An Application of Philosophical Theories Regarding Animals and An Argument for the Replacement of Zoos

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AN APPLICATION OF PHILOSOPHICAL THEORIES REGARDING ANIMALS AND
AN ARGUMENT FOR THE REPLACEMENT OF ZOOS

By

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Submitted in Partial Fulfillment
of the Requirements for
Graduation with Honors from the
South Carolina Honors College

December, 2021

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ABSTRACT

Animal ethics has emerged as a thoughtful discipline in philosophy over the last century. Animals were occasionally mentioned by thinkers such as Immanuel Kant and Jeremy Bentham in the scope of deontology and utilitarianism. More recently, animal ethicists such as Peter Singer, Tom Regan, and Gary Francione have constructed arguments specific to animal interests in the hopes of determining just where they fall in discussions of ethics. Other contemporary schools of thoughts such as Christine Korsgaard’s Kantian approach and the environmental ethics discipline consider animals.

Zoos have entered the realm of controversy quite recently as well. Zoos today have evolved from their exploitative predecessors to become institutions devoted to conservation and education. With various incidents of alleged animal disrespect, many question if modern zoos are in fact as morally permissible as we once thought.

Animal ethics and zoos intersect at an interesting crossroads creating a real-world application of several contemporary philosophical theories. I summarize these theories and assess their impact on animal ethics. I then use the sufficient theories and apply them to the notion of zoos and determine that modern zoos are not morally permissible. Finally, I present a possible solution to reconcile the sufficient theories with the notion of zoos.
“Some people talk to animals. Not many listen though. That’s the problem.”

A.A. Milne, *Winnie the Pooh*
Introduction

Philosophy and its contributors have extensively discussed ethics. Oftentimes this scope is limited to the sphere of humans, with occasional inclusion of animals and their interests. In modern day, more mundane discussions of ethics, the topic of animals slowly creeps in. In recent years we have been exposed to many injustices regarding the treatment and uses of animals, yet the underlying issue of where animals fit into our ethical theories remains very complex. Zoos are a primary example of this complexity. They have evolved from mere collections of display animals to opening a discussion about animals and their interests through goals of conservation and education. Eventually, however, the question of whether zoos themselves are morally permissible becomes apparent.

Through an investigation and application of philosophical theories relating to the matter, I argue that zoos are not morally permissible. I present the utilitarian view argued by Jeremy Bentham and then Peter Singer, Immanuel Kant’s theory regarding means and ends, animal rights theory argued by Gary Francione and Tom Regan, Kantian theory presented by Christine Korsgaard, and arguments from the environmental ethics discipline. All are relevant and can be applied to the question of whether or not zoos are morally permissible.
History of Zoos

Human fascination with wild animals dates back to the 4th century BC in civilizations such as Egypt and China (Gray). Kings, emperors, and other leaders collected exotic animals, and these collections of animals became known as symbols of wealth and power. The predecessor of a zoo called a “menagerie” was common at the time and references aristocratic or royal animal collections. Some collectors include King Solomon of the Kingdom of Israel and Judah, Alexander the Great, and William the Conqueror (Suson). William the Conqueror was known to have kept a small collection of animals, and later his son Henry I expanded the menagerie to include camels, leopards, lions, lynxes, owls, and even a porcupine (Suson). The menagerie at Versailles, arguably the most notable, was built by French king Louis XIV (Suson). It housed “ferocious” animals used in staged fights, but also served as a pleasurable garden (Suson).

The term “zoo” comes from “zoological garden”; instances of the latter appeared in the late 18th century (Gray). Public access differentiates a menagerie and a zoological garden. While menageries were private collections of animals owned by the upper-class, zoological gardens could be enjoyed by the public (Gray). The Renaissance and the Age of Enlightenment were also contributors to the evolution of the menagerie to the zoological gardens. Animals were transported from the Versailles menagerie to a zoo in the Jardin des Plantes for scientific study (Suson). Zoological gardens housed plants and animals with the primary purpose of education. The London Zoo was notably created only for scientific purposes, established by the Zoological Society of London (Suson). Eventually, other major cities across the globe took inspiration from London and Paris and opened their own zoos, the first to open in the United States being the Central Park Zoo in 1860 and the Philadelphia Zoo in 1874.
Carl Hagenbeck shifted the Versailles menagerie enclosure to the modern enclosures we see today. At Versailles, animals were kept in metal cages (Suson). Hagenbeck “designed cages that didn’t look like cages, using moats and artfully arranged rock walls to invisibly pen animals. By designing these enclosures so that many animals could be seen at once, without any bars or walls in the visitors’ lines of sight, he created an immersive panorama, in which the fact of captivity was supplanted by the illusion of being in nature” (Marris). This enclosure is the same we see today in modern zoos.

Today, there seems to be a zoo in every city, with Carl Hagenbeck’s enclosure remaining the primary means of display. Most animals in today’s zoos are born and bred in captivity, with the occasional rescue from the wild (Phillips). While the goals of science and education remain influential, the new purpose zoos set as a goal is both conservation and recreation, working hand-in-hand (Phillips). Today’s zoos are a business, and function as such (Gray). In addition to caring for the animals, zoos must make sure they stay afloat in order to make efforts towards their conservation goal (Gray). From an economic standpoint, they do so by marketing their goods to serve a public need: entertainment. As this method has evolved, so had the controversy surrounding zoos and their hold on animals in captivity.

Zoos and the captivity of animals have not always had the most positive of reputations. Modern instances of animal dissatisfaction has been a controversial topic of conversation, the most notable perhaps being the case of the orca named Tilikum who was involved in the deaths of three people at SeaWorld (Cowperthwaite). In the documentary entitled Blackfish, filmmakers follow the capture of Tilikum off the coast of Iceland and his harassment by other captive orcas (Cowperthwaite). Due to the social nature and tribe-like social groups of orcas, experts believe this contributed to Tilikum’s later aggression, in addition to the stress he was under while in captivity (Cowperthwaite). The later tragedy that followed were the deaths of
two SeaWorld animal trainers and a man trespassing at SeaWorld (Cowperthwaite). Both this incident and *Blackfish* itself sparked conversations regarding the practices of aquariums for their animal’s well-being, and keeping animals in captivity in general.

Modern zoos have evidence of achieving their conservation and educational goals, however. The Association of Zoos and Aquariums and their accredited facilities have championed conservation. For one, they reintroduce animals into the wild, an example including the California condors that were on the brink of extinction in 1982 (Marcy). The AZA zoos in California including the San Diego Zoo and the Los Angeles Zoo launched an effort to capture and breed the remaining condors (Marcy). In 1992, they released the first condors that they bred into the wild in California, and the population has grown to over 240 condors living in the wild (Marcy). AZA also sponsors educational programs where zoos use the animals they have in captivity to educate their audience on the importance of protecting their counterparts in the wild. An example of this is the protection of sea turtles. Most of the public traveling to new tourist areas along the coast are unaware of the traditions surrounding the protection of sea turtles hatching in the area. Once they hatch, sea turtles use the bright light from the moon and it’s reflection off the ocean water as a guide to the sea. However, lights from nearby human homes can overshadow the moonlight and confuse the sea turtles, contributing to the decline in the sea turtle population. Several AZA zoos offer programs alongside their marine animals to educate the public on this issue in the hopes the public will take action (Marcy). Lastly, AZA zoos are also responsible for the rehabilitation of injured animals. AZA-accredited zoos and aquariums work alongside the U.S. Fish and Wildlife Service to help rescue, rehabilitate, and care for wild animals until they are deemed ready to return to the wild (Marcy).

My first recollection pondering about the moral permissibility of zoos was during my childhood, at a family trip to SeaWorld’s Discovery Cove in Orlando, Florida. I had dreamed
of the opportunity to swim with dolphins, and Discovery Cove offered that opportunity with dolphins they had bred in captivity, along with a pool to snorkel in full of marine life to swim with. I enjoyed this hands-on experience with animals, but did not think of the moral permissibility of this facility until we were shown an educational video about dolphins in the wild and ways the audience could help with the conservation effort. To me, this seemed like a respectable means to inspire visitors to help animals in the wild by exposing them to those same animals, but in captivity. Yet it didn’t seem fair to the animals bred in captivity that their counterparts were benefiting from their actions, but they will most likely never be able to join their counterparts in the wild because they had been bred in captivity for the purpose of entertainment. But did these animals realize this conundrum, or did they not care? Even if they lacked the capabilities to care, is it a responsibility of humans, who do hold this capability, to care on their behalf? Following the pursuance of an undergraduate degree in philosophy, I wanted to use this newfound knowledge to address what I wondered at that trip to Discovery Cove. Since then, many arguments against keeping animals in captivity have come out and been a topic of controversial discussion in the public sphere. Through study of various theories of ethics and further research into zoos, I conclude that the modern zoo is not morally permissible.
Ethical Theories

The theories presented in this section range from broad schools of thought regarding ethics in general to arguments specific to the ethical treatment of animals. First, Immanuel Kant is known for his deontological theory—or study of duty—, more specifically the idea of “means to an ends.” Next, Jeremy Bentham’s utilitarianism asserts that the morally right action is the one that maximizes pleasure and minimizes pain. Peter Singer’s *Animal Liberation* argument is both a utilitarian argument more specific to animal interests and one of the first major ethical works focusing on explicitly animals. Tom Regan and Gary Francione also present arguments specific to animals in *The Case for Animal Rights* and *Animal Rights: The Abolitionist Approach*, respectively, with the former reasoning for a recognition of animal rights and the latter rejecting animal exploitation all together. Christine Korsgaard in *Fellow Creatures: Our Obligations to the Other Animals* uses Aristotelian virtue theory and Kantian ideals to create a more contemporary argument regarding animals and morality. Lastly, environmental ethics offers a modern point of view regarding the treatment of animals in the scope of other contemporary ethical issues outside the realm of humans.
“Means to Ends” – Immanuel Kant

Immanuel Kant (1724-1804) was an influential thinker whose contributions to ethical philosophy remain relevant to the modern conversation about the ethics of zoos. In both *Groundwork of the Metaphysics of Morals* and the *Critique of Practical Reason*, Kant argues that there is a reciprocal relationship between morality and freedom. He explains “to act morally is to exercise freedom, and the only way to fully exercise freedom is to act morally” (Rohlf). To do so, he presents the idea of the categorical imperative. In order to understand the categorical imperative, Kant first explains “The Formula of the Universal Law of Nature,” which states “act only in accordance with that maxim through which you can at the same time will that it become a universal law” (Johnson). He then explains the concept of the categorical imperative which in short represents some principle upon which everyone could rationally be acted upon by everyone in accordance with the Universal Law of Nature. One formulation of the categorical imperative which he deems “The Formula of Humanity” states “So act that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (Kerstein). Treating someone as “merely a means” has been equated to “using” or “exploiting” someone. An example of treating someone as merely a means could be asking a person out to lunch purely because this person is funny and you are in need of a laugh. Using this person just to get a laugh would constitute treating them as a mere means. On the other hand, if you asked this person out to lunch with respect for them as a whole person, not just their ability to make you laugh, this would constitute treating them as an end in themselves. Kant argues that it is morally unacceptable for a person to treat another person as merely a means. It is morally required that a person treat another person always as an end in themselves.

Kant himself did not believe animals are “ends in themselves,” arguing that the description “ends in themselves” could only be applied to rational beings, and animals are not
rational beings (“Animal Rights”). He further adds that “animals are not self-conscious and are there merely as means to an end. The end is man” (“Animal Rights”). While the Kantian view holds that we do not have direct duties to animals, meaning we have no duty to foster the ends of animals, we do have an indirect duty. This is “our duty to respect and foster the ends of humanity” by treating animals with respect, which we use as means to our own ends (“Animal Rights”). Kant’s central ideas regarding “means to an ends,” continue to be used in the discussion of animal rights and present the question about where animals fall in the scope of this view.
Utilitarianism - Jeremy Bentham

Utilitarianism is an essential approach to ethics and is supported by Jeremy Bentham (1748–1832). In general, the utilitarian view states that “the morally right action is the action that produces the most good” (Driver). Bentham expanded upon this view and introduced the aspect of pleasure and pain. He argued that producing the most good involves maximizing pleasure and minimizing pain for the greatest number of individuals (Driver).

Traditionally, the utilitarian view has been exemplified with human individuals, but some proponents of this view including Bentham have broadened the scope to include animals. Bentham was the first Western philosopher “to grant animals equal consideration from within a comprehensive, non-religious moral theory,” but he is often attributed a much more radical view about animal welfare than he actually wrote, and he wrote very little on the subject (Kniess). He mentions animals briefly in his work An Introduction to the Principles of Morals and Legislation, Bentham draws upon an analogy between the treatment of slaves and animals:

“The day has been, I grieve to say in many places it is not yet past, in which the greater part of the species, under the denomination of slaves, have been treated by the law exactly upon the same footing as, in England for example, the inferior races of animals are still. The day may come, when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized, that the number of the legs, the villosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or, perhaps, the faculty of discourse? But a full-grown horse or dog is
beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or 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?"

The last line is referenced by Peter Singer later in *Animal Liberation* and Tom Regan in *The Case for Animal Rights*. Bentham himself believed that animals could be granted equal consideration regarding maximizing pleasure and minimizing pain. But, “Bentham did not object to the killing and use of animals,” so long as it abided by the utilitarian view of doing so in the most harmless yet productive way (Kneiss). He attempted to reconcile the difference between inferior treatment of animals and utilitarianism. His defense of animal welfare laws that do so is based on their effect on human welfare, which seems to trump animal welfare in Bentham’s mind. It remains debated how the scope of pleasure and pain can include animals and their interests.
Animal Liberation - Peter Singer

Animal Liberation is one of the most well-known philosophical work to address animals. Peter Singer (1946-) coins the term “speciesism” as “a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species.” His argument for morality applies the typical utilitarian view involving the minimization of suffering to include the scope of animals. Since animals have the capacity to suffer, they have an interest in having their suffering minimized. While Singer only addresses animals used for experimental research and for food production as examples in Animal Liberation, his argument is still applicable to animals kept in zoos.

Singer begins by pointing to a disagreement between Kant’s “means to an ends” doctrine and his utilitarian argument in regards to animals. He claims we are currently “treating animals as things, mere means to our ends, with no other reason for existing” (Singer ix). Singer’s argument for why animals should be given equal consideration in morality involves their capacity for suffering and their sentience. The capacity for suffering stems from utilitarianism, which holds the view that people should maximize happiness, and on the other hand, minimize the most amount of suffering. Singer explains “the capacity for suffering and enjoyment is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in a meaningful way” (Singer 7). It is apparent the animals have the capability to suffer and do suffer, in ways that Singer expands upon later when exemplifying animal experimentation and food production. Singer also explains that the argument for the ethical consideration of animals can be summarized as “we simply wanted them treated as independent sentient beings that they are, and not as means to human ends” (Singer xxi).

Singer cites the Civil Rights and Women’s Suffrage movement and advocates that the same attitudes should be applied to the animal rights movement. Both revolutions stemmed
from a condemnation of racism and sexism, and Singer argues that the same should be done for speciesism. He accepts that some critics may be hesitant to make the jump across species from humans to animals, and explains “the basic principle of equality does not require equal or identical treatment; it requires equal consideration. Equal consideration for different beings may lead to different treatment and different rights” (Singer 2). A condemnation of speciesism, then, is “...the basic moral principle of equal consideration of interests is not arbitrarily restricted to members of our own species” (Singer xxi).

Singer includes an example of speciesism in an unfortunate scenario where an infant was born with brain damage, and will be “unable to talk, recognize other people, act independently of others, or develop a sense of self awareness” (Singer 18). Singer gives the parents in the scenario two options: to either spend the thousands of dollars that would be needed annually to care for the infant, or ask a doctor to kill the infant painlessly. Legally, the doctor would not be able to do what the parents request, reflecting the commonly held view of the sanctity of life, or that every human life is sacred. Yet our society would not apply this same view to animals. Singer argues that “adult chimpanzees, dogs, pigs, and members of many other species far surpass the brain-damaged infant in their ability to relate to others, act independently, be self-aware, and any other capacity that could reasonably be said to give value to life” (Singer 18). He then explains that “the only thing that distinguishes the infant from animal, in the eyes of those who claim it has a ‘right to life’, is that it is, biologically, a member of the species Homo sapiens...” (Singer 18). Using only the difference in species to decide what being has a ‘right to life’ is speciesism. Singer concludes that to avoid speciesism, “we must allow that beings who are similar in all relevant respects have a similar right to life—and mere membership in our own biological species cannot be a morally relevant criterion for this right” (Singer 19). He clarifies his example of speciesism by explaining that speciesism should “not make the lives of the
retarded and senile as cheap as the lives of pigs and dogs now are, or make the lives of pigs and dogs so sacrosanct that we think it wrong to put them out of hopeless misery” (Singer 20). Singer simply states “we must bring nonhuman animals into our sphere of moral concern and cease to treat their lives as expendable for whatever trivial purposes we may have” (Singer 20). This means, in accordance with the utilitarian view, we must include the suffering of animals when we seek to minimize suffering.

Singer moves forward and calls out two major examples of speciesism in everyday life, the first being animal experimentation for research. Animals are typically used for psychological, pharmaceutical, and cosmetic research with the intent that results will be beneficial for humans and alleviate their suffering. He illustrates several appalling instances of experiments on animals, some with a questionable application to human beings covered by scientific jargon. Singer poses two questions, beginning with “would we be prepared to let thousands of humans die if they could be saved by a single experiment on a single animal?” to “would the experimenters be prepared to carry out their experiment on a human orphan under six months old if that were the only way to save thousands of lives?” (Singer 81). He concludes “the ethical question of the justifiability of animal experimentation cannot be settled by pointing to its benefits for us, no matter how persuasive the evidence in favor of such benefits may be. The ethical principle of equal consideration of interests will rule out some means of obtaining knowledge” (Singer 92).

Singer’s second example of speciesism in everyday life is hidden by the widely-held belief that the happiness and well-being of animals and the economic profitability of farmers go hand in hand. He argues that the opposite is true, and uncovers even more atrocious treatments of animals in the farming industry. Factory farming makes it impossible for animals to follow their instinctive behavioral patterns. These animals are not even granted what has been
called the “five basic freedoms—ones that perhaps animals in some zoos are granted—: “to turn around, to groom, to get up, to lie down, and to stretch the limbs freely” (Singer 142). W.H. Thorpe, the director of the department of animal behavior at Cambridge University, states “whilst accepting the need for much restriction, we must draw the line at conditions which completely suppress all or nearly all of the natural, instinctive urges and behavior patterns characteristic of actions appropriate to the high degree of social organization as found in the ancestral wild species...In particular, it is clearly cruel so to restrain an animal for a large part of its life that it cannot use any of its normal locomotary behavior patterns” (Singer 142). Singer concludes that the conditions for animals in factory farms directly stem from speciesism, saying “once we place nonhuman animals outside our sphere of moral consideration and treat them as things we use to satisfy our own desires, the outcome is predictable” (Singer 97).

Moving from making examples of speciesism, Singer shifts to discuss where these speciesist ideas came about. The idea that earth is ‘man’s dominion’ originated in the Book of Genesis. Genesis 1:26-28 states:

“There God said, “Let us make mankind in our image, in our likeness, so that they may rule over the fish in the sea and the birds in the sky, over the livestock and all the wild animals, and over all the creatures that move along the ground.” So God created mankind in his own image, in the image of God he created them; male and female he created them. God blessed them and said to them, “Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish in the sea and the birds in the sky and over every living creature that moves on the ground”’” (“Bible”).

Singer then explains how Genesis describes the Garden of Eden “as a sense of perfect peace, in which killing would have been out of place” (Singer 187). In the original state of innocence, according to Singer’s interpretation of the Bible, humans had the authority over animals, but
were given the responsibility to care for them. Later Christian thought evolved to emphasize the distinctively Christian ‘sanctity of human life’ idea, which differs from Eastern religions who preach that all life is sacred. Instead, “Christianity spread the idea that every human life—and only human life—is sacred” (Singer 191).

St. Francis of Assisi, however, is an exception to this rule, who is known for his patronage of animals and nature. Singer describes him as someone “in a state of religious ecstasy, deeply moved by a feeling of oneness with all of nature” (Singer 197). Yet this belief does not align exactly with Singer’s argument, who explains “if we love rocks, trees, plants, larks, and oxen equally, we may lose sight of the essential differences between them, most importantly, the difference in the degree of sentience” (Singer 198). Another major Christian whose argument, Singer claims, is speciesist is that of St. Thomas Aquinas, who argues that cruelty to animals is wrong as it may lead to cruelty to human beings. Aquinas “denied that animals are proper objects of moral concern for at least two reasons…” the first being “God made animals exclusively for human use; we ride, wear, work, and eat animals” (Ramirez). The second regards usage in Aquinas’s *Summa Theologica*, which states “there is no sin in using a thing for the purpose for which it is” (Aquinas). Singer concludes “no argument could reveal the essences of speciesism more clearly” (Singer 195-196).

Singer, returning to the historical chronology, moves to discuss Aristotle, who has a different approach to the relation between humans and animals. Singer explains “Aristotle holds that animals exist to serve the purposes of human beings, although, unlike the author of Genesis, he does not drive any deep gulf between human beings and the rest of the rational world” (Singer 188). Aristotle defines man as a rational animal, with nature being an established hierarchy “in which those with less reasoning ability exist for the sake of those with more” (Singer 189).
The Renaissance, commonly thought as the beginning of modern thought, also proceeded with speciesist ideas. These include “…nothing in the world can be found that is more worthy of admiration than man.” and thinkers who “…described humans as “the center of nature, the middle of the universe, the chain of the world”” (Singer 199). Again, some thinkers were exceptions and had arguments similar to Singer’s. Singer states “Leonardo da Vinci was teased by friends or being so concerned with the sufferings of animals that he became vegetarian” (Singer 199). René Descartes was another victim of speciesist ideals and presented a thought experiment that also represented the Christian “sanctity of life” argument. He explains that animals can experience pain because “they are governed by the same principles as a clock, and if their actions are more complex than those of a clock, it is because the clock is a machine made by humans, while animals are infinitely more complex machines, made by God” (Singer 200). In this way, animals are nothing more than machines, making morality as applicable to them as any other machine, according to Descartes’s speciesist argument.

Singer’s last historical component for the evolution of speciesism involves notable philosophers. Singer renounces the application of Immanuel Kant’s “means to an end” argument upon animals, citing Jeremy Bentham’s response. He stated “The question is not, “Can they reason? nor Can they talk? but, Can they suffer?”” (Singer 203). Singer then explains how Charles Darwin, the author of The Origin of Species, “carefully avoided any discussion of the extent to which his theory could be applied to humans” (Singer 205). Only later did humans realize “that they were animals themselves” (Singer 206). Singer concludes “only those who prefer religious faith to beliefs based on reasoning and evidence can still maintain that the human species is the special darling of the nature universe, of that other animals were created to provide us with food, or that we have divine authority over them, and divine permission to kill them” (Singer 207).
Peter Singer is credited with forging the way for the conversation about animal philosophy. Singer’s argument at the core of *Animal Liberation* is that utilitarian principle is expanded to include animals. He advocates for the minimization of suffering of both humans and animals, using the fact that animals have the capacity for suffering as his support. Singer concludes that all beings capable of suffering should be given equal consideration. Singer uses factory farming as an example, which most closely resembles the notion of keeping animals in zoos and aquariums. Based on his arguments in *Animal Liberation*, Singer would not be in support of zoos if the animals inside were suffering. At the end of *Animal Liberation*, Singer states:

“In keeping with our picture of the world of animals as a bloody scene of combat, we ignore the extent to which other species exhibit a complex social life, recognizing and relating to other members of their species as individuals. When human beings marry, we attribute their closeness to each other to love and we feel keenly for a human being who has lost his or her spouse. When other animals pair for life, we say that it is just instinct that makes them do so, and if a hunter or trapper kills or captures an animals for research or for a zoo, we do not consider that the animal might have a spouse who will suffer from the sudden absence of the dead or captured animal. In a similar way we know that to part a human mother from her child is tragic for both; but neither farmers nor breeders of companion animals and research animals give any thought to the feelings of the nonhuman mothers and children whom they routinely separate as part of their business” (Singer 223).

When later questioned about his opinion of zoos, Singer answered “I think if a species is likely to become extinct in the wild and you can capture the animals humanely and recreate the physical and behavioral conditions, then could release them or their progeny in the wild, then that
function of zoos is defensible” (Lowe). According to Singer’s reasoning, animals should be
given equal consideration, and if it can be proven that their well-being is jeopardized by keeping
them in zoos, we should not continue to do so. Singer’s argument represents the utilitarian view
that prioritizes the welfare of animals in the scope of animals in philosophy.
The Case for Animal Rights - Tom Regan

Tom Regan (1938-2017) addresses several theories and their application to animals, the most relevant being utilitarianism. His argument expands on Singer’s in *Animal Liberation*, but differs in ways that leads him to conclude that animals should not be assessed—aligning with the utilitarian school of thought—merely by their experiences, but instead should be assessed deontologically in that they have inherent value and should therefore be respected as having moral rights.

Regan explains that utilitarianism, just as it is used by Singer, has two main principles. The first is equality which demonstrates that “everyone’s interests count, and similar interests must be counted as having similar weight or importance” (Regan 183). The second is utility which urges to “do the act that will bring about the best balance between satisfaction and frustration for everyone affected by the outcome” (Regan183). Regan refutes the former and expands on the latter to support his argument. Before doing so, Regan further explains utilitarianism, stating:

“As a utilitarian, then, here is how I am to approach the task of deciding what I morally ought to do: I must ask who will be affected if I choose to do one thing rather than another, how much each individual will be affected, and where the best results are most likely to lie—which option, in other words, is most likely to bring about the best results, the best balance between satisfaction and frustration. That option, whatever it may be, is the one I ought to choose. That is where my moral duty lies” (Regan 183-184).

Regan rejects utilitarianism on the basis of an example. He proposes that perhaps he has an aunt who is a terrible, mean old woman. Nonetheless, she has stated in her will that when she dies she will leave Regan a great deal of money. Now suppose Regan is in financial trouble. It would benefit him to kill his aunt now, and it would also benefit those who may have
been negatively affected by his aunt’s meanness. Regan argues that it is wrong to kill his aunt in the name of bringing out the best results for themselves and others. He claims, just as Kant has, that a good ends does not justify an evil means and that humans should not be treated as means to an ends. Regan concludes that utilitarianism, specifically its principle of utility, fails to explain this discrepancy.

Regan appeals to the other utilitarian principle of equality and the view of value of the individual. He argues that everyone has equal value, which he deems inherent value. Going further, Regan argues that possession of inherent value extends to animals on the basis that animals have a life. He contends “subjects of life are alive and conscious, possess desires, perception, memory, a sense of the future, and an emotional psychological life which fares well or ill for them” (Regan 243). Regan then applies the respect aspect of the justice principle, claiming that reason requires the recognition that animals have inherent value, and therefore should be treated with respect and not as resources.

From this argument, Regan concludes that animals have moral rights. He clarifies that animals do not possess legal rights under the same umbrella as humans, but still have moral rights. Unlike Singer, who believes animals should only be considered due to their capacity to suffer, Regan argues that animals in themselves have value, not just their experiences and if they are positive or negative. From this standpoint, animals should not be treated as means to ends but instead as ends in themselves, and should therefore not be used or exploited as resources because they have rights. Regan’s argument calls for the abolition of all these treatments of animals instead of an adaptation that prioritizes only their lack of suffering. Tom Regan presents the animal rights view to include animals in the scope of philosophy.
Animal Rights: The Abolitionist Approach - Gary Francione

Gary Francione (1954-) is also credited with arguing for the animal rights view of abolitionism. He outlines his argument with six principles, the first aligning with Regan’s argument maintaining “that all sentient beings, human or nonhuman, have one right—the basic right not to be treated as the property of others” (Francione). Francione explains that when sentient beings are deemed property they are stripped of their moral value and only treated as economically valuable, referring to cases of human slavery to further condemn classifying sentient beings as property. He urges us to recognize animals as sentient beings and that by doing so contradicts any use of animals as resources no matter how humane. What follows is his second principle which states “abolitionists maintain that our recognition of this one basic right means that we must abolish, and not merely regulate, institutionalized animal exploitation, and that abolitionists should not support welfare reform campaigns or single-issue campaigns” (Francione). Here abolitionists differ from other schools of thought in regards to the action they call for. From this, animals—as sentient beings—should not be used as property, abolitionists condemn any exploitation of animals. Francione’s third and sixth principles follow from this call to action which advocate for veganism and nonviolence, respectively.

In his fourth principle, Francione further explains the importance of sentience in his argument, stating “the Abolitionist Approach links the moral status of nonhumans with sentience alone and not with any other cognitive characteristic; all sentient beings are equal for the purpose of not being used exclusively as a resource. Sentience is defined as subjective awareness, meaning the ability to perceive and experience the world. There is clear evidence that animals do so in one way or another, confirming their sentience. Sentience does not equate to cognitive ability, and therefore cognitive ability should not be a criterion for having an interest
not to be treated as property. Accepting that animals are sentient therefore requires that humans not exploit animals as resources, or mere means to an end.

The abolitionist approach agrees with the utilitarian condemnation of speciesism, as Francione explains in his fifth principle. However, the abolitionist view in recognition of animal rights differs from the utilitarian view in recognition of animal welfare in terms of application. Singer argues that animals have interests—specifically the interest to not suffer—under this view it would be acceptable for humans to use animals so long as their suffering is minimized. Regan and Francione argue that animals should not be exploited whatsoever and that the use of animals is not acceptable. While Singer and other welfarists accept using animals as a means to an end—so long as they do not suffer—Regan, Francione, and other abolitionists argue that animals are ends in themselves.
Virtue theory, established by Aristotle, applies the character of individuals to ethics. Instead of centering around consequences or rules, virtue theory is agent-centered (Gray). An action is deemed morally right under this view if a virtuous agent would perform that action in the same circumstances. This requires a definition to outline what makes a virtuous agent. Aristotle argued that the virtuous act falls as the mean between two vices (Hursthouse). For example, regarding pleasure and pain, the two extremes would be the vices of licentiousness and insensibility and the virtue of temperance would fall between them (Hursthouse). Aristotle adds that these virtues are subjective to each person and situations. In modern terms, it seems that this definition of virtuous would change depending on the environment and society it belongs in. Perhaps this society values the pursuit of happiness, which would include activities such as visits to a zoo or aquarium to see interesting creatures. Or perhaps this society values empathy, which could even be expanded to empathy outside one’s own species.

A landmark argument with a contemporary combination of virtue theory and Kant’s ideas in regards to animal rights was written by Christine Korsgaard in *Fellow Creatures: Our Obligations to the Other Animals*. She argues that under virtue theory, if you value anything at all, then you must value all sentient beings as ends. She does so by pulling ideas from Aristotle, Kant, and finally her own theory from aspects of both combined.

In part one, or chapters one through four, Korsgaard draws upon Aristotle to develop a theory of good. First, she argues that goodness and badness are “tethered,” meaning if something is good or bad, it must be good or bad to someone. Using this relationship, Korsgaard argues for the rejection of the belief that humans are more important than animals. This is because the only way humans could be more important than animals is if humans were more important to animals to everyone. While this may be the case for some humans (which sounds
like a remnant of Singer’s speciesism), to animals, humans are not more important than them to them. Therefore, Korsgaard argues, humans are not more important than animals. Then, Korsgaard makes an argument reminiscent of Kant’s, stating some beings have a “functional good,” or a good set by an external standard, only sentient beings have a “final good,” or a good set by an internal standard (Sebo). She argues that this is because sentient beings differentiate themselves by having “selves,” or unified points of view (Sebo). They do so by “endorsing things that are good for them” (Sebo). Korsgaard then differentiates rational sentient beings from non-rational sentient beings. Rational sentient beings, or human beings, create what she calls “normative self-conceptions,” or conceptions of who we are and what we do that we reflectively endorse (Sebo). This is exemplified through science, where we step back from our beliefs and reason why we accept them, and ethics, where we step back from our values and reason why we accept them. This echoes Aristotle’s view that the ability to reason is what separates humans from other beings. Finally, in chapter four, Korsgaard concludes this part of her argument by saying we cannot generally compare lives across species. This is because there is not a common standard of comparison, since we are rational sentient beings and animals are non-rational sentient beings.

In part two, or chapters five through eight, Korsgaard develops a theory of what is right inspired by Kant. First, Korsgaard reiterates Aristotle’s belief that the morally relevant property that all and only humans possess is rationality. Then, she addresses Kant’s indirect duty view, which holds “(a) we have a reciprocity-based duty to humans to improve our moral character, (b) we have to treat animals well to improve our moral character, and so (c) we have a reciprocity-based duty to humans to treat animals well” (Sebo). She replies by saying this view is contradictory because if we are treating animals well for our own sake—to improve our own moral character—and not for theirs, we are treating them as means rather than an ends, which
itself is not improving our moral character. Thus, she argues in chapter eight, we must accept
laws that extend rights to non-rational sentient beings, because we must value treating all human
and nonhuman animals as ends in themselves. Korsgaard argues that we cannot value anything
unless we value ourselves as humans as ends, and we cannot do that unless we value other
human and nonhuman animals as ends too. She further elaborates by saying we tend to see
humans as more “active ends” who enforce moral law and animals as “passive ends” who
receive moral law (Sebo).

Korsgaard concludes her argument by exploring its implications and how it
appears in various contexts in chapter nine through twelve. First, she assesses the relationship
between Kantianism and utilitarianism. She realizes that these two theories agree that sentient
beings have moral standing, but disagree on how these sentient beings should be treated. For
utilitarians, a world with more net pleasure is better than a world with less. For Kantians, a world
with more net pleasure is only better than a world with less if it is better for all involved, which
Korsgaard argues is unlikely. Korsgaard then moves to explain what she calls animal antinomy,
which explores the contradiction between the duties to help and not harm animals. “On one hand,
if we have a duty to help animals, it seems to follow that we should make them all domesticated,
so that we can protect them from the harms of nature. On the other hand, if we have a duty not to
harm animals, it seems to follow that we should make them all wild, so that we can protect them
from the harms of humanity” (Sebo). Korsgaard explores our duties to wild and domesticated
animals in an attempt to resolve the tensions between these two options. For wild animals, she
argues that “we should care about present communities of animals and future generations of
animals because members of these groups have certain shared interests and needs,” without
taking on the role of creator because doing so would conflict with our duties to future wild
animals with present wild animals (Sebo). For domesticated animals, Korsgaard accepts that
animal use is permissible in theory, since we can do so in a respectful way in theory, but argues that most animal use is impermissible in practice, since most often animals for use are treated disrespectfully (examples of such are discussed on page 35), claiming “we are better able to do this for some domesticated animals than others in the context of current human homes and societies” (Sebo). It would seem that domesticated animals would fall under the animal use with respect umbrella, so long as we are respectful to our household pets.

Korsgaard, interpreting Aristotle and Kant, concludes that animals have moral standing and should be treated with respect. Namely, if they are to be used, for example as a household pet, this should be done with respect to the animal.
Environmental Ethics

Environmental ethics involves the assessment of what is morally right in terms of conservation of the environment. It is a view that applies ethical theories and the moral relationship of human beings to an existing situation, that being the environment and everything it includes that is non-human. Environmental ethics became a sub-discipline of philosophy in the early 1970s when attention began to shift to the human relationship to the environment (Brennan). Yet the idea of a human-environment relationship can be found in Christian teaching. For instance Genesis 1:27-8 states “God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over fish of the sea, and over fowl of the air, and over every living thing that moveth upon the earth” (“Bible”). Environmental ethics explores how humans value the environment and, more concretely, addresses various environmental issues, one of which being the rights of animals.

There are many conflicting arguments about where animals fall into the scope of environmental ethics. Animals are more direct examples of what the heart of environmental ethics addresses, that being conceptual entities such as ecosystems and species. For example, a strict environmental ethicist may support hunting if it is “ecologically beneficial,” while an animal rights activist would argue hunting harms the animal individually (Faria). Environmental ethics seems to view animals in a larger sense as a whole instead of individually. Some argue that environmental ethics and animal interests have “incompatible criteria” and “incompatible normative implications regarding the interests of sentient animals” (Faria). Yet environmental ethics offers another point of view involving the interests of animals—one from a broader, conceptual standpoint—and is very applicable to the placement of animals in zoos.
A Defense of Zoos

Regarding animal ethics in the scope of zoos, several of the ethical theories mentioned allow zoos in some respect under their arguments. Most reflect the contemporary goal of modern zoos, that being conservation and education.

Immanuel Kant argues that the description “ends in themselves” can not be applied to animals since animals are neither rational beings nor self-conscious. While Kant holds that we do not have a direct duty to animals, we do have an indirect duty, that being “our duty to respect and foster the ends of humanity (“Animal Rights”). Treating animals with respect represents the means to our own ends. The notion of respect, however, is broad, and one could argue that as long as animals held in zoos are treated with respect, zoos are morally permissible. Christine Korsgaard later expands on Kant’s ideas.

As for utilitarianism, zoos seem to be morally permissible as well. Jeremy Bentham, while arguing that animals could be granted equal consideration in maximizing pleasure and minimizing pain, “did not object to the killing and use of animals” (Kneiss). As long as zoos abide by the utilitarian view, or use animals in a harmless yet productive way, zoos and their use of animals is not objectionable. Peter Singer, when asked about the moral permissibility of zoos under his argument, states “I think if a species is likely to become extinct in the wild and you can capture the animals humanely and recreate the physical and behavioral conditions, then could release them or their progeny in the wild, then that function of zoos is defensible” (Lowe). Singer’s response also lends support to the current goal of most modern zoos: to help conserve animals as a whole.

Christine Korsgaard permits conservation as well when discussing wild animals, stating “we should care about present communities of animals and future generations of animals because members of these groups have certain shared interests and needs,” without taking on the
role of creator because doing so would conflict with our duties to future wild animals with present wild animals (Sebo). Korsgaard draws a fine line for zoos to adhere to in order to fulfill our duty to protect wild animals while ensuring this duty does not conflict with other future wild animals by “playing God.”

Lastly, environmental ethics represents contemporary goals for zoos. Regarding conservation, zoos serve as a means to preserve threatened species and rehabilitate injured animals and animals in zoos are subject of research to further investigate environmental conservation efforts (Gray). Adding in the goal of education, the experience of going to zoos can be an inspiration for those individuals to act in accordance with environmental conservation efforts, acting as “an interesting intersection between humans and wildlife” (Gray).

While the genesis of zoos is now viewed as blatantly morally impermissible, modern zoos have taken on new goals of conservation and education. Zoos are no longer collections of animals used to demonstrate power or overt exploitation of animals for just entertainment. Instead, zoos have used their success with these past purposes to pivot towards a more morally accepted objective. Jenny Gray, in Zoo Ethics: The Challenges of Compassionate Conservation deems zoos that have “embraced the core philosophy of contributing to conservation outcomes, improving animal welfare and facilitating education and research” as “modern zoos” (Gray). These zoos are morally justified, Gray and other advocates of modern zoos argue, since their main purpose is not for the exploitation of animals, but rather the conservation of wildlife and the environment as a whole and the education of humans so they too will be inspired to take part in the conservation effort.
Zoos Are Not Morally Permissible

Despite arguments from these schools of thought that hold zoos are morally permissible, further investigation suggests zoos as we know them today are not.

First, the discussion of utilitarianism also begs some discussion regarding calculation of pleasure and pain. Determining a concrete calculation of the net pleasure or pain that occurs in a zoo is difficult when speaking in figurative terms. In addition, if animals are included in the scope of maximizing pleasure and minimizing pain, is their net pleasure or pain related to that of humans in some way, such as being considered equal to, less than, or combined with the net pleasure or pain of humans? Utilitarianism in theory provides a thoughtful discussion of animals and their interests, but is not as sufficient in actual application.

Tom Regan argues that animals have moral rights. He rejects Singer’s utilitarian argument holding animals should only be considered due to their capacity to suffer, and instead argues that animals in themselves have value, not just their positive or negative experiences. Since they have rights, it is not permissible for animals to be used or exploited as resources as they are in zoos, even for uses such as conservation and education. Instead of attempting to decrease their suffering in zoos, Regan’s argument calls for the abolition of zoos and their use of animals altogether. Regan’s argument and animal rights theory sufficiently supports the impermissibility of zoos.

Gary Francione too argues that the use of animals is wrong, stating “all sentient beings, human or nonhuman, have one right—the basic right not to be treated as the property of others” (Francione). Francione denounces the act of treating animals as property and as only economically valuable. His argument calls for the recognition of animals as sentient beings. Sentient beings as utility is not morally permissible, as it was not went sentient humans were
used as property in the era of slavery, and it is still not morally permissible to treat animals as property in modern zoos.

Christine Korsgaard, although somewhat permitting zoos’ goal of conservation for wild animals, also mentions domesticated animals. For these domesticated animals, Korsgaard accepts that animal use is permissible in theory, since theory allows for animal use in a respectful way. However, Korsgaard accepts the harsh reality that theory does not equate to real-world application, arguing that most often animals for use are treated disrespectfully. Unless there was a perfected formula that successfully transferred theory to the reality of zoos, zoos are most likely to not be permissible since these utility animals are more likely than not to be treated disrespectfully.

There are many examples of this disrespect. Zoos from North America only release 14% of their animals back into the wild (Brichieri). It is unknown what percentage of animals from zoos outside the United States with perhaps worse ethical standards are released. In addition, “techniques to slow or stop breeding are routinely practiced in zoos that have space limitations and no room for offspring” which can result in severe health problems for animals (Gray). For example, “in elephants a failure to breed may result in ovarian cysts that can be life-threatening” (Gray). In the worst cases, lesser-developed zoos kill their surplus animals who may have otherwise been healthy (Gray). Conservation, therefore, in practice, is not as effective as it is in theory.

Data regarding education to inspire conservation suggests the same. A 2008 study of zoo visitors asked what they believed the main purpose of zoos to be (Marris). “While 42 percent said that the “main purpose” of the zoo was “to teach visitors about animals and conservation,” 66 percent said that their primary reason for going was “to have an outing with friends or family,” and just 12 percent said their intention was ‘to learn about animals.’”
(Marris). Furthermore, “the researchers also spied on hundreds of visitors’ conversations at the Bronx Zoo, the Brookfield Zoo outside Chicago and the Cleveland Metroparks Zoo. They found that only 27 percent of people bothered to read the signs at exhibits. More than 6,000 comments made by the visitors were recorded, nearly half of which were “purely descriptive statements that asserted a fact about the exhibit or the animal.” The researchers wrote, ‘in all the statements collected, no one volunteered information that would lead us to believe that they had an intention to advocate for protection of the animal or an intention to change their own behavior.’” (Marris). “There is no unambiguous evidence that zoos are making visitors care more about conservation or take any action to support it. After all, more than 700 million people visit zoos and aquariums worldwide every year, and biodiversity is still in decline” (Marris).

It would seem that while conservation and education are permissible goals for zoos in theory, the application of these goals by means of zoos is not morally permissible. While conservation is acceptable under previous theories regarding animals, contemporary discussion—specifically animal rights arguments from Tom Regan and Gary Francione—suggests better treatment and recognition for animals and their rights as well as disproves of the use of animals in zoos.
A Solution

Zoos have evolved from institutions functioning for pure entertainment to organizations making an effort to help animals through conservation and education. I believe that these goals could be more effectively achieved if the entertainment aspect of zoos was rejected altogether. If zoos are to enter the scope of moral permissibility, they should transition to an institution devoted to just conservation and education. Such an institution would be “merged with sanctuaries, places that take wild animals that because of injury or a lifetime of captivity cannot live in the wild. Existing refugees often do allow visitors, but their facilities are really arranged for the animals, not for the people. These refuge-zoos could become places where animals live. Display would be incidental” (Marris). In this way, the interests, well-being, and welfare of animals would be prioritized. Research could be conducted to benefit conservation, and visitors would benefit by learning about this research and viewing animals in such a way that the interests of the animals are preserved. Animals in these sanctuaries would be animals would not be able to survive in the wild due to injury or being bred in captivity previously, but further breeding in captivity would cease. An animal sanctuary would have goals that minimize the suffering and maximize the pleasure of animals, treat them as ends in themselves and as something with value and rights, all while still benefiting the conservation effort as a whole.
Conclusion

Animals usually are only mere mentions in the scope of moral philosophy as a whole. Only recently did arguments emerge for the interests of animals in themselves, and discussions about the interests of animals and where they fall in the purview of moral philosophy remains debated.

Zoos have been an accepted institution for many years. Too, only recently, did the establishment of a zoo come under fire due to infamous tragedies. Another discussion was fostered regarding the permissibility of zoos and the idea of keeping animals in captivity. The intersection of animal rights philosophy and the institution of zoos is an interesting one. From my research and interpretation, modern zoos as we know them are not morally permissible, and I suggest a possible solution to compromise some of the goals of modern zoos with the interests of animals supported by some schools of thought. I hope to have opened to conversation questioning zoos and their implications for animal rights so that other interpretations may be presented and discussed as well.
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