both experience 'subject of life' and hence the value of the latter should not be undermined, as argued by Tom Regan.

Regan argues that animals, like human beings, also experience subject of life, by which term he means that every animal has a unique life process exactly just as every human does. For him, animals are not objects, but subjects. Animals experiencing subject of life implies that they, like human beings, are also endowed with certain unique qualities which help them to express their feelings, state of mind, etc. Human beings are conscious beings in nature. Being conscious creatures we do 'want and prefer things, believe and feel things…' (Regan 2001). Along with all these things, pain, pleasure, satisfaction, etc., are also found within us till the moment of our death. According to Regan, these qualities are not merely confined to human beings. He states that '[as] the same is true of those animals that concerns us (the ones that are eaten and trapped, for example), they, too must be viewed as the experiencing subjects of a life with inherent value of their own' (Regan 2001). Since we both do share common qualities by experiencing subject of life, we should consider animals as intrinsically valuable by realizing their pain, loneliness, sorrow, anger, fear and mortality. We should take possible steps accordingly in order to save them from any type of use and abuse, and this is what Regan demands in the name of complete abolition of animal use (Regan 2001). Animals do pursue their own good and are also endowed with features which help them to experience a subject of life and these two reasons are sufficient to consider them intrinsically valuable. Hence we may conclude that, as animals possess intrinsic value, rights can be ascribed to them.

Besides the argument on intrinsic value as the basis of assigning rights, there are other interpretations that assign rights concentrating on 'interests' of a being. For example, contemporary thinker Alasdair Cochrane (2012) has developed his theory, subscribing to the philosophy of Joel Feinberg (1974) and Joseph Raz (1988). He argues that interests are the basis of rights because interests play a vital role in bringing/doing well-being of individuals; when

interests are satisfied life is better and if not, it becomes shoddier. He has also added a qualification (Razian standard) in respect of interest; in his view the pertinent interest should be 'sufficiently important to impose a duty on others', (Cochrane 2012), to be considered as a basis of rights. Pursuing this line of reasoning, animals can be clearly seen to have two interests, the interest of not being subjected to suffering and the interest of not being killed, which meet the Razian standard. Animals are thus entitled to corresponding rights i.e. the right not to suffer and the right not to be killed.

Drawing from the essence of the two arguments that animals have intrinsic value and also have an interest in not suffering, I believe that animals have a special existence in nature and that they are sentient beings. The contention that animals have rights can be formulated on the basis of their existence and sentience, in terms of two other and arguably better claims of rights: (a) existence rights and (b) sentience rights.[9] Animals possess rights by virtue of the fact of their own existence in nature. In nature, things exist in an interdependent way. Accordingly, it would not be wrong to say that human beings are the most dependent beings[10] in nature. They depend not only on each other, but also upon other animals. This dependence maintains a kind of relation. The term 'relation' itself necessarily implies the existence of at least two parties. Similarly, when we say human beings depend upon animals, we mean that animals, along with human beings, also exist in nature. That dependence relation presupposes the existence of the 'being' of animals and hence they can be said to possess at least the right to life.

Nevertheless, the aforementioned dependence argument may generate problems that may cause the scope of rights to widen, where human beings are forced to think even about the rights of material things, for example, man-made machines such as computers, which would not be convincing. So the types of dependence relations need to be analyzed further. The quality of dependence relation maintained among human beings is understood. It is easier for human beings to maintain a dependent relationship among themselves, but a dependence relation between human beings and animals is different. In this case human beings depend on animals, but the fact whether animals depend on human beings or not is a matter of doubt since animals are less endowed with sophisticated dispositions like human beings, such as reason, language, etc. Hence, there may[11] or may not be parity between the dependence relation within the human species and dependence relation between human beings and animals. Beside these two types of dependencies, there is another type of dependence where human beings depend on a non-living thing whether it is natural or created such as a mountain, computer, and so on. Further, if the dependency argument is stringently followed then it will be problematic for us if we do not assign rights to all non-living entities such as computers, because the argument also proves that these entities have their existence in the world as well. However, the difference lies between the relation of human beings with living beings and with non-living things. Human beings' ill-treatment of non-living things need not be considered seriously because those things do not react, positively or negatively. Thus, the existence of living entities is different from the existence of non-living entities.

[9] Although Rousseau, Bentham and Singer and Cochrane have already tried to establish the moral status of animals through this means an attempt is made to prove the existence of animal rights on a different line.

[10] Humans depend on many living beings and non-living elements to sustain their lives such as trees and plants, water, other animals, and mineral resources.

[11] There are such cases where humans' dependence on companion animals (some people emotionally dependent on their pet) is on a par with humans' dependence on other humans.

The difference between living and non-living entities presupposes that all animals, including human beings, do share a common 'animality'. Normally, living entities are born, grow, and die. They drink, eat, and reproduce. If this is so, then it also entails other problems such as lack of distinction between the rights of animals and the rights of trees and plants. In this regard a distinction between the animals, trees and plants is necessary for the sake of clarity. Though this author does not really subscribe to the way Peter Singer distinguishes animals from trees and plants, it is important to flag his key ideas. In order to bring the distinction between the 'need' of trees and the 'interest' of animals, Singer makes an analogy between trees and cars. In his words, '[all] we mean when we say that it is in the interest of a tree to be watered is that the tree needs water if it is to continue to live and grow normally; if we regard this as evidence that the tree has interest, we might almost as well say that it is in the interest of a car to be lubricated regularly because the car needs lubrication if it is to run properly' (Singer 2004). The argument is confusing because of the comparison of a tree with a car. A tree has life[12]; it grows physically and eventually dies. A car does not have any intrinsic[13] interest. Singer may be right in saying that trees have needs, but not interest. However, the needs of trees are qualitatively different from those of a car since trees have lives. Hence, trees do have interests, which are vital. Indeed, animals and trees or plants have a qualitatively different kind of life. Animals may be different in certain ways to human beings, still they have sufficient capacity to express their pain and pleasure, while trees and plants do not. The pain and pleasure of trees and plants are a matter of doubt or, perhaps, are beyond human perception**.** The existence of animals is certainly different from the existence of other living and non-living entities (except humans) since they are able to show their pain and pleasure and thus should have rights assigned to them.

Moreover, the capacity to feel pain and pleasure is not similar to the capability of thinking or pursuing something intellectually. Animals do suffer. Many philosophers including Descartes (1985) have expressed their doubts about the suffering of animals. However, animal suffering can be easily observed from their behavior, which is untainted and free of manipulation, as compared to the behavior of human beings. This could be the reason why many philosophers consider 'sentience' as a qualifying criterion for assigning rights to any living beings. For instance, Rousseau has considered it as a fundamental element of natural rights. Animals are our kin since we both commonly share the unique quality of being sentient and are thus covered under natural law. Rousseau says that, '[for] it is clear that, deprived of intellect and of freedom, they cannot recognize [natural law]; but, since they share something of our nature through the sensitivity with which they are endowed, one will judge that they too ought to participate in natural right and that man is subject to some sort of duties toward them ... a quality that, being common to beast and man, ought at least to give the one the right not to be uselessly mistreated by the other' (Rousseau 1957). Accordingly, it is clear that animals are incapable of recognizing this law since they are devoid of intellectual ability. However, they

[12] 'A tree has life' means that a tree is a living organism like humans and animals though it is different in many ways from both. It has also evolved along with the evolution of life on earth. Perhaps, this is the reason why Darwin's evolutionary notion states that all lives are related and descended from a common ancestor: the birds and the banana, the fishes and the flowers. A tree needs water and food (fertilizer) to grow. It naturally produces oxygen, fruits, and flowers and possesses the capacity to reproduce. This is the reason why, perhaps, philosophers haven't neglected to attribute intrinsic value to it. For instance, Arne Naess says, trees and 'plant species should be saved because of their intrinsic value' (Naess 1984).

[13] I use the term in order to express the idea that the constitutive features of trees are natural; similarly, the interests of trees are self-generated, whereas in the case of a car they are not.

are endowed with sensibility, which is a necessary condition for having rights, and hence human beings have an obligation to prevent cruelty towards animals.

Bentham, like Rousseau, attached more value to our fellow animals. He also believes that 'reason' cannot be a necessary condition for determining the quality of life of animals. There is another criterion, such as 'sentience,' which invites human beings to consider them morally. He says, '[but] a full grown horse or a dog is beyond comparison or more rational as well as more conversable animal, than an infant of a day, or a week, even a month old. But suppose the case were otherwise what would it avail? The question is not, can they reason? Nor can they talk? But can they suffer?' (Bentham 1789) Being a utilitarian he believes that if one is concerned with creating the greatest happiness of the greatest number, then the question as to why the calculation should involve only human happiness arises. In this connection it can also be argued that there should be no random limitations in the application of the greatest happiness principle. Therefore, to restrict one's concerns to human beings only would be arbitrary and unjustifiable, because just like humans, animals are sentient.

Peter Singer also subscribes to Bentham's utilitarian sentience-centric account in order to assign rights to animals. However, he, unlike Bentham, has given a preferential account of utilitarianism.

Singer's principle of equality is based on the principle of equal consideration of interests, which must be extended to animals as they too have interests. For him, a being with subjective experience can have interests. Here subjective experience refers to the experience of pain and pleasure. He argues that any being with such experiences does have at least one interest i.e., 'the interest in experiencing pleasure and avoiding pain' (Singer 2004). Hence, Singer, like Rousseau and Bentham, has also presented an animal-centric account, considering an important criterion for bringing awareness among lay people regarding humane treatment of animals.

The sentience ability of animals cannot be ignored because it determines the quality of life of animals in the sense that on it depends the question as to whether they lead a normal or painful life. It also helps them to reveal their rationality. For instance, when we throw a stone at a dog it immediately starts running away. It happens not due to its physiological instinct, but its realization of the consequence of that action i.e., if the stone hits its body then it will experience pain. Two things can be noticed from this example i.e., animals are sentient and they have the faculty of intellect, though to a lesser degree than humans. The difference that lies between human beings and animals is not a matter of kind, but a matter of degree and thus animals should have rights. Animals have intrinsic value and they should be protected in nature for themselves. Human beings should have a prime duty to respect and care for other animals and that is possible only if certain basic rights are ascribed to animals. It may not always be the case that assigning rights to some beings necessarily entails the imposition of certain duties upon them. Infants are a case in point. They do not have any duties, but they do enjoy rights. Similarly animals, being incapable of carrying them out, cannot have duties towards human beings; nevertheless, human beings should have responsibilities towards them.

Animal Welfare, Freedom, and Rights

Before moving on to discuss the inter-relationship between animal welfare, freedom, and rights, it is important to clarify that the paper does not argue that animal welfare is impossible without rights; rather it argues that without rights, welfare is merely phony, narrow, or incomplete. Animals, have limited rights, as opposed to human beings, and those rights are

fundamental, at least the right to life. If welfare does not ensure an animal's remaining alive, then difficulties arise in accepting it as a tool for bringing actual welfare to animals. It is important to observe that the concept of 'freedom', in the case of animals, is not used in the same ways as it is used for human beings since animals, are naturally made up differently. Thus, discussing whether the actions of animals involve freedom or are pre-determined is not really meaningful. Thinkers normally use the term 'freedom' in this context in an external sense; for instance, Brambell's notion of 'five freedoms', which covers all types of needs of animals such as freedom from hunger and thirst, freedom from mental pain and injury, etc. So, in discussing the relation between animal welfare and animal rights, arguments on rights and freedom can be developed in a different way.[14]

Taking into account the preceding discussions, the first part of the section will concentrate on the plausibility of freedom in the case of animals, and the second part will make an attempt to highlight how compared to rights, freedom becomes trivial in certain circumstances, which shows, the plausibility of rights for animals, and how they should be necessarily included in the animal welfare framework.

It is understood that freedom has its own importance for any living being and it is further accentuated in the animal welfare domain. Nevertheless, a doubt may arise as to whether animals have a sense of freedom or not. Very often the argument that those who do not have a sense of freedom are not entitled to it is put forward in the domain of the debate on animal ethics. The question as to 'whether animals have a sense of freedom or not' needs further scrutiny. The sense of freedom refers to two ideas: (a) a need for freedom and (b) an *impulse* to want to be free. This can be interpreted in three different ways. First, let us consider only the need for freedom. When I talk about freedom of the other, it may imply that my sense of freedom refers to the need for it, for example, I say 'a child needs freedom'. Second, the sense of freedom refers to both the need for freedom and an *impulse* to want to be free. It seems these two concepts are interrelated. The moment one says she needs freedom it implies that she on her own wants to be free which is impulsive. For instance, if an individual gets too little space while sleeping initially her body naturally demands more space by stretching legs and arms, which is impulsive; later when the person wakes and indicates expressly that more space is needed. Third, the sense of freedom refers to both the impulse and the need, but separately. For example, if I say 'leave me alone' to a child, the statement shows a need for freedom because it is a reflection of what I am feeling at that moment (I want freedom, for instance, to complete some important work). Similarly, the child keeps on trying either to draw my attention or continues to want to play/explore certain things. Here she also wants freedom, but her freedom is not reflective, since she is not aware of what she is doing, but impulsive. My need of freedom is voluntary whereas her need of freedom is non-voluntary. Similarly, animals have an impulse to want to be free like human children. Further, if I say animals have an impulse to want to be free then I may not deny their having a sense of freedom. Nevertheless, it would be better to say that animals, like human infants, may not have the awareness of freedom, however, they both need freedom impulsively. If an infant is tied up then certainly negative reactions will be shown by him. Similarly, chickens will experience more enjoyment if they are left in an open space rather than in an iron cage. Thus, whether or not animals have the awareness of freedom, they can still enjoy their freedom.

[14] Rights of humans are different from animal rights, except some fundamental rights i.e., right to life and right to food,. Similarly, the concept of animals' freedom needs to be understood in a different way.

The motto of animal welfare i.e., only appropriate freedom should be given to them seems obscure. It is not necessary always to emphasize freedom. Very often it has been observed in the case of the animals that rights and freedom conflict with each other with the result that the freedom of animals to protect their rights—right to life for instance—[15] is undermined. It is a well-known and deplorable fact that various animal species are becoming extinct day by day. It may be true that nothing can be done for the extinct species. Nevertheless, there is always a possibility to take steps to protect species that are under the threat of extinction. In order to increase the number of animals that belong to disappearing species, we sometimes follow the captive breeding process, in the course of which, the animals, for example crocodiles, are kept in very narrow spaces in which it is difficult to move.

According to the World Wildlife Fund policy statement, 'captive breeding is the process of breeding animals outside of their natural environment in restricted conditions in farms, zoos or other closed facilities. The choice of individual animals that are to be part of a captive breeding population, and the mating partners within that population, are controlled by humans' (WWF policy statement 2007). The most important objective of captive breeding is it 'provides a means for conserving species that may not survive in the wild. While captive populations are established for many reasons—such as conservation education, exhibit of interesting species, and research—establishing captive populations for saving species from extinction is an important contribution of zoos to conservation' (Resource document 2016), Smithsonian Conservation Biology Institute, US). Through this process a species of deer, which was under threat of extinction, from China has been successfully saved (Higgins 2014). However, the problem arises whether this process is morally correct or not. One serious and intriguing question in this context is as to whether we should adopt it to protect species by increasing their numbers. Technically, those who believe in the animal welfare system may answer in the negative since to them freedom of animals is fundamental one and should not be restricted. On the other hand, obstructing captive breeding methods results in the loss of animal species in nature. No doubt there is a dilemma here. However, as an animal rights defender I must say that in this situation, freedom needs to be restricted. If we do not protect the rights of animals, then we cannot protect their freedom either (if there is no life then there is no need of freedom).

It is also useful to pose the question whether the same methods can be used in relation to human beings. Take a hypothetical case i.e., suppose there were a particular tribe, whose members were decreasing in number due to some natural cause like terminal diseases, lack of food, etc. So there would arise a necessity to increase their numbers, otherwise that tribe would disappear. It might be plausible that there were no other alternatives, except captive breeding, to save that tribe. Such a proposition will hardly be accepted. It may be correct instrumentally, but not morally. The captive breeding method in the case of human beings cannot be justified because it is wrong (our moral sense and also intuition say so) since human beings are self-conscious and autonomous beings. There could be a further question to the effect that if the captive breeding method is absolutely wrong in the case of human beings, then how should we justify it in the case of animals? Although humans have a greater awareness regarding what is happening to them, it does not follow that animals are like sticks and stones. They do feel pain and pleasure. Hence, it is also wrong to keep them in a narrow space to increase their numbers. Further, this conclusion also entails many issues such as: if we do not take any step to increase

[15] In certain circumstances rights of animals are emphasized over freedom because the freedom for animals will hardly mean anything without their right to life.

their numbers, then these animal species will disappear forever and this consequence may not be accepted by the defenders of the rights of animals.

There could be a middle path to resolve the issue i.e., let us breed them in captivity for a certain period since they have, compared to human beings, less self-awareness. Once their numbers increase, we could return them to their natural habitat. In doing so, their rights, right to life, and freedom could be assured.

Therefore, both rights and freedom are vital for animals. Animal welfare should not be synonymous to physical welfare which only concentrates on freedom from any types of discomforts. Believing that animal welfare is completely different from animal rights implies that animals do not have intrinsic value, only instrumental value, which is not morally acceptable. Those who stick to the assumption that welfare does not encompass rights probably believe that animals have derivative values, and in doing so they hardly hesitate to kill them. A simple question that intuitively comes to our mind is that if we value something only for its usefulness to us, then why should we think about their freedom and hence welfare? After all, whether appropriate freedom is provided or not, they are going to be used, in various unpleasant ways or even killed, at any time, so that freedom ultimately has no value for them. Thus, it is logically inconsistent to maintain the objective of these two concepts of different natures, since these two are coined for the well-being of the same single being i.e., the animal. The animal welfare system should emphasize the rights of animals with the same intensity that it emphasizes freedom. Thus, instead of considering animal welfare and animal rights as two different issues it will be better if we keep both objectives together and use a single term such as 'well-being of animals'.

It is also necessary to discuss briefly what is actually meant by welfare for animals. Although views on animal welfare are based on theoretical assumptions about the wellbeing of animals concentrating on particular aspects of animal existence, it is still possible to go to their essence and formulate viable and practical animal welfare regulations. Since welfare is a wider domain it should not be confined to certain concerns only and end up ignoring something fundamental. Hence, animal welfare should begin by ensuring security of life and then go on to engage with protecting their freedom. However, this type of animal welfare perhaps implies complete abolition of animal exploitation. In this case a critically important question comes up: what are the uses of animals for human ends? As a follow up to the enquiry, it is also important to assess whether it is mandatory to use animals to satisfy human ends. Will it be possible for humans to use animals without any exploitation? It should be possible. After all, humans do get pleasure from the company of pets without harming or abusing them. The situation can be significantly improved if scientists search deeply for alternatives to using animals for biomedical research, scientific inventions, other laboratory work, or producing cosmetics. Steps can also be taken to not bring surplus animals into existence since 'sterilization is consistent with abolitionist programs' (Francione and Garner 2010: 80).

Conclusion

This article has explored the comprehensive relationship between rights, freedom, and welfare, which is very often misunderstood in the context of discussions about the animal welfare concept. It has been proved that animal welfare is incomplete without the consideration of the rights of animals. Mere 'freedom' is not sufficient for constituting a suitable animal welfare

domain. Constructing an animal welfare policy that does not encompass the rights of animals, clearly appears to be formulated on the basis of an anthropocentric idea. This paper has attempted to take a position that the rights of animals are as important as their freedom, if the aim is to provide for their actual welfare. Considering rights, like freedom, as fundamental we can make moderate animal welfare policies wherein the animals would not be deprived of any sort of necessities, whether primary or secondary. Once animal welfare starts emphasizing their rights, then certainly steps will be taken to keep animals away from any type of cruel exploitation and ultimately to save their lives as well. This form of welfare is grounded on morality in relation to animals. Since it is concerned with the natural, physical, as well as the mental aspects of their lives, it is able to ensure their actual well-being, and most importantly provide security for their lives, in a more comprehensive way. Through this rights approach we can achieve real justice for animals.

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