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Morals, Reasons, and Animals

Reviewed by Sudhir K. Chopra

Sapontzis, S.F., *Morals, Reason, and Animals*. Temple University Press, Philadelphia (1987); ISBN 0-87722-493, xix, 302 pp.

Morals, Reasons, and Animals, primarily a philosophical analysis of animal rights, is recommended reading for environmental lawyers and especially those interested in the development of legal philosophy or jurisprudential approach for the conservation of environment, nature, wildlife species or ecosystems. One of the purposes of this review is to draw the attention of those concerned with nature or wildlife protection problems to a very rich literature outside the conventional legal writings which can be very helpful in developing something more than a mere public policy argument. Neither the legal systems nor the legal framework developed out of the public policy. Almost every basic principle of common law or even most of the public international law owes its origin to philosophical writings from the ancient times. Whether it was the positivist approach or the historical school or the Natural Law or the Sociological Jurisprudence or the pure theory of law or even the utilitarianism, they all provide philosophical analysis of various legal principles. Immanuel Kant wrote on duties to animals and spirits.¹ John Rawls, in *A Theory of Justice*² talks about the need not "to be cruel to animals," and says "destruction of the whole species can be a great evil." In contemporary writings most notable is the discussion of these philosophical approaches in Greenwalt's "Religious Convictions and Lawmaking."³ These are all legal theorists making best use of the philosophical writings in developing their legal thoughts, however, most of the legal writings tend to ignore the existence of such literature only because they happen to come from disciplines other than laws.

International law has seen the adoption of many conservationist conventions since the 1972 Stockholm Declaration,⁴ which do represent the views of conservationists. At the same time national legislators are growing both in numbers and their effectiveness to protect animals and wild species.⁵ Obviously this movement is not a legal movement; its roots lie in animal rights and protectionist views, yet it is not difficult to notice a

1. I. KANT, DUTIES TO ANIMALS AND SPIRITS, reprinted in ANIMAL RIGHTS AND LEGAL OBLIGATIONS 122-23 (1976).

2. J. RAWLS, A THEORY OF JUSTICE 512 (1971).

3. Greenwalt, *Religious Convictions and Law Making*, 84 MICH. L. REV. 365-69 (1985); Greenwalt, *The Limits of Rationality and the Place of Religious Conviction: Protecting Animals and Environment*, 27 WM. & MARY L. REV. 1011 (1986).

4. See generally Declaration of the United Nations Conference on Human Environment, U.N. Doc. A/CONF. 48/14/Rev. 1 (1972).

5. See generally E. LEAVITT, ANIMALS AND THEIR LEGAL RIGHTS (2d ed. 1970). This book provides a survey of laws in the U.S. and many other countries concerned with animal rights.

general lack of concern for such valuable philosophical opinions in legal works. Considering this situation, appearance of the work *Morals, Reason, and Animals* is a very timely addition to animal rights and species protection literature.

In this work Sapontzis attacks the common approach that we are morally right in exploiting animals for our benefit only because they are not as rational as people.⁶ Part I of the book in its four chapters argues against the moral significance of reason. The first chapter discusses the rationality, the second analyzes reason, the third deals with the relation of rationality with moral agents, and the fourth chapter analyzes the concept of "personhood" in both moral and metaphysical sense and moves on to elaborate on the humanist approach. Part II deals with animal rights in two chapters which are devoted to discussing animal liberation and the reasons for liberating animals. In Part III the author develops a theory to create animal interests using several theoretical examples and then discusses the requirements of moral community vis-a-vis the animal rights. The next chapter discusses the significance of death in determining the value of life. In this chapter the author discusses the difference between having an interest in life and the right to life and concludes on the basis of his analysis that a moral right to life to animals can be extended. The last chapter of this part is devoted to evaluating the moral standing based on replacement theory which owes its origin to utilitarianism, finally concluding, based on his analysis, that these theories do extend moral value to animal life. The last part in four chapters deals with vegetarianism, animal research and plants. The last chapter is devoted to the discussion of environmental ethics.

This is the first extensive second generation study of animal rights, and answers the criticism of the animal rights movement without falling into pitfalls of earlier animal rights literature. This is a complete rebuttal of arguments raised against animal rights. All through the book the author has used clear and precise examples to explain, develop, clarify and rebut various positions. In the last part Professor Sapontzis very skillfully blends the values of environmental ethics with animal liberation. The book has a very useful index but the bibliography is limited. The publishers have done a very good job in preparation of this work. It does not suffer from some of the major editorial flaws visible in commercial publications.

6. KANT, *supra* note 1, at 122-23; Greenwalt, *supra* note 3, at 1024.