Animal Rights, without Liberation?

Alasdair Cochrane


In *Animal Rights without Liberation*, Alasdair Cochrane argues for an interest-based theory of nonhuman animal rights. Exploring the territory between utilitarianism and animal liberation, he argues nonhuman animals should be granted some prima facie rights, such as the right not to be made to suffer and the right not to be killed. However, this does not mean they have a right to liberation. According to Cochrane, most nonhuman animals have no interest in liberation because they are not autonomous agents. Cochrane puts forward a new way of thinking about animal rights and is convincing in its application of the theory to different policy areas. It is less convincing in its criticism of existing animal rights theories and in defending the claim that nonhuman animals have no interest in liberation.

Many people find the idea of rights for nonhuman animals\(^1\) strange, because these animals cannot claim rights for themselves or respect the rights of others in the way human animals can. Others see rights as necessary to end the exploitation of animals. In *Animal Rights without Liberation*, Alasdair Cochrane develops a new theory of animal rights, grounded in their interests as sentient beings. Cochrane argues sentient animals should be granted the right not to be made to suffer and not to be killed, but they do not have a right to liberty, as most animal rights theories claim.

The first part of the book outlines the theory of interest-based rights. Many animal rights theories (for example, Regan, 1983; Donaldson & Kymlicka, 2011) begin with the idea of (universal) human rights. They argue animals have inherent value, just as humans, and therefore they should be granted certain inviolable rights to protect them, such as the right not to be killed or enslaved. On the other side of the spectrum we find utilitarian theories (most notably, Singer, 1975), which argue we should take the interests of animals into account in moral decisions. What matters morally is sentience, not species membership, and equal interests count equally. Interests never lead to inviolable rights,

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\(^1\) Hereafter mostly referred to as “animals.”
because the theory is aggregative; we ought to generate the best outcome for all and if this means sacrificing the lives of some, it is our moral obligation to do this. Concerned with individual well-being, Cochrane argues that individual lives of animals matter, not the aggregative outcome. To protect certain interests of individuals, we need rights.

However, we cannot ground animal rights in notions such as inherent value or dignity, which are often used to ground human rights, because, Cochrane argues, most animals have no moral or autonomous agency and it is therefore unclear why they should have a right to respectful treatment. Instead, he adopts Joseph Raz’s conception of rights. According to Raz, an individual has a right when that individual has an interest that is sufficient for holding someone else under a duty (Cochrane, 2012, p. 9). To determine which rights animals have, humans need to weigh their interests and determine if they are sufficient to impose strict duties on humans.

The second part of the book is devoted to applying the theory to different policy areas, such as animal experimentation, genetic manipulation and farming. By weighing animal and human interests in different situations, the author determines “concrete rights.” As sentient beings, animals should be granted certain prima facie rights, such as the right not to be made to suffer or not to be killed. Humans would therefore need to end many of the current practices in which animals suffer. However, this does not mean we need to end all use of animals. Cochrane (2012) argues most animals do not have an interest in liberty, because “they lack the capacities of autonomous agency. That is, the majority of sentient animals lack the ability to frame, revise, and pursue their own conception of the good” (p. 11). Although animals have a right not to be made to suffer or be killed in experimentation, for example, experiments can be allowed when the animals are not made to suffer and the benefits for humans or other animals are sufficient.

Written in an accessible style, the book shows that there is an underexplored territory between theories that focus on animal welfare and theories that focus on animal liberation. The second part of the book successfully shows how philosophical arguments can contribute to a better understanding of moral issues in law and politics. However, it is less convincing in its criticism of existing animal rights theories and in defending the claim that nonhuman animals have no interest in liberation.

Cochrane argues that grounding rights in inherent value or dignity is problematic because animals are not autonomous agents and therefore are not ends-in-themselves as humans are, and because grounding rights in some kind of value is vague and difficult. But if we consider the human situation, the idea behind universal rights is that they are for all humans and for those who