

# Animals - *Property or Persons?*

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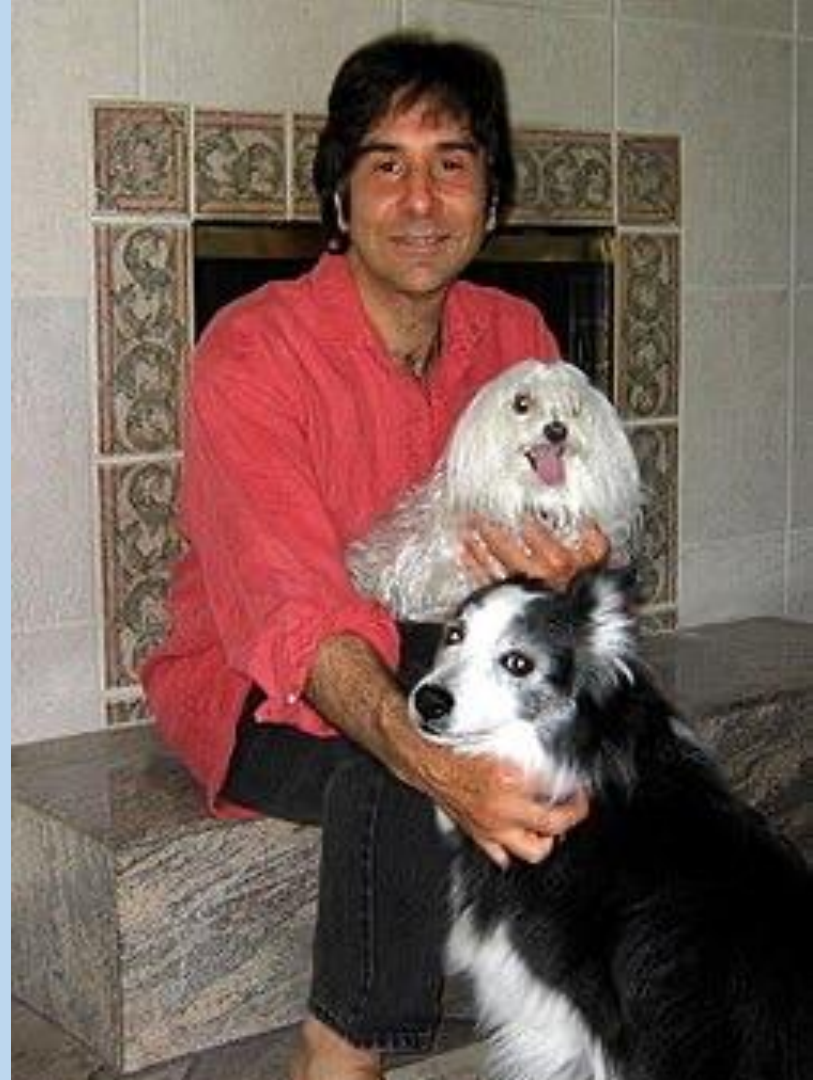
- Critical evaluation
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# Short Summary

- Starts with a simple observation: there is a big gap between what we say and what we do
- His central question is: why does this gap exist? His answer is the fact that animals are legally classified as property
- From there, Francione argues that we need to give animals one basic right: not to be treated as property
- That means, he says, we need to abolish institutionalized animal exploitation

# Who is Gary L. Francione?

- American academic in the fields of law and philosophy
- He is known for his work on animal rights theory
- was the first academic to teach it in an American law school
- He is a pioneer of the abolitionist theory



# What is Abolitionism?

- Abolitionism is the animal rights based opposition to all animal use by humans
- It intends to eliminate all forms of animal use
- Abolitionists emphasize that animal products are not necessary for human health
- They believe that everyone who can live vegan is morally obligated to be vegan

# Core Thesis

*“Our moral schizophrenia is related to the status of animals as property - animals are nothing more than things despite the many laws that supposedly protect them.”*

## What we SAY

- ✓ Animals have morally significant interests
- ✓ Unnecessary suffering is prohibited
- ✓ We care about animal welfare

## What we DO

- ✗ 9+ billion animals killed for food (US, annually)
- ✗ Millions used in experiments, entertainment, fur
- ✗ Justify it all by habit, pleasure, convention

# The Argument chain

1

## **Sentience = moral status (Bentham)**

All sentient beings can suffer. The capacity to suffer (not reason or language) is the only morally relevant criterion. Therefore animals have interests that matter directly.

2

## **Property status undermines welfare laws**

Because animals are legally property, 'balancing' human vs. animal interests is illusory: we balance owner interests against their property. Exemptions (agriculture, research, hunting) and the malice requirement mean protection is virtually never applied.

3

## **Equal consideration requires the one right**

The principle 'treat like cases alike' demands we give animal suffering equal weight to human suffering. The only consistent way to do this is to grant animals the one right we give all humans: the right NOT to be treated as property.

4

## **Conclusion: Abolition, not Regulation**

Better welfare laws cannot solve the structural problem, just as better treatment of slaves did not make slavery just. We must abolish institutionalised animal exploitation, not merely regulate it.

# Intellectual Roots

**B**

**Jeremy Bentham (1748–1832)**

*Utilitarian founder of the humane treatment principle*

Introduced sentience as the sole morally relevant criterion. 'Can they suffer?'

Bentham's error: he assumed equal consideration could apply even to animal property.

**S**

**Peter Singer (b. 1946)**

*Modern utilitarian; Animal Liberation (1975)*

Popularised Bentham's position.

Argues for equal consideration of interests but — like Bentham — does not challenge property status.

Francione argues Singer's framework ultimately fails for the same reason.

**R**

**Tom Regan (1938–2017)**

*Rights-based abolitionist; The Case for Animal Rights (1983)*

Argues that animals with 'preference autonomy' have inherent value and rights.

Francione agrees on abolition but extends protection to all sentient beings, not just those with preference autonomy.

# Legal & Historical context

Pre-19th c.

19th c.

20th c.

2004

## Animals = Pure Property

- No direct legal obligations to animals.
- Malicious mischief statutes protected only owners' property interests.
- Descartes & Kant: no moral duties to animals.

## Welfare Era Begins

- UK Protection of Animals Act (1876);
- US state anti-cruelty statutes (Maine 1821, NY 1828).
- Bentham's influence. But property status never challenged.

## Federal Regulation

- US Animal Welfare Act (1966, amended);
- Humane Slaughter Act (1958).
- Formal protections with massive exemptions: rats, mice, farm animals, hunting excluded.

## Francione's Essay

- Argues 200 years of welfare law have produced cosmetic change only.
- Structural reform requires abolishing property status.

# Slaves and Animals



Key Parallel: Francione draws a structural analogy to North American slavery — slave welfare laws failed for exactly the same reason animal welfare laws fail: the property status of the being undermines any meaningful protection.

## Slaves

- It allowed some people to treat others as property
- There were laws that ostensibly regulated the use and treatment, but the laws often contained exceptions that eviscerated any protection

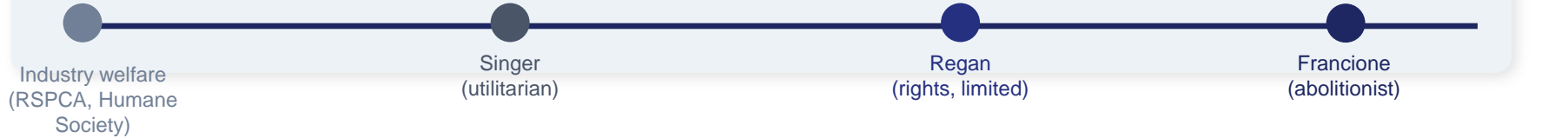
## Animals

- They are seen as property
- They have formal protections but with massive exemptions: rats, mice, farm animals, hunting excluded.

# Place in animal rights discourse

WELFARE (Regulation)

RIGHTS (Abolition)



## Francione vs. Singer

- Shared:** Bentham's sentience criterion; equal consideration ideal
- Difference:** Singer accepts property status; Francione says this makes equal consideration impossible
- Key clash:** Singer allows animal use if 'humanely' done; Francione: this is precisely the problem

## Francione vs. Regan

- Shared:** Rights-based abolition; rejection of welfare-only approaches
- Difference:** Regan limits rights to animals with 'preference autonomy'; Francione: all sentient beings
- Key clash:** Regan's criterion re-introduces hierarchy; Francione sees this as arbitrary

# Critical evaluation

## Strengths

### 1 Structural coherence

Francione identifies why welfare laws consistently fail — not because they are poorly written, but because property status structurally undermines them.

### 2 Internal consistency

Argues from premises most already accepted (suffering matters, equal consideration is required) to a conclusion they resist. The logic forces the reader to either reject the premises or accept abolition.

### 3 Principled non-arbitrariness

Every trait used to exclude animals (reason, language, self-consciousness) is also absent in some humans we would never enslave. speciesism is no more defensible than racism.

## Counterarguments

### 1 All-or-nothing problem

The binary (person vs. things) forecloses gradual progress. Meaningful welfare gains are achievable without abolition, dismissing them may harm real animals now.

### 2 Utopian practicality Gap

No realistic legal or political pathway to abolition is offered. Singers' incremental strategy has won actual legislation. Francione's programme risks zero real-world-impact.

### 3 Marginal cases cuts both ways

Comparing cognitively impaired humans to animals risks being experienced as dehumanizing by disabled people and their families, regardless of the argument's intent.

# Key takeaways

I

## Summary:

Francione argues that the property status of animals structurally defeats all welfare protection, and that equal consideration therefore demands abolition, granting animals one right: not to be property.

II

## Context:

The essay intervenes critically against Singer and Regan, draws on Bentham's sentience criterion, and situates itself within a 200-year failure of welfare law rooted in the legal treatment of animals as commodities.

III

## Evaluation:

The structural diagnosis is compelling and theoretically rigorous. The abolitionist conclusion is internally consistent but practically underspecified and vulnerable to gradualist critiques. Its provocation remains essential.

*Thank you  
for your attention!*

Are there any questions?