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ON THE CONCEPT OF ECOLOGICAL SOLIDARITY. WHAT CONNECTS ANIMAL RIGHTS WITH THE RIGHTS OF HUMAN BEINGS?

O idei ekologicznej solidaryzacji. Co łączy prawa zwierząt z prawami istot ludzkich?

Słowa kluczowe: etyka, moralność, wspólnota, solidaryzacja, ekologiczna solidaryzacja, prawa zwierząt, prawa człowieka

Key words: ethics, morality, community, solidarity, eco-solidarity, animal rights, human rights

Streszczenie

Artykuł składa się z dwóch części. W pierwszej z nich omawiam ideę ekologicznej solidaryzacji, którą interpretuję w szerokim znaczeniu jako empatyczną identyfikację wynikającą z poczucia przynależności do szerszej wspólnoty istot cierpiących – identyfikację wykraczającą poza przynależność gatunkową. W drugiej części artykułu odpowiadam na pytanie – co łączy dwie idee: praw zwierząt i praw istot ludzkich, kładąc szczególny akcent na rozwój koncepcji moralnych uprawnień w kulturze europejskiej.

Abstract

This article consists of two parts. In the first one, I discuss the idea of ecological solidarity, which is interpreted by me as solidarity *sensu largo*, resulting from the sense of belonging to a community of living and suffering beings. In the second part I answer the question: what connects animal rights with the rights of human beings? In my opinion, if European civilisation had not developed a category of solidarity, there would be no concept of human rights, and without the category of eco-solidarity there would be no concept of animal rights.

1. On the concept of ecological solidarity within the context of the human/other animals relationship

In terms of etymology, the concept of eco-solidarity derives from the Latin word *solidum*, which means existing together on the Earth. Above all, eco-solidarity means achieving a higher level of moral awareness associated with the acceptance of the fact that the Earth is inhabited by animals other than us, which share with us a common destiny: they are born, suffer, strive to avoid pain, and die. It is this awareness of our common destiny that is a prerequisite for the approach based on the belief that the Earth does not belong exclusively to us, the representatives of the *Homo sapiens* species, and that not only people are born, suffer and die. Eco-solidarity is *sensu largo* solidarity resulting from the sense of belonging to a wider community that goes beyond the sense of belonging to a species, i.e. a community in suffering. This community would include all living beings which, as a result of having a nervous system, are burdened with a characteristic such as experiencing pain. Thus, the evolution of moral awareness based on the expansion of the circles of emotional identification would be carried out in the following manner:

Empathy – Sympathy – Benevolence (solidarity within the *Homo sapiens* species) – Eco-solidarity (solidarity which goes beyond the *Homo sapiens* species).

Empathy is one of the principal reactions of a human being to its external environment, observed already in the early stages of mental development, which consists of the ability to enter the psychological state of another person, in emotional identification. In later stages of mental development, empathy transforms into the ability to experience sympathy, which is related to the perception of the other person's individuality, with whom we enter into a relationship. Contrary to reactive empathy, sympathy is an active state (Smart 1976: 135). This is a deliberate action to minimise the suffering of the people with whom we have direct personal relationships. On the other hand, benevolence occurs in cases where we generalize our positive attitudes towards other people who we do not know directly but we only know that they are in need of assistance. Their suffering, which we have learned about and do not directly experience, motivates us to act altruistically. Benevolence has a universal dimension within the human species. It is a conscious, emotionally positive attitude of a universal nature, which connects people and is aimed at preventing evil, and especially at min-

imizing suffering. It should be highlighted that the postulate of benevolence means practising interspecies solidarity (Frankena 1982: 71).

Eco-solidarity, in turn, means identification with others that goes beyond the *Homo sapiens* species and includes other animal species. This level of moral maturity would be closely linked to the process of personification, which accompanies the mental development of human beings. Personification is the ability to imagine what others feel and experience. It would require gaining the ability to see similarities between one's own person and other beings, which in turn would lead to the acquisition of an awareness of a certain fundamental equality in terms of basic sensations, feelings and wants. The vast majority of children already have this type of ability. It is certain that its presence and development are conditioned by self-awareness – based on the total sense of one's own existence, the acquisition of self-cognition and imagination. As we are aware of ourselves, we begin to attribute this ability to others. As we are aware of our feelings, we feel fear and pain, we assume that others feel the same, and we imagine ourselves in their shoes. The awareness of the similarity of some principal experiences and feelings occurs in childhood and is stimulated by family structure. A child with siblings notices more quickly that his or her brothers or sisters have feelings and are self-aware. The child then transfers these ideas onto other people according to the principle of generalisation, through categorisation and systematisation. The continued growth of necessary cognitive structures in the brain makes it possible to include in the personalisation process not only people but also animals. A human begins to see the traits that unite him with the animal world and as a result he or she can put themselves in their position. Therefore, what would be the negative consequences of limiting the personification process? Without being able to imagine what others are feeling, a human being would never be able to leave behind his or her egoistic self-concentration, and would experience emotional disorders and display psychopathic behaviour. Such a person would treat others, both people and animals, like objects, in an impersonal manner. In the awareness of such a person the status of other people and also of other living creatures will resemble that of objects, material things or anonymous numbers. And this is only a step away from committing the most terrible crimes and offences.

2. What connects animal rights with the rights of human beings?

In my opinion, if European civilisation did not develop a category of solidarity, there would be no concept of human rights, and without the category of eco-solidarity, there would be no concept of animal rights. The purpose of ethics founded on the idea of solidarity is to provide some minimal protection to those too weak to protect themselves. The defenceless and helpless, on the other hand, would be protected by basic rights (Shue 1980: 18). This applies to both humans and animals, as it is easy to notice that the category of the helpless and defenceless, too weak to defend themselves, can also be extended to animals. Therefore, for any attempt to improve the brutal fate of living beings outside the *Homo sapiens* species to be truly effective, it must be founded on an endeavour to provide them with rights analogous to basic human rights (such as: the right to life, the right not to be harmed, the right not to be enslaved). Thus, it is primarily the recognition of such rights which can be a guarantee of moral respect, based on respect not only for human life, but also for animal life and carnality. Moreover, only rights can safeguard equal treatment in at least its basic scope, and equal evaluation of the degree of evil committed.

It is worth paying particular attention to the fact that the supporters of the idea of animal rights are also defenders of fundamental rights for all people, regardless of their age, physical or intellectual condition. Basic rights should fulfil an analogous function to a “no entry” sign as in the Highway Code (Nozick 1972: 35). If we accept, therefore, the claim that people have certain fundamental rights, this means that all representatives of *Homo sapiens* should be placed under constitutional and moral protection, which prohibits interference in their lives, carnality and freedom (Feinberg 1972: 58). Thus, if we go one step further and recognise in an act of eco-solidarity that at least some animals also have basic rights, then they also should be given similar protection, and the way in which they are currently treated on factory farms and in laboratories should be considered morally wrong, should be condemned and should be illegal (Cohen, Regan 1992: 152). Consequently, all those with certain basic rights would have a specific privilege (a trump card) to enable them to be treated in a special, protective manner (Dworkin 1984: 154). Therefore, all representatives of *Homo sapiens*, as well as representatives of at least some non-human species, should not be treated arbitrarily and should not

serve other people's purposes. This is because the function of these basic rights is precisely to prevent such situations from taking place. It should also be added that this form of protection would not apply to the animal-animal relationship, so the rights would not protect animals from other animals. Their aim would be to organise the human-animal relationship, in which the status of non-human beings would be comparable to that of small children or people with intellectual disabilities. Thus, reasoning referring to marginal cases is often cited by ethicists; according to this reasoning, if the argument in favour of animal extermination is based on the animals not possessing a certain trait, which characterises the representatives of *Homo sapiens*, then one can always find a marginal case of a human being who also does not possess this trait (e.g. children, the mentally ill, people with intellectual disabilities), but is protected by moral and legal rights (Dombrowski 1997: 57). Moreover, the matter concerns only basic rights and not civil rights, which are not useful or necessary for both children and animals. Are small children entitled to vote, for example? Does the absence of this entitlement imply the absence of a more fundamental right to life? Thus, the postulate for animal rights based on the practice of eco-solidarity does not equal recognising all human rights in the case of animals, but only the basic rights, such as the right to life, the right not to be harmed and the right not to be enslaved. The comparison of animals to small children or people with intellectual disabilities is important for another reason. Are these people able to themselves ask others to respect their rights? Unfortunately, this is not the case. Consequently, in the case of animals which have been harmed, appropriately prepared attorneys would put their cases forward in court. Their attitude would be comparable to that of those who currently appear in court on behalf of children, the mentally ill, the mentally disabled, those suffering from senile dementia, and so on.

What does the expression "to have rights" mean, if they were not granted by anyone? These rights were not granted by a human being, God, nor by any external body – for instance, a society with its legislative order. To have such rights would be to have them by one's very nature (Vlastos 1984: 41–76). In this case, the reference to the category of nature would not apply to the concept of being, but would be founded on the existence of an objective human nature and an objective animal nature. If we consider the lack of qualitative differences between people and, for example, other representatives of the Primate order, as emphasized by contemporary neuroscience, and if the basis for recognizing rights in the case of people is their nature, then why cannot at least

some of the basic rights stem from the nature of these primates? According to the supporters of animal rights, legal and natural concepts do not have to be exclusively linked to philosophical reflection on human nature, i.e. philosophical anthropology. These theories may also take as their reference point philosophical reflection on the nature of animals enriched with the latest results of biological and neurological science. It should be emphasized that assumptions on the purposeful character of both human and animal nature, and those on a certain basic community of interests (for instance, striving to avoid suffering) are reinforced by the thesis that there are no qualitative differences between the representatives of *Homo sapiens* and at least some representatives of non-human species. There are, therefore, some basic characteristics (biological, psychological and personal) that are common to all people. There are also biological and psychological characteristics that connect people with at least one group of animals and the difference in the degree of manifestation of these characteristics is purely quantitative. Thus, if the recognition of certain rights stemming from human nature determined at least the scope of negative obligations, i.e. what no human being is allowed to do to other human beings then, similarly, the recognition of certain rights stemming from animal nature would determine what human beings must not do to an animal. Therefore, why would the recognition of certain natural rights not determine the scope of obligations within the animal-animal relationship? Tom Regan, the leading representative of this concept, states that animals do not possess the ability to “recognise” any rights, but this does not mean that they do not possess basic rights (Regan 2001: 66). Similarly, the thesis which states that animals do not have intellectual qualifications to recognize their own genetic code does not lead to the conclusion about the non-existence of this genotype. Let us reiterate the often-made analogy to children, mentally disabled people and the mentally ill, who also do not possess similar skills. The above does not mean that these people do not have and should not enjoy certain basic rights.

In the light of the previous considerations, it should be noted that both human rights and animal rights are defined as inherent, inalienable and free from axiological relativisation. They are ontically primary to statutory law, and because of them, both humans and animals should belong to a moral community. Both theories are part of a renaissance of concepts that proclaim the idea of objective rights. In both cases, these rights are assigned a universal, non-conventional character. As regards the human species, this character goes beyond the cultural context, while in the case of animals it relates to the common

features which connect the representatives of at least some animal species with the representatives of *Homo sapiens*. In this sense, animal rights in their ontological-axiological status are comparable to human rights interpreted as rights founded in nature.

Philosophers often think that a discussion about rights takes place only when the state and its institutions are one of the parties to the debate and at the same time the subject of it. A state organisation is subject to criticism especially when the degree of protection of the legal status of a human being is evaluated. A similar situation occurs in relation to the debate on animal rights, which is combined with the criticism of the functioning of certain institutions in the country (*Ibidem*: 143). According to Regan, a state organisation should not only be tasked with the protection of people, but should also ensure the statutory protection of at least some non-human entities. Therefore, in the debate on human and animal rights, the state is a party to the debate and it is the state which is subject to criticism. From the point of view of ethics calling for moral respect for animals, the state is the guardian of unprincipled laws. Moreover, the extreme unrighteousness/injustice of the statutory law should not only be an ethical issue, but should also be the subject of legal debate. Thus, efforts should be made for a radical change in the statutory law – by taking action against immoral laws – but also against the rigidity of positive law in general, and against a vision of law that becomes the cause of moral stagnation.

What else connects the concept of animal rights with the historically earlier concept of human rights? The advancement of human rights took place during a civilisational crisis (of political, religious and ideological character), which was connected with the liberation of man from traditional social and ideological structures and with the development of self-awareness of individuals and of entire societies. The proclamation of the concept of animal rights is also connected to the religious, ideological and moral crisis, which affected Western civilisation in the 20th century, along with the development of moral awareness, and with the scientific progress concerning knowledge of the nature of animals. Thus, the concept of animal rights can be regarded as a subsequent stage in the expansion of the scope of rights in general in Western culture. In addition, this concept can be interpreted as historically the last stage in the struggle to extend basic rights to all those who belong to the category of the weak and helpless. This category includes entities of a lower order in a biological or social sense. Their instrumental treatment or depreciation in traditional thinking has been widely accepted. Any entity which enters into a compulsory de-

pendency relationship is weak (Regan 1983: 291). This results in exploitation, enslavement, objectification, deprivation, killing and abuse. If the protection of the weak (both humans and animals) is to be effective, it cannot be based solely on human sensitivity and good will, because there will always be those who do not have these qualities. Any real protection must be statutory. In this case, a transformation of awareness is a necessary, although not sufficient, condition, and it should be confirmed by a radical change in statutory law. Enshrinement in law means shaping of behaviour on the basis of a system of judicial penalties, i.e. primary preventive methods.

Let us return to the thesis which states that the concept of animal rights is the last stage in the development of rights as a whole. The way in which rights are understood is linked to the different stages in which they were advanced, against the background of history. The first stage, described as liberal, and making a reference to the concept of natural rights developed by John Locke, was complemented by the Universal Declaration of Human Rights, adopted by the United Nations in 1948. This stage is defined as the “first generation of rights”. This includes all those rights that relate to the protection of human existence, i.e. rights that protect people in relation to physical and mental aspects (e.g. freedom of speech and religion). In the next stage, known as the “second generation of rights”, people were given a number of social and economic rights under the Covenant on Economic, Social and Cultural Rights from 1966. Third generation rights, the so-called “solidarity rights”, concerned the right of nations to self-determination, especially those participating in decolonisation processes (Vasak 1977). I believe that the advancement of the concept of animal rights at the end of the 1970s is connected with fourth generation rights, the post-modern rights, which postulate the protection of various groups, previously discriminated against on the grounds of race, sexual orientation or age. This is connected to the demand for the rights of women, children, people with disabilities and homosexuals. I believe that “being discriminated against” is an expression with a broad meaning and it does not have to relate to violence against people alone, and that it can include beings which do not belong to the *Homo sapiens* species. The concept of animal rights continues to be opposed by some people, similarly to the opposition shown several dozen years ago to the concept of children’s rights (which called for the introduction of a statutory ban on beating, harassment and physical exploitation of children), the concept of women’s rights (for instance, the ban on the exclusion of women from public life), or the battle for

rights of the disabled, aimed at equalising opportunities in the exercise of social privileges. Despite the controversy, I believe that the concept of animal rights is a natural consequence of Western civilisation's development of legal culture.

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