

ANIMAL LEGAL PHILOSOPHY & ITS DEVELOPMENT

June 25-July 8, 2013, 9am-12 pm

Wood Hall, Smith Seminar Room

Lewis & Clark Law School

Dr. Ramona Ilea

ramona.ilea@pacificu.edu or ramona@lclark.edu

Course Description

Cohen, Gary Francione, Martha Nussbaum—and legal scholars such as Cass Sunstein, Richard Posner, Catharine MacKinnon, Steven Wise, and Richard Epstein. We will focus on theoretical differences and similarities between them, as well as the practical implications of their theories.

Objectives

- To develop an understanding of the main philosophical theories that have been influential in animal ethics and their impact on personal and legal decisions.
- To critically assess these texts and engage in rigorous ethical deliberation.
- To express our own ideas about a controversial subject in a clear and precise manner.

Course Texts

- Cass Sunstein and Martha Nussbaum. *Animal Rights: Current Debates and New Directions* (AR)
This book includes an excellent selection of articles by philosophers and legal scholars on the topic of animal rights, including pieces by Richard Posner, Gary Francione, Catharine MacKinnon, and Richard Epstein.
- Kerry Walters and Lisa Portmess. *Ethical Vegetarianism: From Pythagoras to Peter Singer* (EV)
This book includes short excerpts from a variety of thinkers from antiquity until now, including Pythagoras, Seneca, Aristotle, Kant, Percy Shelley, and Tolstoy.
- Peter Singer. *Animal Liberation*. (The 2002 edition would be ideal) (AL).
Singer is considered the intellectual founder of the modern animal rights movement, and this book – one of the most influential works written by a contemporary philosopher – earned him this reputation.
- Carl Cohen and Tom Regan. *The Animal Rights Debate* (ARD)
Tom Regan is the foremost proponent of animal *rights*. Carl Cohen is one of the greatest critics. In this book, they explain their views and then respond to each other.
- Articles on TWEN
Because many of the articles in legal philosophy as well as those defending factory farming and animal experimentation are scattered in various books and journals, I will put copies of these (as well as other needed articles) on TWEN for you.

Schedule of Readings

"Philosophy is the unusually stubborn attempt to think clearly." - William James

You are required to read carefully, stopping to analyze the main arguments and the key concepts carefully and clearly. The reading listed for a particular day should be read **prior** to coming to class that day.

Day 1, Tuesday, June 25: Introduction

- * Introduction to the Course & Introduction to Ethical Terms and Concepts
- * Cass Sunstein, "What Are Animal Rights?" (AR)
- * James Rachels, "Drawing Lines" (AR)
- * Kerry Walters and Lisa Portmess, "Cruel Fatalities" (EV)

Day 2, Wednesday, June 26: Historical Views

- * Pythagoras, "The Kingship of All Life" (EV)
- * Seneca, "Abstinence and the Philosophical Life" (EV)
- * Porphyry, "On Abstinence from Animal Food" (EV)
- * Aristotle, "Animals and Slavery" (Appendix II) (EV)
- * Rene Descartes, "Automatism of Brutes" (Appendix III) (EV)
- * Leo Tolstoy, "The Immorality of Carnivorism" (EV)
- * Mohandas Gandhi, "Diet and Morality" (EV)

Day 3, Thursday, June 27: In Favor of and Against Instrumental Value Views

- * Immanuel Kant, "We Have Only Indirect Duties to Animals" (Appendix IV) (EV)
- * Jan Naverson, "A Defense of Meat Eating" (TWEN)
- * Richard Epstein, "Animals as Objects or Subject, of Rights" (AR)

Day 4, Friday, June 28: Peter Singer's Case Against Speciesism

- * Jeremy Bentham, "A Utilitarian View" (TWEN)
- * Peter Singer, *Animal Liberation* Chapter 1 "All Animals Are Equal" (AL)
- * Peter Singer, *Animal Liberation* Chapter 4 "Becoming Vegetarian" (AL)
- * Peter Singer, *Animal Liberation* Chapter 6 "Speciesism Today" (AL)

Day 5, Monday, July 1: Wise vs. Posner vs. Singer

- * Steven Wise, "Animal Rights, One Step at a Time" (AR)
- * Richard Posner, "Animal Rights: Legal, Philosophical, and Pragmatic Perspectives" (AR)
- * Peter Singer, "Ethics beyond Species and beyond Instincts: A Response to Richard Posner" (AR)

<p>Day 6, Tuesday, July 2: In Defense of “Speciesism,” Factory Farming and Animal Experimentation</p> <ul style="list-style-type: none"> * Stanley Curtis, “The Case for Intensive Farming of Food Animals” (TWEN) * Carl Cohen, “The Proven Accomplishments of Animal Research (ARD) * C. R. Gallistel, “The Case for Unrestricted Research Using Animals” (TWEN)
<p>Day 7, Wednesday, July 3: The Case For and Against Animal Rights</p> <ul style="list-style-type: none"> * Tom Regan, “The Nature and Importance of Rights” (ARD) * Tom Regan, “Animal Rights” (ARD) * Carl Cohen, “Why Animals Do Not Have Rights” (ARD) * Gary Francione, “Animals – Property or Persons?” (AR)
<p>Day 8, Thursday, July 4: More Contemporary Philosophy</p> <ul style="list-style-type: none"> * Martha Nussbaum, “Beyond ‘Compassion and Humanity:’ Justice for Nonhuman Animals” (AR) * Mylan Engel, “The Immorality of Eating Meat” (TWEN) * Cora Diamond, “Eating Meat and Eating People” (AR)
<p>Day 9, Friday, July 5: More Contemporary Approaches in Legal Philosophy and Review for the Exam</p> <ul style="list-style-type: none"> * Catharine MacKinnon, “Of Mice and Men: A Feminist Fragment on Animal Rights” (AR) * Cass Sunstein, “Can Animals Sue?” (AR) * Lesley Rogers and Gisela Kaplan, “All Animals Are <i>Not</i> Equal: The Interface between Scientific Knowledge and Legislation for Animal Rights” (AR)
<p>Day 10, Monday, July 8: Exam</p>

Grading and Course Requirements at a Glance

Participation: 20%

Short Written Response: 10%

Final Exam: 70%

Participation

Worth 20%

Philosophy is best done through discussion; talking ideas over with others is one of the best ways of coming to understand those ideas. Thus, this class is very interactive; we will have many small and large group discussions. You also have a responsibility to be present for class in both mind and body, alert and prepared for discussion and the exchange of ideas. Because attendance is mandatory, I do not include it in your participation grade but since you cannot participate if you are not present,

your absences will negatively affect your grade. (This is especially the case since each day is a large part of the class, being equivalent to a week of classes during a normal semester).

Short Written Response

Worth 10%

Write a short (about 1,000 word) response to one of the readings assigned. Your paper should focus on one or more arguments presented in the reading, exploring its theoretical or practical implications, or making connections between this reading and others. Focus on the philosophical questions, rather than empirical ones or even strictly legal ones. I will say more about these in class, and I will have a sign up sheet (on the first day of the class) so you can choose a reading to respond to. Send your paper to the class list (by responding to one of my emails to the class using “reply all”) by 3pm the day before we will discuss that assigned reading in class, so we can all read it before we meet.

Final Exam

Worth 70%

There will be a final exam in this class. The best way to prepare for the exam is to do the readings, come to the lecture, take good notes, and ask questions in class. My lectures and our class discussions will demonstrate to you what aspects of the readings will be the focus of the exam.