

Animal Rights: A New Vista

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Abstract:

The debate on animal rights has been influenced by changes in science, philosophy, nature, and social life over the last 40 years. These include (1) increased moral sensibility that gradually embraces creatures which are more and more distant from those closest to us; (2) environmental threats and their connection with people's attitude towards animals; (3) scientific discoveries in the field of ethology and animal emotionality, which indicate evolutionary roots of morality; (4) new philosophical concepts (embodied, embedded, enactive and extended mind, and posthumanism) and revision of the concept of subjectivity; (5) exposing the vagueness of the notion of rights and how it is related to the concepts of duty and need. These changes suggest that the point of departure in discussions of the relations between humans and non-human animals has shifted from the traditional human perspective to a more inclusive approach that relies on the developments in science and the inclusion of environmental concerns.

Keywords: animal rights, emotions, evolutionary heritage, moral sensibility, posthumanism, subjectivity.

Abstrakt:

Na dyskusję o prawach zwierząt wpłynęły w ciągu ostatnich 40 lat zmiany, zachodzące w nauce, filozofii, przyrodzie i w życiu społecznym. Należą do nich: 1. Pogłębianie wrażliwości moralnej, stopniowe obejmowanie nią istot coraz odleglejszych od bliskiego nam kręgu. 2.

Zagrożenia środowiskowe i ich związki ze stosunkiem człowieka do zwierząt. 3. Odkrycia naukowe w zakresie etologii i emocjonalności zwierząt, wskazujące na ewolucyjne korzenie moralności. 4. Nowe koncepcje filozoficzne (dotyczące umysłu rozszerzonego, ucieleśnionego i zagnieżdżonego; enaktywizm, posthumanizm) i rewizja pojęcia podmiotowości. 5. Ujawnienie niejasności pojęcia prawa i jego związków z pojęciem obowiązku i potrzeby. Te obserwacje sugerują, że punkt wyjścia w dyskusjach na temat relacji między ludźmi a zwierzętami innymi niż ludzie przesunął się z tradycyjnej perspektywy ludzkiej w stronę bardziej kompleksowego podejścia, które korzysta z osiągnięć nauki i uwzględnia zagrożenia związane z ochroną środowiska.

Słowa kluczowe: emocje, ewolucyjne dziedzictwo, podmiotowość, posthumanizm, prawa zwierząt, wrażliwość moralna.

Today, 40 years after the publication of the issue of *ETYKA* devoted entirely to animal rights, the background against which this problem continues to be addressed is different. Various changes have taken place: in the development of civilisation; in the direction the world seems to be heading in, especially in view of multiple threats; in the development of science; in the shaping of our sensibility and in the deepening of philosophical and ethical thought. This paper presents a general outline of the changes in the recent decades, which shed new and slightly different light on the problem of animal rights. 40 years ago the key problem regarding the relation between humans and non-human animals was framed in terms of the moral status of animals and their suffering caused by humans. Today the issue is more multifaceted due to the new horizon of the environmental

crisis, as well as the philosophical and scientific developments in the area of the nature of sentience, rationality, and subjectivity.

1. Developing moral sensibility

In the moral development of mankind, we are witnessing a gradual broadening of the area that includes beings whose fate is no longer as indifferent to us as it used to. More and more new subjects are being considered deserving of moral rights. At first, care was extended only to members of the closest social group, then – as peaceful contacts developed – also to those of the more distant groups. Still, for many centuries, rights were not granted, or were granted in a limited form, to slaves, people of lower status, or those from the other tribes, nations, races, religions, and cultures, or “different” in some other respect.

Of course, sometimes those who were “different” may have seemed either a threat or a potential resource. In such cases, what emerged as a primary concern was either one’s own safety or pursuit of one’s self-interest. Another impediment to reflection on the moral rights of “others” was noticing differences rather than similarities. The gradual growth of interest in the fate of “others” and thus in granting them rights became possible due to the recognition that they were not so very different from us. Trade and cultural exchange helped people get to know one another much better. That is one of the reasons why Christianity seemed so revolutionary: it saw in everyone, without exception, a fellow human being.

It might seem that in our globalised world this potential for expanding the circle of beings who have moral rights has been completely or almost completely exhausted. But that is not the case, not only in terms of championing animal rights but also in the human

realm, and it is not only a matter of general issues concerning human rights, but also of considering specific situations when those rights may be disregarded and of anticipating preventive measures.

In fact, in the recent decades after the political transformation various institutions and organisations have been established in Poland, designed to guard various rights: the Commissioner for Human Rights (1988), Women's Rights Centre (1994), International Movement for Animals – Viva! Foundation (1994), Consumer Ombudsman (1999), Ombudsman for Children (2000), and Patient Ombudsman (2012). The prohibition of corporal punishment of children, introduced in 2010, indicates that apart from enforcing the already recognised rights, new ones should also be adopted. Currently, the establishment of an Animal Ombudsman is under consideration. For the time being, the function of the animal welfare advocate was established in the Polish Ethical Society in 2018. The growing moral sensibility has also found reflection in legislation: in 1997, Poland adopted the Animal Protection Act (amended several times, though not always in ways approved by animal rights activists). Moreover, 25 October is celebrated annually as the Animal Protection Act Day.

Obviously, the social climate in which the debate on animal rights is taking place has changed significantly since 1981. Such issues as recreational hunting (including the participation of children), factory farming and its conditions, or ritual slaughter are now being addressed far more widely and with more energy. Publications on animal rights are disseminated, vegan and vegetarian diet is being promoted, and a network of catering establishments is growing to meet such needs. Cosmetics companies attract customers with

announcements that they do not test their products on animals, and court cases for animal abuse or neglect are more frequent, because the 1997 act provides a much broader legal basis in this respect than its very modest 1928 predecessor.

Unfortunately, though moral awareness encompasses increasingly wider circles of beings (not only animals) and is followed by relevant legal regulations, this does not necessarily involve the universal development of human moral sensibility. On one hand, we have institutions that protect animals, on the other, we hear about drastic and thoughtless infliction of suffering on animals. Institutional sensitivity, shaped by individual forerunners, is in turn supposed to shape and influence social sensibility on a broader scale. This process takes time, and it will probably never be completely successful (after all, even though murder and theft have been penalised since time immemorial, they still keep happening). Nowadays, one may expect punishment for animal abuse or neglect, but in many communities such acts are not considered reprehensible; moreover, some local communities would rather extend compassion to the punished offender than to the tormented animal. Whistleblowing about the conditions of factory farming is still sometimes considered somewhat malapropos. Moreover, we may expect regress in terms of animal rights protection in Poland, since there are proposals to limit the provisions of the current law, as well as opinions that involvement in animal rights is foreign to our national tradition.

Therefore, in order for the desired moral and social changes to proceed on a broader scale, it is still necessary to further popularize and discuss the issue of animal rights. The starting point for this discussion is typically the question of human rights and whether

animals are sufficiently similar to humans to grant them certain rights that humans enjoy. Some have denied rights to animals, pointing out the differences between them and humans (a less developed cerebral cortex, lack of reason, lack of immortal soul, lack of moral duties, hence also lack of rights), while others, on the contrary, demanded rights for animals on account of their similarity to humans (sensibility, capacity to suffer, biological and emotional needs). The unquestioned and unconsidered assumption in this approach is that people have moral rights. To its credit, philosophy sometimes questions the obvious, and in this case it seems appropriate to apply Hare's principle of universalizability and ask about something apparently obvious: what traits make humans eligible for moral rights, and whether animals have these traits as well. Such a level of consideration, perhaps too sophisticated for public discourse, seems to be quite appropriate in philosophy.

2. Environmental threats

We are living in a time of serious threats that put the future of our species at stake. Climate warming, natural disasters, floods, droughts, typhoons, desertification of large areas, rising sea levels, melting of glaciers, loss of natural habitats for many species (including *homo sapiens*, since due to the direction of change currently inhabited areas will at some point become uninhabitable), increasing pollution,(including smog), unchecked population growth and the resulting problems with food production, depletion of natural resources, growing mass of non-biodegradable waste, climate migrations, epidemics of an uncertain aetiology – all this makes life on Earth less safe and untroubled than we have become used to imagine.

The reflection on the extent to which these threats are the result of human activity comes quite late. Already in 1972, a report by the Club of Rome *The Limits to Growth* (Meadows et al. 1972) was published, containing a reasonable forecast of a dramatic collapse of our way of life due to natural barriers to growth. More than forty years later, in the documentary entitled *Last Call* (Cerasuolo 2013) the authors of the report state that had the proposed changes been implemented immediately after the report, a transition to a sustainable model and containment of threats could have been achieved, whereas at present it might be too late. However, this pessimistic conclusion does not release us from the duty of care for the planet and from attempts to modify our lifestyles, for example, by curbing our unbridled consumption.

The aforementioned threats are in certain ways connected with our cohabitation with animals on this planet. First of all, we are engaged in large-scale livestock production, which requires vast areas of land to grow fodder and consumes significant amounts of water. These inputs of natural resources are much higher than those needed to feed the same number of people relying on a vegetarian, and especially a vegan diet. In the face of dwindling land and water resources, it would seem that industrial animal farming should be abandoned or at least reduced. There is the additional argument about the health benefits of plant diet, which are important in view of the prevalence of civilisation diseases (Melina, Craig and Levin 2016). This was not a popular argument 40 years ago. On the contrary, what was stressed back then were the alleged dangers of a vegetarian diet, such as the risk of nutritional deficiencies. Secondly, livestock produce greenhouse gases, exacerbating the climate change

effect; abandoning or limiting livestock production would allow to curb this (Eisen, Brown 2022). Thirdly, the conditions under which animals are kept, transported, and slaughtered pose the risk of transmitting previously unknown viruses from livestock to humans. For instance, diseases caused by such viruses as Ebola, SARS, and probably also the current SARS-CoV-2, have a zoonotic origin. Particularly dangerous are the Asian 'wet markets,' where various species of animals that would never interact in the wild are kept in crowded conditions and slaughtered (Naguib et al. 2021). Viruses can pass from immune carrier species to the less immune ones, where it multiplies and then attacks humans. There is an opinion that successive zoonotic pandemics are only a matter of time (Holmes 2022). Pandemics may also be a consequence of climate change, as previously unknown viruses that have been trapped in permafrost are released (Miner et al. 2021). Fourthly, we are witnessing the sixth mass extinction in Earth's history. There are species that have already disappeared, others are disappearing or are seriously endangered. The direct usefulness of other species to human economy may not be evident, but the impoverishment of biodiversity, as well as disruption of ecological balance due to ecosystems collapse, is a cause for concern.

These are all reasons indicating the need for a revision of the principles of our cohabitation with animals. This would involve a significant reduction of their exploitation and preservation of natural wildlife habitats. The latter would require multiple and comprehensive measures, such as limiting environmental pollution and slowing down climate change. Such a course of action would also directly benefit humankind.

The unfortunate direction the world is heading in seems to encourage the protection of animal rights. There is one caveat here, however. The motivation for such protection, forced by circumstances, may turn out to be purely pragmatic. Instead of including the component of care for animal welfare, the rationale for such protection seems to be simply the prevention of a disaster. As long as the exploitation of animals seemed profitable, we continued it, and now, when its abandonment seems more advantageous, we will, at best, consider limiting it. In both cases, there is no interest in the welfare of animals or their rights. In both cases, animals are treated instrumentally, as subservient to human needs.

What stance should ethicists or activists interested in respecting animal rights adopt in this situation? Even earlier, before the era of those new threats, their motivation may have diverged from that of animal lovers who find paternalistic pleasure in communing with animals (Singer 1975, *Preface*). Nowadays, this motivation differs from that of pragmatists, who are primarily concerned with the interests of the *homo sapiens* species. In such a situation, ethicists and activists can enter into a pragmatic alliance with the pragmatists and take advantage of the emerging trend in order to convince the society to respect animal rights. They can even refer to the arguments of pragmatists, i.e. use *ex concessis* arguments, thus enhancing the persuasive effect. In this way, however, they distort their own position.

One might presume that entering into a strategic alliance with pragmatists will be more acceptable to an activist than to an ethical theorist. This is understandable, since an activist is primarily concerned with effectiveness. However, such an alliance, apart from

being anthropocentrically oriented, would be limited, because the pragmatic approach does not include all the postulates of animal rights defenders. For example, keeping dogs on short chains does not significantly worsen the condition of the planet and so is of little interest to a pragmatist, who will pay more attention to industrial farming.

Philosophers, on the other hand, are rather concerned with the clarity of principles and argumentation. So, if they do enter into an alliance with pragmatists, they should do it cautiously, locally, and limiting the alliance to a particular issue, and perhaps only temporarily, so as not to compromise principles and values.

3. Emotions and altruism in the animal world

The capacity of animals to feel, especially to feel pain and to suffer, is undeniable. For some, this is a sufficient argument obliging us to take care of them. Others need to reinforce it with evidence that animals capable of suffering are similar to us also in other respects; this is hardly surprising since we are typically more concerned about our own feelings than those of others, and we seem to care more about the feelings of beings who are more similar to us, than those who are less similar. The suffering of the former can arouse in us the fear of our own suffering, while we can remain more indifferent to the pain of the latter. Moreover, we value ourselves and those similar to us highly, so we are more likely to grant some rights to them rather than to those with a different psychophysical makeup.

Recent decades have brought new discoveries in animal ethology and neurobiology. On one hand, they indicate a closer similarity between animals and humans than previously thought. On the other, they stimulate us to as think about the traits that animals share with us,

and the significance of these traits in the human makeup. Should these traits constitute an important part of our humanity, their presence in (particular species of) animals would be of consequence. These discoveries have largely put into question the view, still predominant in the 20th century, that behaviours shaped by evolution are oriented only towards survival, advantage, and possibly gene transmission, that they are selfish and have nothing to do with morality, which is a purely human invention which makes it possible to harness evolutionary heritage. Contrary to that view, it has been shown that animals experience many of the emotions which we had previously attributed only to ourselves, and they are motivated by these emotions to behave in ways which are by no means selfish. Animals know kin altruism and reciprocal altruism between unrelated individuals. As a result of evolutionary kin or group selection, individual behaviour is often oriented towards increasing the prospects of survival of an entire group rather than the individual's own benefit. This is particularly evident among animals that form complex social structures.

More highly organised animals feel emotions similar to ours, e.g. fear, joy, anxiety, rage, attachment, and sadness. They suffer when witnessing the suffering of individuals with whom they have a bond, and they care about these close others' well-being, sometimes being even willing to suffer losses in order to ensure the other's welfare. They are therefore capable of making sacrifices. Moreover, they feel the need to show compassion, and follow their own sense of justice, sometimes trying to administer it themselves. Consequently, perhaps animals deserve not only care or protection, but also a certain recognition of their subjectivity (the Animal Protection Act of 1997

did not go that far though). Like humans, animals are no strangers to competition and fighting, but there is no doubt that the roots of our morality derive from the evolutionary heritage passed on to us by our animal ancestors.

Recent decades have abounded in numerous experiments leading to this conclusion. Publications appeared that presented animals as beings more similar to us than we had been used to imagine, the similarities involving traits we thought were exclusive to humans. These publications contain the results of experiments (de Waal 2006, 2010), and some also offer a wider philosophical perspective (Changeux et al. 2005), while others have a purely popular character and are based on everyday observations that draw attention to the problem, though without documenting it (Wohlleben 2017).

Obviously our morality is not limited to that inherited from our animal ancestors, but transcends it due to our more developed cerebral cortex and capacity to reason. In comparison with animals, we are better able to anticipate the consequences of various actions and to take them into account in our decisions, more adept at making comparisons, spotting analogies, generalising, formulating problems and methodically seeking solutions. Which brings us to the second issue mentioned above: what part does evolutionary heritage play in our moral endowment? Does it constitute its core, or at least an important and inalienable component, or perhaps just a negligible margin? The answer to this question determines to what extent our

awareness of this heritage makes us perceive animals with more appreciation.¹

What follows are a few examples of present day views , spanning from the one that emphasizes the significance of evolutionary heritage the most to the one that emphasizes it the least.

Psychologist and economist Daniel Kahneman, a proponent of the dual process theory, is of the opinion that in cognitive and decision-making matters (including moral issues) we can rely either on rational, often complex thinking available only to humans, or on emotions, habits, or the need of the moment (Kahneman 2011); the non-rational mode of operation is the one we share with animals. According to Kahneman, the first mode surpasses the second one, as it allows us to obtain useful knowledge, unattainable by other means, and to make more beneficial decisions. In this context, even discoveries concerning the advanced emotionality of animals and their pro-social behaviour do not significantly reduce the human-animal divide.

Polish neurobiologist Jerzy Vetulani pointed out that humans are endowed with two centres of moral decision-making, which are not always compatible: the emotional, evolutionarily inherited one, and the rational, uniquely human one (Vetulani 2009, 2010). As neuroscientific evidence shows, in the situation of a moral dilemma, both parts of the brain are active: the one responsible for reasoning and the one analogous to the areas responsible for emotional

¹ A similar question was also present in earlier metaethical reflection, when the rationalist theme competed with the emotive one (considered without any connection to the animal issue).

morality in primates. According to Vetulani, the inescapable source of moral dilemmas lies precisely in the parallel functioning of these two decision-making centres and in the absence of a superior authority that would arbitrate between them. He noted that animals are spared such dilemmas, since they are endowed with only one of these centres.

Joshua Greene, a psychologist, neuroscientist, and philosopher, also sees the opposition of these two moral decision centres but tries to distinguish the areas of their operation (Greene 2005). He assumes the emotional centre gets triggered by personal problems (i.e. those in which at least one of the solutions requires a direct action from the decision-maker and is accompanied by significant emotional involvement), and the rational centre by other, non-personal issues. He refers to a well-known experiment concerning the so-called Trolley Problem (Thomson 1976). Let us recall the questions asked of respondents in this experiment. First, would they turn a switch diverting a trolley from a track where it would kill five people onto a track where it would kill only one person? Second, would they shove a fat man off a footbridge to his death under the wheels of a trolley, which would result in stopping the trolley and saving the lives of five people who are standing on the tracks? Most respondents reply in the affirmative to the first one, but much fewer to the second one (Bakewell 2013, Rehman et al. 2018). And yet the result in both cases seems to be the same: saving five lives at the expense of one. By way of explaining the apparent inconsistency of the respondents, Greene says that the first problem has an impersonal character and is resolved on a rational level, while the second one has a personal character and is resolved on an emotional level, where we resist

involvement in a direct, violent intervention against human life. In this sense, our animal, emotional legacy is not in collision with the other moral decision centre, but has its own, separate domain of functioning.

There are also scientifically supported views, according to which the contrast between evolutionary and uniquely human values in moral cognition is not so sharp. Their proponents include such neuroscientists as Antonio Damasio (Damasio 2005) and Giacomo Rizzolatti (Rizzolatti 2005), who was involved in the discovery of mirror neurons. Both of them see our biological makeup as a substrate for morality, one that is subsequently rationally processed by way of selection, ordering, and generalisation. They also both lean towards an integrated model of moral cognition. In their view, without an evolutionary morality built on impulses, reflexes, emotions, desires, and needs, there would be no uniquely human morality.

According to social psychologist Jonathan Haidt, emotions are always decisive in moral matters (Haidt 2001). Decisions are only rationalised *ex post* for the purpose of integrating beliefs or for the purpose of polemics. Emotions “notify” reason about the decision, after which it begins its final and complementary part of the task. In Haidt’s view, the illusion that reason is the direct decision-maker results from very quick emotional rationalisation of the emotional decision. His concept finds support both in everyday experience, since feelings often overpower logic, and in neurological knowledge, which shows that significantly more neural impulses run from emotional to rational centres than in the opposite direction.

Therefore, emotions may more easily dominate the scrupulous weighing of arguments than succumb to it.

Views on the role of the emotional component in our moral cognition may affect our attitude towards the beings we have inherited this component from. Respect (or lack of it) for the contribution of this evolutionary legacy to our morality may therefore translate into respect (or lack of it) for animals. Incidentally, making animal rights dependent not only on animal sensibility, but also on their similarity to us in terms of emotions or altruistic inclinations, or on the significance we attribute to our animal legacy, seems itself guided by our emotional attitude rather than by an impartial weighing of arguments.

4. Mind and subjectivity in the context of biology and technology

Not because of animals, but not without relevance for the animal cause, there have been revisions in understanding of the boundaries of the mind and a transformation of the notion of subjectivity. This has been the result of new concepts in the philosophy of mind, which have emerged in recent decades. Some of them have been informed by biology and others by technology.

The biologically oriented ones include the following three:

The concept of the embodied mind emphasises the role of sensorimotor processes in shaping our basic cognitive faculties and ways of comprehending the world and ourselves. The mind can develop only through operating (relying on our physical makeup) on some empirical material and cannot come into existence without this kind of medium (Lakoff, Johnson 1999).

The concept of the embodied embedded mind goes one step further. Since sensorimotor processes are only possible through interaction

with the environment, not only the body but also the environment is constitutive of the mind. Both body and environment are the material of the mind, no less than gray matter is the substrate of cognitive processes (Pecher 2005, Robbins 2009). In particular, what is constitutive of consciousness are emotions, which are triggered by external stimuli and are registered initially as perceptions in the body and only later as conscious feelings (Prinz 2005).

Enactivism additionally assumes that the environment is not only an essential basis for the occurrence of sensorimotor processes, but it is also reciprocally shaped by the organism. The processes that constitute consciousness can only take place in the context of complex, multilateral interactions between three dynamical systems: neural, somatic, and environmental (Thompson, Varela 2001). Enactivists doubt whether – contrary to the Brain-in-a-vat philosophical fantasy – it is possible, even as a thought experiment, to separate the body and the environment from brain processes crucial for consciousness, as something external to them. A similar view is espoused by Hideya Sakaguchi who is involved in research on lab-grown cerebral organoids exhibiting activity resembling that of human brains. He believes that due to a lack of a supporting sensorimotor base, such organoids will develop neither actual thinking nor consciousness. Bioethical problems could appear only if the organoids had such a base (Cell Press 2019).

Concepts inspired by the development of technology include the extended mind thesis, as well as posthumanism and related views. The former extends the boundaries of the mind to incorporate external objects that support the brain in its cognitive processes. Such objects may include, for example, a notebook or a computer, if

they perform functions analogous to those of grey matter, i.e. data storage and/or processing (Clark, Chalmers 1998). In the original form of this concept, the extended mind was conceived of as a heterogeneous aggregate, but due to criticism (Adams, Aizawa 2001) this conception has been modified. As a result, the mind has begun to be seen not so much as a static hybrid object, but rather as a dynamic complex, a neurophysiological cognitive process with its diverse setting (Menary 2009). The concept of a distributed mind goes even a little further, making social interactions and even language an integral part of the extended mind; after all, discussion sometimes nurtures the cognitive process and language intensifies social interactions and co-creates the basis for expanding cognitive possibilities on a scale previously unavailable (Logan 2007).

Whereas the extended mind thesis finds inspiration in the already existing technological achievements, posthumanism (or transhumanism) is rather inspired by the prospects of further technological development (Ferrando 2013). Posthumanism explores the possibilities of improving the human species through deep technological interventions, relying on such resources as genetic engineering, human-machine interfaces and artificial intelligence. Future humans may be radically different from the contemporary ones, which brings up the question of human nature. According to posthumanists, there is no fixed human nature. It is variable and conditioned by circumstances: in the past, by way of evolution, and in the future, through human decisions involving self-creation. As a result of blurring the boundaries of human nature, other boundaries also seem less rigid: between biology and technology, nature and culture, natural and artificial intelligence,

between humans and animals (Haraway 1991). One of the most keenly discussed issues is the one about the subjectivity and potential rights of artificial intelligence.

How relevant are these concepts to the status of animals or their rights? First and foremost, they challenge the hallowed philosophical divisions, in the context of which animal rights have so far been considered. The position of humans as an undisputed point of reference in such considerations is now being undermined by perceiving the mind not as an object but as a process that has a heterogeneous basis, and by redefining subjectivity and human nature. Emphasis is being put on the significance of factors that inform consciousness: bodily rootedness in the environment, perception, motility, and emotional experience. This allows a perspective that brings human beings closer to animals. Questioning the obvious usually removes barriers that stand in the way of new solutions. It becomes easier to replace anthropocentrism with universal ethics that recognises the subjectivity of animals (Wolfe 2009).

Questions about the status and rights of artificial intelligence also support the animal cause, since they contribute to breaking the human monopoly on rights. Moreover, when considering the possibility of AI rights, the question of AI's emotional potential is often raised. The general assumption is that AI's lack of the capacity to feel prevents it from having rights. This opens up further discussions about substitutes of emotions or about the artificial embodiment of machines in order to enable them to develop emotions, or at least their substitutes. Of relevance for the animal cause is that in order to resolve the issue of eligibility for rights, the

capacity for experiencing emotions is taken into account, which at least higher animals have developed beyond any doubt. Humans believe they have more rights because they surpass animals intellectually. However, they are not willing to grant AI rights according to the same criterion, even though in the next generations human capacity for problem-solving and learning will increasingly give way to that of AI. On the contrary, humans ask about AI's sensibility and emotional makeup, which tend to be disregarded in animals.

On the other hand, the new concepts may also impede the implementation of animal rights. Such phenomena as globalisation and growing density of our connections with the outside world, with technology, with other people and communities, have challenged the traditional concept of subjectivity, which is no longer seen as primary or autonomous, but secondary to the extensive network of global interactions. The boundaries of subjectivity get blurred, and traditional subjects – human individuals – are being replaced by substitutes, like in the distributed mind concept. Sometimes the whole planet with its huge maze of connections is perceived as a collective subject. If the consequences of such considerations were to be taken seriously, talking about anyone's rights would be rather difficult.

Posthumanism is engrossed in the idea of future humans, who are supposed to be even more perfect. Perhaps possession of rights will be determined by how perfect one is (this is unofficially taking place already in societies with a high degree of inequality). This would not be in the interest of animals, as the distance separating them from

posthumans could be even greater than the distance from the contemporary humans.

Finally, the blurring of boundaries, including those between humans and animals, may go too far and distract us from the needs that are unique to animals. This would be similar to the case of early feminism when the attempts to overcome gender inequalities diverted attention from the uniquely feminine needs. It seems, however, that those new concepts did not undermine the philosophical tradition and did not pervade everyday thinking enough to have a negative effect on the implementation of animal rights.

5. Rights or needs?

A view has come up that talking about rights without reference to obligations is meaningless. This is worth exploring here, even though so far it has not affected mainstream thinking about animal rights. There are two ways of formulating this view:

1. Each right should be correlated with an obligation on the part of some other subject. The entitled party's right is exercised as a result of fulfilling an obligation by the obliged party. Otherwise, it is a dead letter.
2. The concept of rights and obligations serves to regulate human relations. One can only find one's place in this network of relations by participating both in the rights and the obligations. Excluded are those who would participate in rights only. Thus, having rights is inextricably linked with having obligations.

Roger Scruton subscribed to both these versions, referring in particular to the second one in his argument that animals are not entitled to any rights (Scruton 2000). The first version found its proponent in the Polish philosopher Leszek Kołakowski (Kołakowski

2008). Even though he meant primarily human rights, his argument can be extended to animal rights as well.

According to Scruton, only those subjects have rights who also have obligations. It should also be noted that some animals do perform useful tasks in the service of humans. They are rewarded for good performance and disciplined for shortcomings. Can we therefore say that they have no duties? The assumption that only the person who handles the animal has duties reduces the animal to the role of a tool or Cartesian mechanism, and nowadays, such an idea is difficult to support, especially in view of the discoveries mentioned in part 3 of this text. Besides, Scruton was not consistent in his position. For instance, he pointed out the duty of a mother toward her unborn child. The child therefore has rights, but no duties.

Kořakowski, on the other hand, was convinced that one can talk about a right only when the beneficiary is aware of it, which implies excluding small children and animals from the group of the entitled ones. However, adults still have obligations toward children, and this obviates the idea of symmetry between rights and obligations. According to Kořakowski, such obligations toward the unentitled would be based not on rights, but on needs.

Overall, Kořakowski opposed the idea of formulating human rights in general terms, without indicating the subjects obliged to implement these rights. He suggested that in such cases we should speak not so much about rights as about basic needs. This view is not popular though because of the currency the notion of human rights has gained and its significance as a regulatory idea in human relations. Replacing rights with needs, even with the proviso that they are inalienable or fundamental needs, undoubtedly somewhat

diminishes the gravity of the problem. However, it also lays bare the unvoiced fact that the subject obliged to implement a right is not always indicated.

Referring to rights without specifying the subjects obliged to implement them may give rise to a certain fiction: we believe that the entitled person (especially if it is us) deserves to exercise the right, and we expect this to take place, while ignoring the question of who is supposed to actually make it happen or to whom we should direct our claims about it. This may be far removed from civic culture and create an atmosphere of laying claims without any specific addressee. Talking about needs instead of rights unmakes this fiction. It can also mobilise subjects who have no obligations.

It is worth quoting one significant example: the 2011 amendment of the Animal Protection Act repealed the provision about catching homeless animals and placing them in shelters, and limited the provision only to those animals posing a serious threat. The reason was the lack of a sufficient number of shelters, as well as the existence of obstacles to building an adequate amount of such places. Consequently, municipalities could not be burdened with the obligation to implement the provision in its original version. Looking at this from Kołakowski's point of view, due to the repeal of the obligation to provide animals with shelter, their right to it loses force and one can only speak of an unfulfilled need.

So is it better to talk about animal rights or needs? The former term has already taken root in public discourse, and it is difficult to imagine a change. The whole extensive issue of concern for animal welfare is based on the 'animal rights' watchword. The advantage of this term is that it emphasises the seriousness of the problem. If there

is any defect in it, it is more semantic than moral in nature. Moreover, the discussion about the symmetry of rights and obligations makes us more sensitive to the problem of implementation of rights, and it can stimulate reflection concerning possible semantic clarification of the applied terminology.

6. Conclusion

The decades that followed the publication of the 1980 *ETYKA* issue have profoundly changed the philosophical, social, and cultural background for animal ethics debate. The society that discusses these questions is more aware and more receptive to the issues of animal suffering. Furthermore, the philosophical background for this debate is now richer in the various conceptualisations of mind, human and non-human. Ethics has also developed into a more inclusive discourse that makes room for the discussion of agents, subjects, and other value-holders of different kinds. A key area of theoretical development that is of paramount importance in animal ethics comes from the debates on artificial intelligence and transhumanism – the traditional arguments for ethical differences between human and non-human might just not hold.

The animal ethics discourse from 40 years ago was modelled on the human rights discourse, which was the source of its strength but also of some of its weaknesses stemming from the human rights framework. Solutions might reside - as it is also the case for the human rights discourse - in transcending the language of rights. One example of a potential solution lies in the language of needs.

While the discourse has moved forward since 1980s, it is important to remember that such progress is not a given, and while new philosophical and scientific tools might be available, this might not

always translate into social and political progress. Development of ethics frameworks may help, but there is no guarantee.

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