

CHAPTER 12



Animal Welfare

One of philosophy's most important functions is to help us critically examine beliefs that we often simply accept without question. Philosophy seems to have played this role especially well in the issue of animal rights, for it was a philosopher who helped engender the current animal rights movement by arguing that something was very wrong with the traditional attitude toward animals (that is, nonhuman animals) and their treatment. The traditional notion is that an animal is merely a resource that humans may dispose of as they see fit: an animal is food, fuel, or fun—something with instrumental value only. Peter Singer was the philosopher who challenged the received wisdom, declaring in his 1975 book *Animal Liberation* that its subject was the “tyranny of human over nonhuman animals. This tyranny has caused and today is still causing an amount of pain and suffering that can only be compared with that which resulted from the centuries of tyranny by white humans over black humans.”¹

The traditional attitude toward animals has been influential in the West for centuries. It sprang from several sources, including Judeo-Christian thought and the arguments of several distinguished philosophers. The book of Genesis declares that God created humans in his own image, “saying to them, ‘Be fruitful, multiply, fill the earth and conquer it. Be masters of the fish of the sea, the birds of heaven and all living animals on the earth’” (Genesis 1:28). Aristotle claims that all of nature exists “specifically for the sake of man,” that animals are merely instruments for humankind. Thomas Aquinas is remarkably

explicit about humans' proper attitude toward animals:

Hereby is refuted the error of those who said it is sinful for a man to kill dumb animals: for by divine providence they are intended for man's use in the natural order. Hence it is no wrong for man to make use of them, either by killing them or in any other way whatever.²

Aquinas also says that we should avoid being cruel to animals—but only because cruelty to animals might lead to cruelty to humans. Animal cruelty in itself, he explains, is no wrong. Likewise, René Descartes thinks animals are ours to use any way we want. After all, he asserts, animals are not sentient—they are machines, like mechanical clocks, devoid of feelings and incapable of experiencing pleasure or pain. Immanuel Kant, who thinks that people are not means to an end but ends in themselves, contends that animals are means to the end known as man. Today few would agree with Descartes that animals cannot experience pain, but the traditional idea that animals have no (or low) moral standing is widespread.

Those who reject the traditional attitude remind us that beliefs about the moral status of animals influence how animals are treated in the real world—and that treatment, they say, is horrendous on a vast scale. In 2015 and 2016 in the United States alone, more than 18 billion animals were slaughtered for food—cows, poultry, calves, pigs, sheep, and lambs.³ Critics have charged that the animals are subjected to appalling suffering, including lifelong confinement in spaces so small the animals can hardly move, isolation of veal calves in small crates (and,

some say, in almost total darkness), routine mutilation or surgery such as branding and cutting off pigs' tails and chickens' beaks, and the slaughter of chickens and livestock without first stunning them or using any other methods to minimize pain and suffering.⁴

In addition, each year millions of animals—from mice to dogs to primates—are used in laboratory experiments all over the world. Some of this research—no one knows how much—causes significant animal suffering. According to a U.S. government report, in 2007 about 8 percent of larger animals used in experiments (excluding mice and rats) endured “pain or distress” that could not be relieved with medication.

These concerns push us toward the key moral questions that we try to sort out in this chapter: Do animals have instrumental value only? Do they have rights? Do we owe them any moral respect or concern at all? Is it morally permissible to experiment on animals, to raise and kill them for food, to cause them unnecessary pain and suffering? Do animals have the same moral worth as an infant, a mentally incompetent man, a woman with severe senile dementia, or a man in a persistent vegetative state?

ISSUE FILE: BACKGROUND

Fortunately, on these issues there is at least a parcel of common ground. First, almost no one believes, as Descartes did, that animals are equivalent to windup clocks, mechanisms without feelings. Science and common sense suggest that many animals (mostly vertebrates) are *sentient*—that is, that they can have experiences. They can experience bodily sensations such as pain and pleasure as well as emotions such as fear and frustration. Sentient beings are thought to have the capacity to suffer. Second, virtually everyone thinks that being cruel to animals—unnecessarily causing them pain or misery—is wrong. Even when we consider this judgment carefully and critically, it seems inescapable. Third, there

is general agreement, among philosophers at least, that sentient animals are worthy of some degree of moral respect or concern. Most disputes turn on interpretations of this last point: Exactly how much moral concern do we owe animals? Do they deserve the same level of moral consideration that we give to humans? Do they deserve less? How should we treat them?

Such questions are essentially about the **moral status**, or **moral considerability**, of animals. Something has moral status if it is a suitable candidate for moral concern or respect in its own right, regardless of its relationships to humans. Ethically, we cannot treat a being that has moral status just any way we want, as if it were a mere thing. A being with moral status is of moral importance regardless of whether it is a means to something else, and in our dealings with it, we must somehow take this fact into account. Another way of expressing the notion of moral status is to say that any being with moral status is an object of **direct moral consideration** or concern. That is, such a being is worthy of moral concern for its own sake, not because of its relationship to others. A being that is the object of **indirect moral consideration** is granted respect or concern because of its relationship to other individuals. Human beings are objects of direct moral consideration; some say that animals such as dogs, pigs, and rabbits are too. A screwdriver is not the kind of thing that can be the object of direct moral concern, but it may be of indirect moral concern because of its value to a human being. Some people insist that all nonhuman animals are of indirect moral concern, deriving whatever value they have from their usefulness to humans. Many others reject this view, asserting that sentient animals have independent moral status.

Moral status is typically understood to be something that comes in degrees and that can be overridden or discounted in some circumstances. Philosophers speak of varying levels or weights of moral considerability. Some contend that animals have the same moral status as normal adult

humans—that, for example, the interests of animals are as morally important as the comparable interests of humans. Some argue that humans deserve more moral respect or concern than animals, that the interests of humans always take precedence over those of animals. Many maintain that moral considerability varies depending on the species (human or nonhuman), with humans enjoying the greatest degree of moral considerability and other species being assigned lower degrees on a sliding scale. But philosophers disagree on the basis for assigning the different rankings. Whatever a being's moral status, it is usually not viewed as absolute; sometimes it may be overridden or canceled by factors thought to be more important. Some people think, for example, that a dog's moral status prohibits humans from beating it just for fun but may allow beatings under some circumstances—say, to prevent it from straying into traffic and causing an accident.

Frequently people use the term **animal rights** as a synonym for *moral status*. When they say that animals have rights, they mean only that animals deserve some degree of direct moral consideration. But often the term is used in a more restricted way to refer to a particularly strong type of moral status. In this stronger sense, for an animal to have rights is for it to be entitled to a kind of moral respect that cannot be overridden (or cannot be overridden easily) by other considerations. Those who accept this notion of animal rights may argue that animals should *never* be condemned to factory farms or used in medical experimentation, even if such treatment would make millions of humans happy. Such rights are analogous to rights that people are supposed to have. People are thought to have a right, for instance, not to be unjustly imprisoned—even if their imprisonment would increase the overall happiness of society as a whole. (We take a closer look at strong animal rights in the next section.)

Before examining arguments that animals have moral status or rights, we should cite a few arguments to the contrary. Some people claim that

only human beings have moral status and that animals, if they matter at all, have only indirect value as resources or tools for people. If cruelty to animals is wrong, it is wrong only because it makes humans callous or upsets people or damages personal property. The usual tack of those who reject moral status for animals is to argue that only beings that possess a particular property have moral status—a property that animals do not possess but humans do. The proposed status-granting properties are numerous and include having a soul, nurturing strong family bonds, using language, being a member of the human species, and being a person or a moral agent.

The notion that animals lack souls and therefore have no moral status is, of course, a traditional religious view defended on traditional religious grounds. Generally, philosophers do not take this path because their focus is on reason and arguments rather than on faith, and because philosophical analysis has rendered the concept of a soul problematic or controversial.

The claim that animals have no moral standing because they do not have the kind of strong family relationships exhibited by humans has been undermined not by philosophy but by science. The same goes for the parallel claim regarding animals' language skills. One philosopher sums up the relevant empirical findings:

[M]any species of non-humans develop long-lasting kinship ties—orangutan mothers stay with their young for eight to ten years and while they eventually part company, they continue to maintain their relationships. Less solitary animals, such as chimpanzees, baboons, wolves, and elephants maintain extended family units built upon complex individual relationships, for long periods of time. Meerkats in the Kalahari desert are known to sacrifice their own safety by staying with sick or injured family members so that the fatally ill will not die alone. . . . While the lives of many, perhaps most, non-humans in the wild are consumed with struggle for survival, aggression and battle, there are some non-humans whose lives are



CRITICAL THOUGHT: Using Animals to Test Consumer Products

Animals are used not only to test the safety and effectiveness of medical treatments, but also to determine the safety of consumer products such as cosmetics. This practice is fraught with controversy. For example:

Each year, American doctors inject more than 3 million doses of Botox to temporarily smooth their patients' wrinkles and frown lines. But before each batch is shipped, the manufacturer puts it through one of the oldest and most controversial animal tests available.

To check the potency of its product under federal safety rules, Allergan Inc. injects mice with Botox until it finds a dose at which half of the animals die—a rough gauge of potential harm to humans.

Animal protection groups consider this "lethal dose 50 (LD_{50})" test to be "the poster child for everything that's wrong with animal testing," said

Martin Stephens, vice president for animal research issues at the Humane Society of the United States. "It's as bad as it gets, poisoning animals to death."

Allergan officials say they have no choice. Without a federally approved safety test that does not use animals, a company spokeswoman says, LD_{50} "is by default the required test."*

Is this kind of animal testing morally permissible, considering that its purpose is commercial and not medical? Why or why not? Would your using products that have been thoroughly tested using LD_{50} be morally acceptable? Would you change your answer if you knew the testing was done on dogs or horses instead of mice or guinea pigs?

*Gilbert M. Gaul, "In U.S., Few Alternatives to Testing On Animals," *Washington Post*, washingtonpost.com, April 12, 2008.

characterized by expressions of joy, playfulness, and a great deal of sex. Recent studies in cognitive ethology have suggested that some non-humans engage in manipulative and deceptive activity, can construct "cognitive maps" for navigation, and some non-humans appear to understand symbolic representation and are able to use language.⁵

A more common claim is that just *being human*—having the DNA of the human species, in other words—is the property that gives a being moral considerability. If so, then nonhumans do not and cannot have moral status. This view has seemed initially plausible to some, but critics have wondered why simply having human DNA would bestow moral status on a creature.

Perhaps the most telling objection against the human species argument is based on a simple thought experiment. Suppose we humans encounter extraterrestrial creatures who have all the same

attributes and capabilities that we have—self-consciousness, intelligence, language skills, reasoning ability, emotions, and more. We would presumably have to admit that these beings have full moral status, just as we do. Yet they are not human. They may not even be carbon-based life forms. Physically they may be nothing like any member of the human species. This strange (but possible) state of affairs suggests that being human is not a necessary condition for having moral status.

Taking a cue from Kant, some philosophers contend that only persons or moral agents can be candidates for moral considerability—and that animals do not make the cut. Persons are typically regarded as rational beings who are free to choose their own ends and determine their own actions and values. Moral agents are beings who can make moral judgments and act according to moral reasons or principles. So the basic claim is that because



all or most animals are not persons or moral agents, they can have no moral standing. They simply lack the necessary property.

As many critics have pointed out, using personhood and moral agency as criteria for determining moral status has a troublesome drawback: it not only excludes animals from moral considerability but some humans as well. This difficulty is common to all lack-of-some-necessary-property arguments, which we will examine more closely in the next section.

In any case, many think that all these standards for moral status are in a sense beside the point. To them it is obvious that regardless of whether an animal possesses these “higher” capacities and characteristics, it can suffer. They reason that if it can suffer, then it can be wronged by deliberately causing it to suffer. If deliberately hurting it is wrong, it must have some level of moral considerability.

MORAL THEORIES

How might a utilitarian assess the treatment of nonhuman animals? What would he or she say about their moral status? The most famous answers to these questions come from the utilitarian philosopher Peter Singer, credited with kindling through his writings what is popularly known as the animal rights movement. His most celebrated book, *Animal Liberation*, helped spark serious debates about the treatment of animals, the meat industry, and vegetarianism—debates that continue to this day. Classic utilitarianism says that the right action is the one that produces the best balance of happiness over unhappiness (or pleasure over pain), *everyone considered*. Singer’s approach is to include both animals and humans in this “everyone.” The pain and pleasure of *all* sentient beings must be considered when we are deciding which action maximizes the good.

This inclusion of *all* animals (human and non-human) in utilitarian calculations is not new,

however—it was, in fact, advocated by utilitarianism’s founder, Jeremy Bentham (1748–1832):

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 one day come to be recognized that the number of the legs, the vinosity 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 they were otherwise, what would it avail? The question is not, Can they reason? nor Can they *talk*? but, *Can they suffer?*⁶

For both Bentham and Singer, what makes a being worthy of moral concern, what requires us to include it in the moral community, is its ability to experience pain and pleasure—its ability to suffer. Why do humans have moral status? Not, says the utilitarian, because of their capacity for reason, social relationships, and personhood—but because of their capacity for suffering. Likewise, because sentient animals can suffer, they too have moral status. Furthermore, Bentham and Singer argue that because both humans and animals can suffer, they both deserve *equal moral consideration*. As Singer says,

[T]he interests of every being affected by an action are to be taken into account and given the same weight as the like interests of any other being. . . . If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—in so far as rough comparisons can be made—of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account.⁷

According to Singer, those who do not give equal moral consideration to human and nonhuman animals are guilty of **speciesism**—discrimination against nonhuman animals just because of their species. Speciesism, he says, is wrong for the same reason that racism and sexism are wrong: it violates the principle of equal consideration—that is, equal consideration of comparable interests.

Equal consideration of comparable interests, however, does not mean equal treatment. Humans and animals have some interests in common (such as avoiding pain), and they differ dramatically in the possession of other interests (humans are capable of enjoying art and studying philosophy, but animals are not). Singer's utilitarianism demands that when comparable interests are involved, those of humans and those of animals must be given equal weight. A pig's suffering is just as important as a man's or a woman's. If a pig and a man are both experiencing intense pain, we must not assume that the man's pain should be taken more seriously. We should regard the agony of both beings with equal concern. But when interests are not comparable, we need not pretend that they are. We may, for example, give weight to a woman's interest in enjoying a good book, but we would give no weight to this interest in a dog, because a dog has no such interest.

What are the implications of Singer's view for the treatment of animals? For one thing, it implies that our system of meat production is wrong and should be abolished. There is general agreement that the meat industry currently causes immense suffering to millions of sentient creatures. In standard utilitarian calculations, if we weigh this extreme suffering against the moderate pleasures it produces (the gustatory enjoyment of humans), we see that the meat industry generates a net balance of evil over good. The alternative to having a meat industry—vegetarianism—would result in far more good than evil. As Singer puts it,

Since, as I have said, none of these [meat industry] practices cater for anything more than our pleasures of taste, our practice of rearing and killing other

animals in order to eat them is a clear instance of the sacrifice of the most important interests of other beings in order to satisfy trivial interests of our own. To avoid speciesism we must stop this practice, and each of us has a moral obligation to cease supporting this practice.⁸

Some see a problem in Singer's stance, however, because his call for eliminating meat production and embracing vegetarianism does not seem to be fully warranted by his arguments. By Singer's own lights, a humane form of meat production might be morally permissible. If animals could be raised and killed without suffering—if their lives could be pleasant and their deaths painless—then there might be a net balance of good over evil in the process. Then both meat production and meat eating might be acceptable. It seems that Singer's arguments could be used to support reform of the meat production industry just as easily as its total elimination.

As for scientific experimentation on animals, Singer thinks that it might be permissible if the benefits gained from the research outweigh any suffering involved. “[I]f a single experiment could cure a major disease, that experiment would be justifiable,” he says.⁹ However, he believes that in practice, animal experimentation usually results in more evil than good because often the benefits to humans are negligible.

How would a nonconsequentialist view the treatment of animals? Probably the most influential example of the nonconsequentialist approach is that of Tom Regan, another philosopher who has helped define and inspire the animal rights movement. He argues for *animal rights* proper—that is, animal rights in the restricted sense of having moral considerability that cannot be easily overridden, not in the weaker, generic sense of simply possessing moral status. According to Regan,

The genius and the retarded child, the prince and the pauper, the brain surgeon and the fruit vendor, Mother Theresa and the most unscrupulous used car salesman—all have inherent value, all possess it *equally*, and *all have an equal right to be treated with respect*, to be



CRITICAL THOUGHT: Should We Experiment on Orphaned Babies?

Consider this controversial argument against speciesism by Peter Singer:

In the past, argument about vivisection has often missed the point, because it has been put in absolutist terms: Would the abolitionist be prepared to let thousands die if they could be saved by experimenting on a single animal? The way to reply to this purely hypothetical question is to pose another: would the experimenter be prepared to perform his experiment on an orphaned human infant, if that were the only way to save many lives? (I say "orphan" to avoid the complication of parental feelings, although in doing so I am being overfair to the experimenter, since the nonhuman subjects of experiments are not orphans.) If the

experimenter is not prepared to use an orphaned human infant, then his readiness to use nonhumans is simple discrimination, since adult apes, cats, mice, and other mammals are more aware of what is happening to them, more self-directing and, so far as we can tell, at least as sensitive to pain, as any human infant.*

What is Singer's point here? Is he advocating the practice of experimenting on orphaned human infants? Suppose you disagree with Singer. What argument would you make against his position?

*Peter Singer, "All Animals Are Equal," *Philosophic Exchange* 1 (1974). Copyright © Peter Singer 1974. Reprinted by permission of author.

treated in ways that do not reduce them to the status of things, as if they exist as resources for others.¹⁰

Regan maintains that such equal inherent value and equal rights apply to animals just as much as they do to humans. More specifically, he says, they apply to all mature mammals, human and nonhuman. Creatures with inherent value must be treated, in Kant's famous phrase, as ends in themselves, not merely as means to an end. Their value or their treatment does not depend on some utilitarian calculation of pain and pleasure. According to Regan, humans and animals have equal value and equal rights because they share particular mental capacities; they are sensitive, experiencing beings—or as Regan says, "experiencing subjects of a life":

[W]e are each of us the experiencing subject of a life, a conscious creature having an individual welfare that has importance to us whatever our usefulness to others. We want and prefer things, believe and feel things, recall and expect things. And all these dimensions of our life, including our pleasure and pain, our enjoyment and suffering, our satisfaction and frustration, our continued existence or our untimely

death—all make a difference to the quality of our life as lived, as experienced, by us as individuals. As the same is true of those animals who concern us (those who are eaten and trapped, for example), they too must be viewed as the experiencing subjects of a life, with inherent value of their own.¹¹

How should we treat animals, then, if they have such rights and if these rights are equal to our own? Regan's theory (what he calls the rights view) implies that if it would be wrong to dissect, hurt, torture, eat, cage, hunt, or trap a human, then it would also be wrong to do the same to an animal—and that the amount of good that might be produced by such acts is irrelevant. Therefore, Regan concludes, all forms of animal experimentation should be abolished. "Because these animals are treated routinely, systematically as if their value were reducible to their usefulness to others," Regan says, "they are routinely, systematically treated with a lack of respect, and thus are their rights routinely, systematically violated."¹² On the same grounds, he thinks that commercial animal agriculture and commercial and sport hunting and trapping should also be abolished.



QUICK REVIEW

moral status (or moral considerability)—The property of being a suitable candidate for direct moral consideration or respect.

direct moral consideration—Moral consideration for a being's own sake, rather than because of its relationship to others.

indirect moral consideration—Moral consideration on account of a being's relationship to others.

animal rights—Possession by animals of (1) moral status; (2) strong moral consideration that cannot be easily overridden.

speciesism—Discrimination against nonhuman animals just because of their species.

MORAL ARGUMENTS

Do animals really have equal rights in the strict sense just mentioned? That is, do nonhuman animals have the same right to respect and moral concern that humans have? Using Tom Regan's rights view as inspiration without sticking strictly to his line of reasoning, let us examine some simple (and simplified) arguments for and against this proposition.

For our purposes, we can state the argument for the rights view like this:

1. Nonhuman animals (normal, fully developed mammals) are experiencing subjects of a life (or “experiencing subjects,” for short), just as humans are.
2. All experiencing subjects have equal inherent value.
3. All those with equal inherent value are entitled to equal moral rights (the equal right to be treated with respect).
4. Therefore, nonhuman animals have equal moral rights.

This is a valid argument; the conclusion does follow from the three premises. So we have good reason to accept the conclusion if the premises are true. Are they? Premise 1 is an empirical claim about the mental capacities of animals (again, normal, fully developed mammals). There is scientific evidence suggesting that animals do have at least most of the capacities in question. For simplicity's sake, then, let us assume that Premise 1 is true.

Premises 2 and 3 are much more difficult to sort out. We should not accept them unless there are good reasons for doing so. Good reasons would involve separate arguments that support each of them. Regan has provided such arguments, and several critics have responded to them. Some have said, for example, that the notion of inherent value is obscure and that the link between inherent value and moral rights is unclear. Many others have sidestepped these issues and attacked the conclusion directly, arguing that regardless of whether animals have some moral rights, they surely do not have the *same* moral rights that humans do—that is, the equal right to be treated with respect.

Those who take this latter approach begin with an advantage. Our moral common sense suggests that there must be some sort of difference between the moral status of most humans and that of most animals. We tend to think that accidentally running over a man with our car is morally worse than doing the same to a rabbit. Most of us believe that there is an important moral difference between imprisoning women in cages for later slaughter and doing the same to chickens or hogs—even if we also deem the latter cruel and immoral.

Our intuition about such things can be wrong, of course. So those who reject equal moral rights for animals have offered other considerations. The philosopher Mary Anne Warren, for example, argues that animals do indeed have some moral rights, but that there are reasons for thinking that these rights are weaker or less demanding than the rights of humans. For one thing, she notes, the human right to freedom is stronger or more

extensive than the animal right to freedom. This right prohibits the unlawful imprisonment of humans, even if the prison is comfortable and spacious. Human dignity and the satisfaction of human aspirations and desires demand a higher degree of freedom of movement than would be required for the satisfaction of the needs or interests of many nonhuman animals. Imprisonment of animals in areas that allow them to satisfy their needs and pursue their natural inclinations, Warren says, “need not frustrate the needs or interests of animals in any significant way, and thus do not clearly violate their rights.” In a similar vein, Warren argues that both humans and animals have a *prima facie* right to life, but this right is generally weaker for animals than for humans. As she puts it, “Human lives, one might say, have greater intrinsic value, because they are worth more *to their possessors*.¹³ Humans have hopes, plans, and purposes that make them value continued existence; animals, apparently, lack this forward-looking perspective. Warren adds that nonhuman animals nevertheless have a right to life because, among other things, their premature demise robs them of any future pleasures they might have had.

Regan has responded to such arguments for unequal rights for animals by offering a common counterargument. In general, the arguments contend that animals have less inherent value (and therefore weaker moral rights) because animals lack something that adult humans have—perhaps the ability to reason, intelligence, autonomy, intellect, or some other valuable property. But, Regan says, if this contention is true, then we must say that some humans who lack these characteristics (retarded children or people with serious mental illness, for example) also have less inherent value than normal adult humans and therefore less robust moral rights. In other words, if these critics of equal rights are correct, we are fully justified in treating these “deficient humans” as we would nonhuman animals. “But it is not true,” he says, “that such humans . . . have less inherent value than you or I.

Neither, then, can we rationally sustain the view that animals like them in being experiencing subjects of a life have less inherent value. *All* who have inherent value have it *equally*, whether they be human animals or not.”¹⁴

CHAPTER REVIEW

SUMMARY

The traditional attitude toward animals is that they are merely resources that humans can dispose of as they see fit; that is, that animals have instrumental value only. But many reject the traditional view and put forward reasons for supposing that animals have moral status. Something has moral status if it is a suitable candidate for moral concern or respect in its own right.

Some people claim that only humans have moral status and that animals have only indirect moral considerability. The usual approach of those who reject moral status for animals is to argue that a being is entitled to moral status only if it possesses particular properties—and that animals do not possess them. These status-granting properties include having a soul, having strong family bonds, using language, being a member of the human species, and being a person or a moral agent.

One of the more common claims is that one must be human to have moral status. Critics, however, have asked what it is about being human that gives one moral status. A thought experiment used against this claim asks us to imagine meeting extraterrestrial creatures who are like ourselves in many ways. We would presumably have to admit that the aliens have moral status just as we do, even though they are not human. Being human, then, seems not to be necessary for having moral status.

The most famous utilitarian approach to the treatment of animals is that of the philosopher Peter Singer. He argues that the pain and pleasure of animals as well as that of humans must be included in utilitarian calculations. What makes a being worthy of moral

concern, he says, is its capacity for suffering, and because both humans and animals can suffer, they deserve equal moral consideration. Consequently, Singer maintains that our system of meat production is wrong and should be abolished.

The most notable nonconsequentialist approach to the treatment of animals is that of Tom Regan. He argues for strong animal rights on the grounds that all “experiencing subjects of a life” have equal inherent value and therefore an equal right to be treated with respect. Experiencing subjects of a life include healthy, mature mammals (humans and nonhumans). Regan maintains that because such animals have equal rights, all commercial animal agriculture and sport hunting and trapping should be abolished.

KEY TERMS

- moral status (or moral considerability)** (p. 372)
- direct moral consideration** (p. 372)
- indirect moral consideration** (p. 372)
- animal rights** (p. 373)
- speciesism** (p. 376)

EXERCISES

Review Questions

1. What does it mean for a creature to have moral status? (p. 372)
2. What are the two meanings of “animal rights”? (p. 373)
3. What is Aquinas’s view on the treatment of animals? (p. 371)
4. What does Descartes believe about animals’ ability to experience pain? (p. 371)
5. What does “sentient” mean in relation to animals and humans? (p. 372)
6. What is Regan’s view on animal rights? (pp. 376–377)
7. What is “direct moral consideration”? What is “indirect moral consideration”? (p. 372)
8. Do animals have the kind of strong family relationships exhibited by humans? (p. 373)
9. What is speciesism? (p. 376)
10. What is Peter Singer’s view on animal rights? (pp. 375–376)

Discussion Questions

1. How might a utilitarian assess the treatment of nonhuman animals?
2. What reasons do people give for thinking that animals do not have moral status? Do you agree with any of these reasons?
3. Is having human DNA the property that gives a being moral considerability? Why or why not?
4. What is the most telling objection against the human species argument?
5. For Bentham and Mill, what makes a being worthy of moral concern?
6. Which view of animal rights—Singer’s or Regan’s—do you think is morally reasonable? Why?
7. What is Warren’s critique of Regan’s view of animal rights? Do you agree with her?
8. What is the traditional attitude toward animals? Is it reasonable? Why or why not?
9. What do you believe it is about being human that gives humans moral status? Why?
10. What conclusion do Bentham and Singer draw from the fact that animals can suffer?

FURTHER READING

- Carl Cohen, “The Case for the Use of Animals in Biomedical Research,” *New England Journal of Medicine* 315 (October 2, 1986): 865–70.
- David DeGrazia, *Animal Rights: A Very Short Introduction* (Oxford: Oxford University Press, 2002).
- R. G. Frey, “Animals,” in *The Oxford Handbook of Practical Ethics*, ed. Hugh LaFollette (New York: Oxford University Press, 2003).
- R. G. Frey, *Interests and Rights: The Case against Animals* (Oxford: Clarendon; New York: Oxford University Press, 1980).
- Lori Gruen, “Animals,” in *A Companion to Ethics*, ed. Peter Singer, corr. ed. (Oxford: Blackwell, 1993).
- Mary Midgley, *Animals and Why They Matter* (Harmondsworth: Penguin, 1983).
- James Rachels, *Created from Animals: The Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990).
- Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983).
- Tom Regan and Peter Singer, eds., *Animal Rights and Human Obligations*, 2nd ed. (Englewood Cliffs, NJ: Prentice Hall, 1989).

Peter Singer, *Animal Liberation*, 2nd ed. (New York: New York Review of Books, 1990).

Peter Singer, "Ethics beyond Species and beyond Instincts," in *Animal Rights: Current Debates and New Directions*, ed. Cass R. Sunstein and Martha C. Nussbaum (Oxford: Oxford University Press, 2004).

Bonnie Steinbock, "Speciesism and the Idea of Equality," *Philosophy* 53, no. 204 (April 1978): 247–56.

Cass R. Sunstein and Martha C. Nussbaum, eds., *Animal Rights: Current Debates and New Directions* (Oxford: Oxford University Press, 2004).

Mary Anne Warren, "The Rights of the Nonhuman World," in *Environmental Philosophy: A Collection of Readings*, eds. Robert Elliot and Arran Gare (University Park: Pennsylvania State University Press, 1983).

ETHICAL DILEMMAS

1. Animal Testing

The Guardian—Protesters for and against animal testing have predicted an escalating conflict after the two sides clashed during weekend demonstrations in Oxford. Both groups pledged to step up campaigns which have already resulted in death threats aimed at advocates of animal testing and panic buttons installed at the home of a leading provivisection protester.

Pro-Test, the group which organised the Oxford rally of scientists, students and patients, plans a march in London which it hopes will draw 5,000 supporters. A spokesman for Speak, the animal rights group campaigning against a new animal research laboratory in Oxford, said the Pro-Test demonstration had left it "fired up" to take tougher action.

Spokesman Mel Broughton said: "They should be worried, not because they are in any danger of violence, but because they have fired us up even more against them and the university." . . .

Many researchers stayed away from the march, fearing reprisals against them and their families. Professor Tipu Aziz, a leading neurosurgeon, said: "This country has thousands of researchers paralysed by fear. That's a travesty of democracy." . . .

A spokesman for the Animal Liberation Front, Robin Webb, yesterday described the Pro-Test marchers as "irrelevant."

"The ALF supporters will completely ignore this protest group and will continue targeting institutions and companies which are directly involved in building the proposed facility," he said.

The Medical Research Council's chief executive, Colin Blakemore, described the Pro-Test demonstration as "immensely gratifying. For a long time, we have needed this kind of collective response. The people want this thuggery and nastiness off the streets of Oxford."*

Which side in this conflict do you sympathize with more? Why? Suppose you are a member of

Pro-Test. How would you argue in favor of scientific animal testing? Say you are an ALF supporter.

What arguments could you make for the banning of most (or all) animal testing? Is either side

justified in using violence or the threat of violence to further its cause? Why or why not?

*Robert Booth, "Opposing Sides in Animal Testing Row Pledge to Step Up Action," from *The Guardian*, February 27, 2006. Copyright © 2006 Guardian News and Media Ltd. Reprinted with permission.

2. Seal Hunting and the Fate of the Inuit

Boston Globe—In the 1980s, postcards were distributed to 12 million United States and United Kingdom households depicting the infamous Canadian Atlantic fisher swinging a bat at a baby seal and eliciting an overwhelming emotional response. Major legislative bodies relented to public pressure with a staggering impact on wildlife management. The collapse of the sealskin market marked a victory for protesters who had waged the most effective, international mass media campaign ever undertaken.

The moral victory for animal rights activists not only hurt Newfoundlanders, it adversely affected thousands of Canadian Inuit living in tiny, remote, Arctic hamlets. Antifur protesters lump all seal-hunting methods together. It is tragic but not surprising that there has been virtually no media coverage of the devastating economic, social, and cultural impact of the collapse of the seal skin market on Inuit. If outsiders had known more about Inuit life, perhaps they would not have so easily dismissed all seal-hunting as unethical and cruel.

Canadian Inuit, who number about 46,000, are part of a circumpolar Inuit community numbering about 150,000 in Greenland, Alaska, and Russia. For Canadian Inuit, the seal is not just a source of cash through fur sales, but the keystone of their culture. Although Inuit harvest and hunt many species that inhabit the desert tundra and ice platforms, the seal is their mainstay. . . .

Inuit no longer use seal oil lamps or kudlik for heating, as did their grandparents. But seal meat, which is extremely high in protein, minerals, and vitamins and very low in fat, is still the most valued meat in many parts of the Arctic. Seal skin mittens and boots continue to provide the greatest protection against the harsh Arctic climate.

Like most people, Inuit respond to structural changes by adapting and innovating. They were already dependent on costly hunting supplies by the 1980s. When fur prices plummeted after the sealskin boycott, their credit and cash flow from furs dried up while the cost of supplies rose. Many families could no longer afford hunting equipment. Their fragile economy was imperiled and their vulnerability increased. Their social order was ruptured as they were deprived of the complex social aspect of sharing seal meat.

Their historical, legal, social, and economic situation already placed them at alarmingly higher risks of poverty and violence than other Canadians even when they live outside the North, as 10,000 Inuit have chosen to do. Life expectancy among the Inuit is 10 years lower than other Canadians. Rates of infant mortality, unemployment, illnesses such as diabetes, violence against women, and overcrowded housing are chillingly high.

One of the most brutal aspects of the lack of cultural continuity is the epidemic of youth suicide striking small communities in clusters where one death rapidly

engenders another. But the Inuit, having endured myths and misinformation about their culture for decades, have carried on. . . .

The Inuit are resourceful people who deserve more respectful attention from outsiders.[†]

Would a utilitarian like Peter Singer be likely to support a ban on all seal hunting even though it would devastate the Inuit? Would he be likely to approve of the Inuit's hunting if they could always kill the seals painlessly? Would a nonconsequentialist like

Tom Regan disapprove of the hunting of the seals under all circumstances? If the fate of the Inuit and the seals was to be decided by either Singer or Regan, which philosopher do you think the Inuit would prefer? Provide reasons for your answers.

[†]Kirt Ejesiak and Maureen Flynn-Burhoe, "Animal Rights vs. Inuit Rights," *The Boston Globe*, May 8, 2005. Reprinted by permission of the authors.

3. Should We Keep Animals in Zoos?

CNN—The judgment and criticism built quickly after a 3-year-old got into the enclosure of a 450-pound gorilla at the Cincinnati Zoo. Where were the child's parents? How could the zoo let this happen? Why did an endangered gorilla have to be shot and killed?

But another question emerged among parents, too: Should we be going to zoos at all?

The animal advocacy group People for the Ethical Treatment of Animals said there's a problem with the larger concept of zoos. It said on Twitter that the tragic episode in Cincinnati was the latest proof that "even under the 'best' circumstances . . . captivity is never acceptable for gorillas or other primates."

Change is already happening around the globe, PETA Senior Vice President Lisa Lange said this year after SeaWorld made the stunning announcement that it's moving away from housing killer whales and ending its breeding program. SeaWorld faced growing pressure about its orca policies and then declining park attendance after the release of "Blackfish," which documented the 2010 death of a trainer pulled underwater by a 12,000-pound orca. The current generation of killer whales will be the last orcas housed in captivity at the park, SeaWorld said.

"What we're seeing is the 'Blackfish' effect," Lange said. "The public has completely changed its opinion on exploiting and killing animals for entertainment."[‡]

Is keeping animals in zoos morally permissible? Does it amount to cruelty? Why or why not? Is using animals for the entertainment of humans

wrong? If zoo captivity is morally wrong, is it also wrong to visit animals in zoos?

[‡]Kelly Wallace, "After Gorilla Shooting, Are Zoos Becoming 'Obsolete'?", from CNN.com, May 31, 2016. © 2016 Turner Broadcast Systems. All rights reserved. Used by permission and protected by the Copyright Laws of the United States. The printing, copying, redistribution, or retransmission of this content without express written permission is prohibited.

READINGS

All Animals Are Equal

PETER SINGER

In recent years a number of oppressed groups have campaigned vigorously for equality. The classic instance is the Black Liberation movement, which demands an end to the prejudice and discrimination that has made blacks second-class citizens. The immediate appeal of the black liberation movement and its initial, if limited success made it a model for other oppressed groups to follow. We became familiar with liberation movements for Spanish-Americans, gay people, and a variety of other minorities. When a majority group—women—began their campaign, some thought we had come to the end of the road. Discrimination on the basis of sex, it has been said, is the last universally accepted form of discrimination, practiced without secrecy or pretense even in those liberal circles that have long prided themselves on their freedom from prejudice against racial minorities.

One should always be wary of talking of “the last remaining form of discrimination.” If we have learnt anything from the liberation movements, we should have learnt how difficult it is to be aware of latent prejudice in our attitudes to particular groups until this prejudice is forcefully pointed out.

A liberation movement demands an expansion of our moral horizons and an extension or reinterpretation of the basic moral principle of equality. Practices that were previously regarded as natural and inevitable come to be seen as the result of an unjustifiable prejudice. Who can say with confidence that all his or her attitudes and practices are beyond criticism? If we wish to avoid being numbered amongst the oppressors, we must be prepared to re-think even our most fundamental attitudes. We need to consider them from the point of view of those most disadvantaged by our attitudes, and the practices that follow from these

attitudes. If we can make this unaccustomed mental switch we may discover a pattern in our attitudes and practices that consistently operates so as to benefit one group—usually the one to which we ourselves belong—at the expense of another. In this way we may come to see that there is a case for a new liberation movement. My aim is to advocate that we make this mental switch in respect of our attitudes and practices towards a very large group of beings: members of species other than our own—or, as we popularly though misleadingly call them, animals. In other words, I am urging that we extend to other species the basic principle of equality that most of us recognise should be extended to all members of our own species.

All this may sound a little far-fetched, more like a parody of other liberation movements than a serious objective. In fact, in the past the idea of “The Rights of Animals” really has been used to parody the case for women’s rights. When Mary Wollstonecraft, a fore-runner of later feminists, published her *Vindication of the Rights of Women* in 1792, her ideas were widely regarded as absurd, and they were satirized in an anonymous publication entitled *A Vindication of the Rights of Brutes*. The author of this satire (actually Thomas Taylor, a distinguished Cambridge philosopher) tried to refute Wollstonecraft’s reasonings by showing that they could be carried one stage further. If sound when applied to women, why should the arguments not be applied to dogs, cats and horses? They seemed to hold equally well for these “brutes”: yet to hold that brutes had rights was manifestly absurd; therefore the reasoning by which this conclusion had been reached must be unsound, and if unsound when applied to brutes, it must also be unsound when applied to women, since the very same arguments had been used in each case.

One way in which we might reply to this argument is by saying that the case for equality between men and women cannot validly be extended to non-human animals. Women have a right to vote, for

Peter Singer, “All Animals Are Equal,” *Philosophic Exchange* Vol. 1 (1974). Copyright © Peter Singer 1974. Reprinted by permission of the author.

instance, because they are just as capable of making rational decisions as men are; dogs, on the other hand, are incapable of understanding the significance of voting, so they cannot have the right to vote. There are many other obvious ways in which men and women resemble each other closely, while humans and other animals differ greatly. So, it might be said, men and women are similar beings, and should have equal rights, while humans and non-humans are different and should not have equal rights.

The thought behind this reply to Taylor's analogy is correct up to a point, but it does not go far enough. There *are* important differences between humans and other animals, and these differences must give rise to *some* differences in the rights that each have. Recognizing this obvious fact, however, is no barrier to the case for extending the basic principle of equality to non-human animals. The differences that exist between men and women are equally undeniable, and the supporters of Women's Liberation are aware that these differences may give rise to different rights. Many feminists hold that women have the right to an abortion on request. It does not follow that since these same people are campaigning for equality between men and women they must support the right of men to have abortions too. Since a man cannot have an abortion, it is meaningless to talk of his right to have one. Since a pig can't vote, it is meaningless to talk of its right to vote. There is no reason why either Women's Liberation or Animal Liberation should get involved in such nonsense. The extension of the basic principle of equality from one group to another does not imply that we must treat both groups in exactly the same way, or grant exactly the same rights to both groups. Whether we should do so will depend on the nature of the members of the two groups. The basic principle of equality, I shall argue, is equality of consideration; and equal consideration for different beings may lead to different treatment and different rights.

So there is a different way of replying to Taylor's attempt to parody Wollstonecraft's arguments, a way which does not deny the differences between humans and non-humans, but goes more deeply into the question of equality, and concludes by finding nothing absurd in the idea that the basic principle of equality

applies to so-called "brutes." I believe that we reach this conclusion if we examine the basis on which our opposition to discrimination on grounds of race or sex ultimately rests. We will then see that we would be on shaky ground if we were to demand equality for blacks, women, and other groups of oppressed humans while denying equal consideration to non-humans.

When we say that all human beings, whatever their race, creed or sex, are equal, what is it that we are asserting? Those who wish to defend a hierarchical, egalitarian society have often pointed out that by whatever test we choose, it simply is not true that all humans are equal. Like it or not, we must face the fact that humans come in different shapes and sizes; they come with differing moral capacities, differing intellectual abilities, differing amounts of benevolent feeling and sensitivity to the needs of others, differing abilities to communicate effectively, and differing capacities to experience pleasure and pain. In short, if the demand for equality were based on the actual equality of all human beings, we would have to stop demanding equality. It would be an unjustifiable demand.

Still, one might cling to the view that the demand for equality among human beings is based on the actual equality of the different races and sexes. Although humans differ as individuals in various ways, there are no differences between the races and sexes *as such*. From the mere fact that a person is black, or a woman, we cannot infer anything else about that person. This, it may be said, is what is wrong with racism and sexism. The white racist claims that whites are superior to blacks, but this is false—although there are differences between individuals, some blacks are superior to some whites in all of the capacities and abilities that could conceivably be relevant. The opponent of sexism would say the same: a person's sex is no guide to his or her abilities, and this is why it is unjustifiable to discriminate on the basis of sex.

This is a possible line of objection to racial and sexual discrimination. It is not, however, the way that someone really concerned about equality would choose, because taking this line could, in some circumstances, force one to accept a most unequalitarian society. The fact that humans differ as individuals,

rather than as races or sexes, is a valid reply to someone who defends a hierarchical society like, say, South Africa, in which all whites are superior in status to all blacks. The existence of individual variations that cut across the lines of race or sex, however, provides us with no defence at all against a more sophisticated opponent of equality, one who proposes that, say, the interests of those with I.Q. ratings above 100 be preferred to the interests of those with I.Q.s below 100. Would a hierarchical society of this sort really be so much better than one based on race or sex? I think not. But if we tie the moral principle of equality to the factual equality of the different races or sexes, taken as a whole, our opposition to racism and sexism does not provide us with any basis for objecting to this kind of egalitarianism.

There is a second important reason why we ought not to base our opposition to racism and sexism on any kind of factual equality, even the limited kind [that] asserts that variations in capacities and abilities are spread evenly between the different races and sexes: we can have no absolute guarantee that these abilities and capacities really are distributed evenly, without regard to race or sex, among human beings. So far as actual abilities are concerned, there do seem to be certain measurable differences between both races and sexes. These differences do not, of course, appear in each case, but only when averages are taken. More important still, we do not yet know how much of these differences is really due to the different genetic endowments of the various races and sexes, and how much is due to environmental differences that are the result of past and continuing discrimination. Perhaps all of the important differences will eventually prove to be environmental rather than genetic. Anyone opposed to racism and sexism will certainly hope that this will be so, for it will make the task of ending discrimination a lot easier; nevertheless it would be dangerous to rest the case against racism and sexism on the belief that all significant differences are environmental in origin. The opponent of, say, racism who takes this line will be unable to avoid conceding that if differences in ability did after all prove to have some genetic connection with race, racism would in some way be defensible.

It would be folly for the opponent of racism to stake his whole case on a dogmatic commitment to one particular outcome of a difficult scientific issue which is still a long way from being settled. While attempts to prove that differences in certain selected abilities between races and sexes are primarily genetic in origin have certainly not been conclusive, the same must be said of attempts to prove that these differences are largely the result of environment. At this stage of the investigation we cannot be certain which view is correct, however much we may hope it is the latter.

Fortunately, there is no need to pin the case for equality to one particular outcome of this scientific investigation. The appropriate response to those who claim to have found evidence of genetically-based differences in ability between the races or sexes is not to stick to the belief that the genetic explanation must be wrong, whatever evidence to the contrary may turn up: instead we should make it quite clear that the claim to equality does not depend on intelligence, moral capacity, physical strength, or similar matters of fact. Equality is a moral ideal, not a simple assertion of fact. There is no logically compelling reason for assuming that a factual difference in ability between two people justifies any difference in the amount of consideration we give to satisfying their needs and interests. The principle of the equality of human beings is not a description of an alleged actual equality among humans: it is a prescription of how we should treat humans.

Jeremy Bentham incorporated the essential basis of moral equality into his utilitarian system of ethics in the formula: "Each to count for one and none for more than one." In other words, the interests of every being affected by an action are to be taken into account and given the same weight as the like interests of any other being. A later utilitarian, Henry Sidgwick, put the point in this way: "The good of any one individual is of no more importance, from the point of view (if I may say so) of the Universe, than the good of any other."¹ More recently, the leading figures in contemporary moral philosophy have shown a great deal of agreement in specifying as a fundamental presupposition of their moral theories some similar requirement which operates so as to give everyone's interests

equal consideration—although they cannot agree on how this requirement is best formulated.

It is an implication of this principle of equality that our concern for others ought not to depend on what they are like, or what abilities they possess—although precisely what this concern requires us to do may vary according to the characteristics of those affected by what we do. It is on this basis that the case against racism and the case against sexism must both ultimately rest; and it is in accordance with this principle that speciesism is also to be condemned. If possessing a higher degree of intelligence does not entitle one human to use another for his own ends, how can it entitle humans to exploit non-humans?

Many philosophers have proposed the principle of equal consideration of interests, in some form or other, as a basic moral principle; but, as we shall see in more detail shortly, not many of them have recognised that this principle applies to members of other species as well as to our own. Bentham was one of the few who did realize this. In a forward-looking passage, written at a time when black slaves in the British dominions were still being treated much as we now treat non-human animals, Bentham wrote:

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 one day come to be recognised that the number of the legs, the villosoity 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 they were otherwise, what would it avail? The question is not, Can they reason? nor Can they *talk*? but, *Can they suffer?*²

In this passage Bentham points to the capacity for suffering as the vital characteristic that gives a being the right to equal consideration. The capacity for

suffering—or more strictly, for suffering and/or enjoyment or happiness—is not just another characteristic like the capacity for language, or for higher mathematics. Bentham is not saying that those who try to mark “the insuperable line” that determines whether the interests of a being should be considered happen to have selected the wrong characteristic. The capacity for suffering and enjoying things is a pre-requisite for having interests at all, a condition that must be satisfied before we can speak of interests in any meaningful way. It would be nonsense to say that it was not in the interests of a stone to be kicked along the road by a schoolboy. A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. A mouse, on the other hand, does have an interest in not being tormented, because it will suffer if it is.

If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—in so far as rough comparisons can be made—of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as a convenient, if not strictly accurate, short-hand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others. To mark this boundary by some characteristic like intelligence or rationality would be to mark it in an arbitrary way. Why not choose some other characteristic, like skin color?

The racist violates the principle of equality by giving greater weight to the interests of members of his own race, when there is a clash between their interests and the interests of those of another race. Similarly the speciesist allows the interests of his own species to override the greater interests of members of other species. The pattern is the same in each case. Most human beings are speciesists. I shall now very briefly describe some of the practices that show this.

For the great majority of human beings, especially in urban, industrialized societies, the most direct form

of contact with members of other species is at meal-times: we eat them. In doing so we treat them purely as means to our ends. We regard their life and well-being as subordinate to our taste for a particular kind of dish. I say “taste” deliberately—this is purely a matter of pleasing our palate. There can be no defence of eating flesh in terms of satisfying nutritional needs, since it has been established beyond doubt that we could satisfy our need for protein and other essential nutrients far more efficiently with a diet that replaced animal flesh by soy beans, or products derived from soy beans, and other high-protein vegetable products.³

It is not merely the act of killing that indicates what we are ready to do to other species in order to gratify our tastes. The suffering we inflict on the animals while they are alive is perhaps an even clearer indication of our speciesism than the fact that we are prepared to kill them.⁴ In order to have meat on the table at a price that people can afford, our society tolerates methods of meat production that confine sentient animals in cramped, unsuitable conditions for the entire durations of their lives. Animals are treated like machines that convert fodder into flesh, and any innovation that results in a higher “conversion ratio” is liable to be adopted. As one authority on the subject has said, “cruelty is acknowledged only when profitability ceases.”⁵ So hens are crowded four or five to a cage with a floor area of twenty inches by eighteen inches, or around the size of a single page of the *New York Times*. The cages have wire floors, since this reduces cleaning costs, though wire is unsuitable for the hens’ feet; the floors slope, since this makes the eggs roll down for easy collection, although this makes it difficult for the hens to rest comfortably. In these conditions all the birds’ natural instincts are thwarted: they cannot stretch their wings fully, walk freely, dust-bathe, scratch the ground, or build a nest. Although they have never known other conditions, observers have noticed that the birds vainly try to perform these actions. Frustrated at their inability to do so, they often develop what farmers call “vices,” and peck each other to death. To prevent this, the beaks of young birds are often cut off.

This kind of treatment is not limited to poultry. Pigs are now also being reared in cages inside sheds. These

animals are comparable to dogs in intelligence, and need a varied, stimulating environment if they are not to suffer from stress and boredom. Anyone who kept a dog in the way in which pigs are frequently kept would be liable to prosecution, in England at least, but because our interest in exploiting pigs is greater than our interest in exploiting dogs, we object to cruelty to dogs while consuming the produce of cruelty to pigs. Of the other animals, the condition of veal calves is perhaps worst of all, since these animals are so closely confined that they cannot even turn around or get up and lie down freely. In this way they do not develop unpalatable muscle. They are also made anaemic and kept short of roughage, to keep their flesh pale, since white veal fetches a higher price; as a result they develop a craving for iron and roughage, and have been observed to gnaw wood off the sides of their stalls, and lick greedily at any rusty hinge that is within reach.

Since, as I have said, none of these practices cater for anything more than our pleasures of taste, our practice of rearing and killing other animals in order to eat them is a clear instance of the sacrifice of the most important interests of other beings in order to satisfy trivial interests of our own. To avoid speciesism we must stop this practice, and each of us has a moral obligation to cease supporting the practice. Our custom is all the support that the meat-industry needs. The decision to cease giving it that support may be difficult, but it is no more difficult than it would have been for a white Southerner to go against the traditions of his society and free his slaves; if we do not change our dietary habits, how can we censure those slaveholders who would not change their own way of living?

The same form of discrimination may be observed in the widespread practice of experimenting on other species in order to see if certain substances are safe for human beings, or to test some psychological theory about the effect of severe punishment on learning, or to try out various new compounds just in case something turns up. People sometimes think that all this experimentation is for vital medical purposes, and so will reduce suffering overall. This comfortable belief is very wide of the mark. Drug companies test new shampoos and cosmetics that they are intending to put on the market by dropping them into the eyes of rabbits, held



open by metal clips, in order to observe what damage results. Food additives, like artificial colorings and preservatives, are tested by what is known as the “LD₅₀”—a test designed to find the level of consumption at which 50% of a group of animals will die. In the process, nearly all of the animals are made very sick before some finally die, and others pull through. If the substance is relatively harmless, as it often is, huge doses have to be force-fed to the animals, until in some cases sheer volume or concentration of the substance causes death.

Much of this pointless cruelty goes on in the universities. In many areas of science, non-human animals are regarded as an item of laboratory equipment, to be used and expended as desired. In psychology laboratories experimenters devise endless variations and repetitions of experiments that were of little value in the first place. To quote just one example, from the experimenter's own account in a psychology journal: at the University of Pennsylvania, Perrin S. Cohen hung six dogs in hammocks with electrodes taped to their hind feet. Electric shock of varying intensity was then administered through the electrodes. If the dog learnt to press its head against a panel on the left, the shock was turned off, but otherwise it remained on indefinitely. Three of the dogs, however, were required to wait periods varying from 2 to 7 seconds while being shocked before making the response that turned off the current. If they failed to wait, they received further shocks. Each dog was given from 26 to 46 “sessions” in the hammock, each session consisting of 80 “trials” or shocks, administered at intervals of one minute. The experimenter reported that the dogs, who were unable to move in the hammock, barked or bobbed their heads when the current was applied. The reported findings of the experiment were that there was a delay in the dogs' responses that increased proportionately to the time the dogs were required to endure the shock, but a gradual increase in the intensity of the shock had no systematic effect in the timing of the response. The experiment was funded by the National Institutes of Health, and the United States Public Health Service.

In this example, and countless cases like it, the possible benefits to mankind are either nonexistent or fantastically remote; while the certain losses to

members of other species are very real. This is, again, a clear indication of speciesism.

In the past, argument about vivisection has often missed this point, because it has been put in absolutist terms: would the abolitionist be prepared to let thousands die if they could be saved by experimenting on a single animal? The way to reply to this purely hypothetical question is to pose another: would the experimenter be prepared to perform his experiment on an orphaned human infant, if that were the only way to save many lives? (I say “orphan” to avoid the complication of parental feelings, although in doing so I am being overfair to the experimenter, since the nonhuman subjects of experiments are not orphans.) If the experimenter is not prepared to use an orphaned human infant, then his readiness to use nonhumans is simple discrimination, since adult apes, cats, mice and other mammals are more aware of what is happening to them, more self-directing and, so far as we can tell, at least as sensitive to pain, as any human infant. There seems to be no relevant characteristic that human infants possess that adult mammals do not have to the same or a higher degree. (Someone might try to argue that what makes it wrong to experiment on a human infant is that the infant will, in time and if left alone, develop into more than the nonhuman, but one would then, to be consistent, have to oppose abortion, since the fetus has the same potential as the infant—indeed, even contraception and abstinence might be wrong on this ground, since the egg and sperm, considered jointly, also have the same potential. In any case, this argument still gives us no reason for selecting a nonhuman, rather than a human with severe and irreversible brain damage, as the subject for our experiments.)

The experimenter, then, shows a bias in favor of his own species whenever he carries out an experiment on a nonhuman for a purpose that he would not think justified him in using a human being at an equal or lower level of sentience, awareness, ability to be self-directing, etc. No one familiar with the kind of results yielded by most experiments on animals can have the slightest doubt that if this bias were eliminated the number of experiments performed would be a minute fraction of the number performed today.

Experimenting on animals, and eating their flesh, are perhaps the two major forms of speciesism in our society. By comparison, the third and last form of speciesism is so minor as to be insignificant, but it is perhaps of some special interest to those for whom this paper was written. I am referring to speciesism in contemporary philosophy.

Philosophy ought to question the basic assumptions of the age. Thinking through, critically and carefully, what most people take for granted is, I believe, the chief task of philosophy, and it is this task that makes philosophy a worthwhile activity. Regrettably, philosophy does not always live up to its historic role. Philosophers are human beings and they are subject to all the preconceptions of the society to which they belong. Sometimes they succeed in breaking free of the prevailing ideology: more often they become its most sophisticated defenders. So, in this case, philosophy as practiced in the universities today does not challenge anyone's preconceptions about our relations with other species. By their writings, those philosophers who tackle problems that touch upon the issue reveal that they make the same unquestioned assumptions as most other humans, and what they say tends to confirm the reader in his or her comfortable speciesist habits.

I could illustrate this claim by referring to the writings of philosophers in various fields—for instance, the attempts that have been made by those interested in rights to draw the boundary of the sphere of rights so that it runs parallel to the biological boundaries of the species *homo sapiens*, including infants and even mental defectives, but excluding those other beings of equal or greater capacity who are so useful to us at mealtimes and in our laboratories. I think it would be a more appropriate conclusion to this paper, however, if I concentrated on the problem with which we have been centrally concerned, the problem of equality.

It is significant that the problem of equality, in moral and political philosophy, is invariably formulated in terms of human equality. The effect of this is that the question of the equality of other animals does not confront the philosopher, or student, as an issue in itself—and this is already an indication of the failure

of philosophy to challenge accepted beliefs. Still, philosophers have found it difficult to discuss the issue of human equality without raising, in a paragraph or two, the question of the status of other animals. The reason for this, which should be apparent from what I have said already, is that if humans are to be regarded as equal to one another, we need some sense of "equal" that does not require any actual, descriptive equality of capacities, talents or other qualities. If equality is to be related to any actual characteristics of humans, these characteristics must be some lowest common denominator, pitched so low that no human lacks them—but then the philosopher comes up against the catch that any such set of characteristics which covers *all* humans will not be possessed *only by humans*. In other words, it turns out that in the only sense in which we can truly say, as an assertion of fact, that all humans are equal, at least some members of other species are also equal—equal, that is, to each other and to humans. If, on the other hand, we regard the statement "All humans are equal" in some non-factual way, perhaps as a prescription, then, as I have already argued, it is even more difficult to exclude non-humans from the sphere of equality.

This result is not what the egalitarian philosopher originally intended to assert. Instead of accepting the radical outcome to which their own reasonings naturally point, however, most philosophers try to reconcile their beliefs in human equality and animal inequality by arguments that can only be described as devious.

As a first example, I take William Frankena's well-known article "The Concept of Social Justice." Frankena opposes the idea of basing justice on merit, because he sees that this could lead to highly inegalitarian results. Instead he proposes the principle that:

. . . all men are to be treated as equals, not because they are equal, in any respect but simply because they are human. They are human because they have emotions and desires, and are able to think, and hence are capable of enjoying a good life in a sense in which other animals are not.⁶

But what is this capacity to enjoy the good life which all humans have, but no other animals? Other

animals have emotions and desires, and appear to be capable of enjoying a good life. We may doubt that they can think—although the behavior of some apes, dolphins and even dogs suggests that some of them can—but what is the relevance of thinking? Frankena goes on to admit that by “the good life” he means “not so much the morally good life as the happy or satisfactory life,” so thought would appear to be unnecessary for enjoying the good life; in fact to emphasise the need for thought would make difficulties for the egalitarian since only some people are capable of leading intellectually satisfying lives—or morally good lives. This makes it difficult to see what Frankena’s principle of equality has to do with simply being *human*. Surely every sentient being is capable of leading a life that is happier or less miserable than some alternative life, and hence has a claim to be taken into account. In this respect the distinction between humans and non-humans is not a sharp division, but rather a continuum along which we move gradually, and with overlaps between the species, from simple capacities for enjoyment and satisfaction, or pain and suffering, to more complex ones.

Faced with a situation in which they see a need for some basis for the moral gulf that is commonly thought to separate humans and animals, but can find no concrete difference that will do the job without undermining the equality of humans, philosophers tend to waffle. They resort to high-sounding phrases like “the intrinsic dignity of the human individual”,⁷ they talk of the “intrinsic worth of all men” as if men (humans?) had some worth that other beings did not,⁸ or they say that humans, and only humans, are “ends in themselves,” while “everything other than a person can only have value for a person.”⁹

This idea of a distinctive human dignity and worth has a long history; it can be traced back directly to the Renaissance humanists, for instance to Pico della Mirandola’s *Oration on the Dignity of Man*. Pico and other humanists based their estimate of human dignity on the idea that man possessed the central, pivotal position in the “Great Chain of Being” that led from the lowliest forms of matter to God himself; this view of the universe, in turn,

goes back to both classical and Judeo-Christian doctrines. Contemporary philosophers have cast off these metaphysical and religious shackles and freely invoke the dignity of mankind without needing to justify the idea at all. Why should we not attribute “intrinsic dignity” or “intrinsic worth” to ourselves? Fellow-humans are unlikely to reject the accolades we so generously bestow on them, and those to whom we deny the honor are unable to object. Indeed, when one thinks only of humans, it can be very liberal, very progressive, to talk of the dignity of all human beings. In so doing, we implicitly condemn slavery, racism, and other violations of human rights. We admit that we ourselves are in some fundamental sense on a par with the poorest, most ignorant members of our own species. It is only when we think of humans as no more than a small sub-group of all the beings that inhabit our planet that we may realize that in elevating our own species we are at the same time lowering the relative status of all other species.

The truth is that the appeal to the intrinsic dignity of human beings appears to solve the egalitarian’s problems only as long as it goes unchallenged. Once we ask *why* it should be that all humans—including infants, mental defectives, psychopaths, Hitler, Stalin and the rest—have some kind of dignity or worth that no elephant, pig or chimpanzee can ever achieve, we see that this question is as difficult to answer as our original request for some relevant fact that justifies the inequality of humans and other animals. In fact, these two questions are really one: talk of intrinsic dignity or moral worth only takes the problem back one step, because any satisfactory defence of the claim that all and only humans have intrinsic dignity would need to refer to some relevant capacities or characteristics that all and only humans possess. Philosophers frequently introduce ideas of dignity, respect and worth at the point at which other reasons appear to be lacking, but this is hardly good enough. Fine phrases are the last resource of those who have run out of arguments.

In case there are those who still think it may be possible to find some relevant characteristic that distinguishes all humans from all members of other

species, I shall refer again, before I conclude, to the existence of some humans who quite clearly are below the level of awareness, self-consciousness, intelligence, and sentience, of many non-humans. I am thinking of humans with severe and irreparable brain damage, and also of infant humans. To avoid the complication of the relevance of a being's potential, however, I shall henceforth concentrate on permanently retarded humans.

Philosophers who set out to find a characteristic that will distinguish humans from other animals rarely take the course of abandoning these groups of humans by lumping them in with the other animals. It is easy to see why they do not. To take this line without re-thinking our attitudes to other animals would entail that we have the right to perform painful experiments on retarded humans for trivial reasons; similarly it would follow that we had the right to rear and kill these humans for food. To most philosophers these consequences are as unacceptable as the view that we should stop treating non-humans in this way.

Of course, when discussing the problem of equality it is possible to ignore the problem of mental defectives, or brush it aside as if somehow insignificant. This is the easiest way out. What else remains? My final example of speciesism in contemporary philosophy has been selected to show what happens when a writer is prepared to face the question of human equality and animal inequality without ignoring the existence of mental defectives, and without resorting to obscurantist mumbo-jumbo. Stanley Benn's clear and honest article "Egalitarianism and Equal Consideration of Interests"¹⁰ fits this description.

Benn after noting the usual "evident human inequalities" argues, correctly I think, for equality of consideration as the only possible basis for egalitarianism. Yet Benn, like other writers, is thinking only of "equal consideration of human interests." Benn is quite open in his defence of this restriction of equal consideration:

... not to possess human shape is a disqualifying condition. However faithful or intelligent a dog

may be, it would be a monstrous sentimentality to attribute to him interests that could be weighed in an equal balance with those of human beings . . . if, for instance, one had to decide between feeding a hungry baby or a hungry dog, anyone who chose the dog would generally be reckoned morally defective, unable to recognize a fundamental inequality of claims.

This is what distinguishes our attitude to animals from our attitude to imbeciles. It would be odd to say that we ought to respect equally the dignity or personality of the imbecile and of the rational man . . . but there is nothing odd about saying that we should respect their interests equally, that is, that we should give to the interests of each the same serious consideration as claims to considerations necessary for some standard of well-being that we can recognize and endorse.

Benn's statement of the basis of the consideration we should have for imbeciles seems to me correct, but why should there be any fundamental inequality of claims between a dog and a human imbecile? Benn sees that if equal consideration depended on rationality, no reason could be given against using imbeciles for research purposes, as we now use dogs and guinea pigs. This will not do: "But of course we do distinguish imbeciles from animals in this regard," he says. That the common distinction is justifiable is something Benn does not question; his problem is how it is to be justified. The answer he gives is this:

... we respect the interests of men and give them priority over dogs not *insofar* as they are rational, but because rationality is the human norm. We say it is *unfair* to exploit the deficiencies of the imbecile who falls short of the norm, just as it would be unfair, and not just ordinarily dishonest, to steal from a blind man. If we do not think in this way about dogs, it is because we do not see the irrationality of the dog as a deficiency or a handicap, but as normal for the species. The characteristics, therefore, that distinguish the normal man from the normal dog make it intelligible for us to talk of other men having interests and capacities, and therefore claims, of precisely the same kind as we make on our own behalf. But although these characteristics may pro-

vide the point of the distinction between men and other species, they are not in fact the qualifying conditions for membership, or the distinguishing criteria of the class of morally considerable persons; and this is precisely because a man does not become a member of a different species, with its own standards of normality, by reason of not possessing these characteristics.

The final sentence of this passage gives the argument away. An imbecile, Benn concedes, may have no characteristics superior to those of a dog; nevertheless this does not make the imbecile a member of “a different species” as the dog is. *Therefore* it would be “unfair” to use the imbecile for medical research as we use the dog. But why? That the imbecile is not rational is just the way things have worked out, and the same is true of the dog—neither is any more responsible for their mental level. If it is unfair to take advantage of an isolated defect, why is it fair to take advantage of a more general limitation? I find it hard to see anything in this argument except a defence of preferring the interests of members of our own species because they are members of our own species. To those who think there might be more to it, I suggest the following mental exercise. Assume that it has been proven that there is a difference in the average, or normal, intelligence quotient for two different races, say whites and blacks. Then substitute the term “white” for every occurrence of “men” and “black” for every occurrence of “dog” in the passage quoted; and substitute “high I.Q.” for “rationality” and when Benn talks of “imbeciles” replace this term by “dumb whites”—that is, whites who fall well below the normal white I.Q. score. Finally, change “species” to “race.” Now re-read the passage. It has become a defence of a rigid, no-exceptions division between whites and blacks, based on I.Q. scores, *not withstanding an admitted overlap* between whites and blacks in this respect. The revised passage is, of course, outrageous, and this not only because we have made fictitious assumptions in our substitutions. The point is that in the original passage Benn was defending a

rigid division in the amount of consideration due to members of different species, despite admitted cases of overlap. If the original did not, at first reading strike us as being as outrageous as the revised version does, this is largely because although we are not racists ourselves, most of us are speciesists. Like the other articles, Benn’s stands as a warning of the ease with which the best minds can fall victim to a prevailing ideology.

NOTES

1. *The Methods of Ethics* (7th Ed.) p. 382.
2. *Introduction to the Principles of Morals and Legislation*, ch. XVII.
3. In order to produce 1 lb. of protein in the form of beef or veal, we must feed 21 lbs. of protein to the animal. Other forms of livestock are slightly less inefficient, but the average ratio in the U.S. is still 1:8. It has been estimated that the amount of protein lost to humans in this way is equivalent to 90% of the annual world protein deficit.
4. Although one might think that killing a being is obviously the ultimate wrong one can do to it, I think that the infliction of suffering is a clearer indication of speciesism because it might be argued that at least part of what is wrong with killing a human is that most humans are conscious of their existence over time, and have desires and purposes that extend into the future. Of course, if one took this view one would have to hold that killing a human infant or mental defective is not in itself wrong, and is less serious than killing certain higher mammals that probably do have a sense of their own existence over time.
5. Ruth Harrison, *Animal Machines* (Stuart, London, 1964).
6. In R. Brandt (ed.) *Social Justice* (Prentice Hall, Englewood Cliffs, 1962): the passage quoted appears on p. 19.
7. Frankena, *op. cit.*, p. 23.
8. H. A. Bedau, “Egalitarianism and the Idea of Equality” in *Nomos IX: Equality*, ed. J. R. Pennock and J. W. Chapman, New York, 1967.
9. G. Vlastos, “Justice and Equality” in Brandt. *Social Justice*, p. 48.
10. *Nomos IX: Equality*: the passages quoted are on p. 62ff.

The Case for Animal Rights

TOM REGAN

I regard myself as an advocate of animal rights—as a part of the animal rights movement. That movement, as I conceive it, is committed to a number of goals, including:

- the total abolition of the use of animals in science;
- the total dissolution of commercial animal agriculture;
- the total elimination of commercial and sport hunting and trapping.

There are, I know, people who profess to believe in animal rights but do not avow these goals. Factory farming, they say, is wrong—it violates animals' rights—but traditional animal agriculture is all right. Toxicity tests of cosmetics on animals violates their rights, but important medical research—cancer research, for example—does not. The clubbing of baby seals is abhorrent, but not the harvesting of adult seals. I used to think I understood this reasoning. Not any more. You don't change unjust institutions by tidying them up.

What's wrong—fundamentally wrong—with the way animals are treated isn't the details that vary from case to case. It's the whole system. The forlornness of the veal calf is pathetic, heart wrenching; the pulsing pain of the chimp with electrodes planted deep in her brain is repulsive; the slow, tortuous death of the raccoon caught in the leg-hold trap is agonizing. But what is wrong isn't the pain, isn't the suffering, isn't the deprivation. These compound what's wrong. Sometimes—often—they make it much, much worse. But they are not the fundamental wrong.

The fundamental wrong is the system that allows us to view animals as *our resources*, here for *us*—to be eaten, or surgically manipulated, or exploited for sport or money. Once we accept this view of animals—as

our resources—the rest is as predictable as it is regrettable. Why worry about their loneliness, their pain, their death? Since animals exist for us, to benefit us in one way or another, what harms them really doesn't matter—or matters only if it starts to bother us, makes us feel a trifle uneasy when we eat our veal escalope, for example. So, yes, let us get veal calves out of solitary confinement, give them more space, a little straw, a few companions. But let us keep our veal escalope.

But a little straw, more space and a few companions won't eliminate—won't even touch—the basic wrong that attaches to our viewing and treating these animals as our resources. A veal calf killed to be eaten after living in close confinement is viewed and treated in this way: but so, too, is another who is raised (as they say) 'more humanely'. To right the wrong of our treatment of farm animals requires more than making rearing methods 'more humane'; it requires the total dissolution of commercial animal agriculture.

How we do this, whether we do it or, as in the case of animals in science, whether and how we abolish their use—these are to a large extent political questions. People must change their beliefs before they change their habits. Enough people, especially those elected to public office, must believe in change—must want it—before we will have laws that protect the rights of animals. This process of change is very complicated, very demanding, very exhausting, calling for the efforts of many hands in education, publicity, political organization and activity, down to the licking of envelopes and stamps. As a trained and practising philosopher, the sort of contribution I can make is limited but, I like to think, important. The currency of philosophy is ideas—their meaning and rational foundation—not the nuts and bolts of the legislative process, say, or the mechanics of community organization. That's what I have been exploring over the past ten years or so in my essays and talks and, most recently, in my book, *The Case for Animal Rights*. I believe the major conclusions I reach in the book are

true because they are supported by the weight of the best arguments. I believe the idea of animal rights has reason, not just emotion, on its side.

In the space I have at my disposal here I can only sketch, in the barest outline, some of the main features of the book. [Its] main themes—and we should not be surprised by this—involve asking and answering deep, foundational moral questions about what morality is, how it should be understood and what is the best moral theory, all considered. I hope I can convey something of the shape I think this theory takes. The attempt to do this will be (to use a word a friendly critic once used to describe my work) cerebral, perhaps too cerebral. But this is misleading. My feelings about how animals are sometimes treated run just as deep and just as strong as those of my more volatile compatriots. Philosophers do—to use the jargon of the day—have a right side to their brains. If it's the left side we contribute (or mainly should), that's because what talents we have reside there.

How to proceed? We begin by asking how the moral status of animals has been understood by thinkers who deny that animals have rights. Then we test the mettle of their ideas by seeing how well they stand up under the heat of fair criticism. If we start our thinking in this way, we soon find that some people believe that we have no duties directly to animals, that we owe nothing to them, that we can do nothing that wrongs them. Rather, we can do wrong acts that involve animals, and so we have duties regarding them, though none to them. Such views may be called indirect duty views. By way of illustration: suppose your neighbour kicks your dog. Then your neighbour has done something wrong. But not to your dog. The wrong that has been done is a wrong to you. After all, it is wrong to upset people, and your neighbour's kicking your dog upsets you. So you are the one who is wronged, not your dog. Or again: by kicking your dog your neighbour damages your property. And since it is wrong to damage another person's property, your neighbour has done something wrong—to you, of course, not to your dog. Your neighbour no more wrongs your dog than your car would be wronged if the windshield were smashed. Your neighbour's duties involving your dog are indirect duties to you. More generally, all of

our duties regarding animals are indirect duties to one another—to humanity.

How could someone try to justify such a view? Someone might say that your dog doesn't feel anything and so isn't hurt by your neighbour's kick, doesn't care about the pain since none is felt, is as unaware of anything as is your windshield. Someone might say this, but no rational person will, since, among other considerations, such a view will commit anyone who holds it to the position that no human being feels pain either—that human beings also don't care about what happens to them. A second possibility is that though both humans and your dog are hurt when kicked, it is only human pain that matters. But, again, no rational person can believe this. Pain is pain wherever it occurs. If your neighbour's causing you pain is wrong because of the pain that is caused, we cannot rationally ignore or dismiss the moral relevance of the pain that your dog feels.

Philosophers who hold indirect duty views—and many still do—have come to understand that they must avoid the two defects just noted: that is, both the view that animals don't feel anything as well as the idea that only human pain can be morally relevant. Among such thinkers the sort of view now favoured is one or other form of what is called *contractarianism*.

Here, very crudely, is the root idea: morality consists of a set of rules that individuals voluntarily agree to abide by, as we do when we sign a contract (hence the name contractarianism). Those who understand and accept the terms of the contract are covered directly; they have rights created and recognized by, and protected in, the contract. And these contractors can also have protection spelled out for others who, though they lack the ability to understand morality and so cannot sign the contract themselves, are loved or cherished by those who can. Thus young children, for example, are unable to sign contracts and lack rights. But they are protected by the contract none the less because of the sentimental interests of others, most notably their parents. So we have, then, duties involving these children, duties regarding them, but no duties to them. Our duties in their case are indirect duties to other human beings, usually their parents.

As for animals, since they cannot understand contracts, they obviously cannot sign; and since they cannot sign, they have no rights. Like children, however, some animals are the objects of the sentimental interest of others. You, for example, love your dog or cat. So those animals that enough people care about (companion animals, whales, baby seals, the American bald eagle), though they lack rights themselves, will be protected because of the sentimental interests of people. I have, then, according to contractarianism, no duty directly to your dog or any other animal, not even the duty not to cause them pain or suffering; my duty not to hurt them is a duty I have to those people who care about what happens to them. As for other animals, where no or little sentimental interest is present—in the case of farm animals, for example, or laboratory rats—what duties we have grow weaker and weaker, perhaps to vanishing point. The pain and death they endure, though real, are not wrong if no one cares about them.

When it comes to the moral status of animals' contractarianism could be a hard view to refute if it were an adequate theoretical approach to the moral status of human beings. It is not adequate in this latter respect, however, which makes the question of its adequacy in the former case, regarding animals, utterly moot. For consider: morality, according to the (crude) contractarian position before us, consists of rules that people agree to abide by. What people? Well, enough to make a difference—enough, that is, *collectively* to have the power to enforce the rules that are drawn up in the contract. That is very well and good for the signatories but not so good for anyone who is not asked to sign. And there is nothing in contractarianism of the sort we are discussing that guarantees or requires that everyone will have a chance to participate equally in framing the rules of morality. The result is that this approach to ethics could sanction the most blatant forms of social, economic, moral and political injustice, ranging from a repressive caste system to systematic racial or sexual discrimination. Might, according to this theory, does make right. Let those who are the victims of injustice suffer as they will. It matters not so long as no one else—no contractor, or too few of them—cares about it. Such a theory takes one's moral

breath away . . . as if, for example, there would be nothing wrong with apartheid in South Africa if few white South Africans were upset by it. A theory with so little to recommend it at the level of the ethics of our treatment of our fellow humans cannot have anything more to recommend it when it comes to the ethics of how we treat our fellow animals.

The version of contractarianism just examined is, as I have noted, a crude variety, and in fairness to those of a contractarian persuasion it must be noted that much more refined, subtle and ingenious varieties are possible. For example, John Rawls, in his *A Theory of Justice*, sets forth a version of contractarianism that forces contractors to ignore the accidental features of being a human being—for example, whether one is white or black, male or female, a genius or of modest intellect. Only by ignoring such features, Rawls believes, can we ensure that the principles of justice that contractors would agree upon are not based on bias or prejudice. Despite the improvement a view such as Rawls's represents over the cruder forms of contractarianism, it remains deficient: it systematically denies that we have direct duties to those human beings who do not have a sense of justice—young children, for instance, and many mentally retarded humans. And yet it seems reasonably certain that, were we to torture a young child or a retarded elder, we would be doing something that wronged him or her, not something that would be wrong if (and only if) other humans with a sense of justice were upset. And since this is true in the case of these humans, we cannot rationally deny the same in the case of animals.

Indirect duty views, then, including the best among them, fail to command our rational assent. Whatever ethical theory we should accept rationally, therefore, it must at least recognize that we have some duties directly to animals, just as we have some duties directly to each other. The next two theories I'll sketch attempt to meet this requirement.

The first I call the cruelty-kindness view. Simply stated, this says that we have a direct duty to be kind to animals and a direct duty not to be cruel to them. Despite the familiar, reassuring ring of these ideas, I do not believe that this view offers an adequate theory. To make this clearer, consider kindness. A kind person

acts from a certain kind of motive—compassion or concern, for example. And that is a virtue. But there is no guarantee that a kind act is a right act. If I am a generous racist, for example, I will be inclined to act kindly towards members of my own race, favouring their interests above those of others. My kindness would be real and, so far as it goes, good. But I trust it is too obvious to require argument that my kind acts may not be above moral reproach—may, in fact, be positively wrong because rooted in injustice. So kindness, notwithstanding its status as a virtue to be encouraged, simply will not carry the weight of a theory of right action.

Cruelty fares no better. People or their acts are cruel if they display either a lack of sympathy for or, worse, the presence of enjoyment in another's suffering. Cruelty in all its guises is a bad thing, a tragic human failing. But just as a person's being motivated by kindness does not guarantee that he or she does what is right, so the absence of cruelty does not ensure that he or she avoids doing what is wrong. Many people who perform abortions, for example, are not cruel, sadistic people. But that fact alone does not settle the terribly difficult question of the morality of abortion. The case is no different when we examine the ethics of our treatment of animals. So, yes, let us be for kindness and against cruelty. But let us not suppose that being for the one and against the other answers questions about moral right and wrong.

Some people think that the theory we are looking for is utilitarianism. A utilitarian accepts two moral principles. The first is that of equality: everyone's interests count, and similar interests must be counted as having similar weight or importance. White or black, American or Iranian, human or animal—everyone's pain or frustration matter, and matter just as much as the equivalent pain or frustration of anyone else. The second principle a utilitarian accepts is that of utility: do the act that will bring about the best balance between satisfaction and frustration for everyone affected by the outcome.

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.

The great appeal of utilitarianism rests with its uncompromising *egalitarianism*: everyone's interests count and count as much as the like interests of everyone else. The kind of odious discrimination that some forms of contractarianism can justify—discrimination based on race or sex, for example—seems disallowed in principle by utilitarianism, as is speciesism, systematic discrimination based on species membership.

The equality we find in utilitarianism, however, is not the sort an advocate of animal or human rights should have in mind. Utilitarianism has no room for the equal moral rights of different individuals because it has no room for their equal inherent value or worth. What has value for the utilitarian is the satisfaction of an individual's interests, not the individual whose interests they are. A universe in which you satisfy your desire for water, food and warmth is, other things being equal, better than a universe in which these desires are frustrated. And the same is true in the case of an animal with similar desires. But neither you nor the animal have any value in your own right. Only your feelings do.

Here is an analogy to help make the philosophical point clearer: a cup contains different liquids, sometimes sweet, sometimes bitter, sometimes a mix of the two. What has value are the liquids: the sweeter the better, the bitterer the worse. The cup, the container, has no value. It is what goes into it, not what they go into, that has value. For the utilitarian you and I are like the cup; we have no value as individuals and thus no equal value. What has value is what goes into us, what we serve as receptacles for; our feelings of satisfaction have positive value, our feelings of frustration negative value.

Serious problems arise for utilitarianism when we remind ourselves that it enjoins us to bring about the best consequences. What does this mean? It doesn't mean the best consequences for me alone, or for my family or friends, or any other person taken

individually. No, what we must do is, roughly, as follows: we must add up (somehow!) the separate satisfactions and frustrations of everyone likely to be affected by our choice, the satisfactions in one column, the frustrations in the other. We must total each column for each of the options before us. That is what it means to say the theory is aggregative. And then we must choose that option which is most likely to bring about the best balance of totalled satisfactions over totalled frustrations. Whatever act would lead to this outcome is the one we ought morally to perform—it is where our moral duty lies. And that act quite clearly might not be the same one that would bring about the best results for me personally, or for my family or friends, or for a lab animal. The best aggregated consequences for everyone concerned are not necessarily the best for each individual.

That utilitarianism is an aggregative theory—different individuals' satisfactions or frustrations are added, or summed, or totalled—is the key objection to their theory. My Aunt Bea is old, inactive, a cranky, sour person, though not physically ill. She prefers to go on living. She is also rather rich. I could make a fortune if I could get my hands on her money, money she intends to give me in any event, after she dies, but which she refuses to give me now. In order to avoid a huge tax bite, I plan to donate a handsome sum of my profits to a local children's hospital. Many, many children will benefit from my generosity, and much joy will be brought to their parents, relatives and friends. If I don't get the money rather soon, all these ambitions will come to naught. The once-in-a-lifetime opportunity to make a real killing will be gone. Why, then, not kill my Aunt Bea? Oh, of course I *might* get caught. But I'm no fool and besides, her doctor can be counted on to co-operate (he has an eye for the same investment and I happen to know a good deal about his shady past). The deed can be done . . . professionally, shall we say. There is *very* little chance of getting caught. And as for my conscience being guilt-ridden, I am a resourceful sort of fellow and will take more than sufficient comfort—as I lie on the beach at Acapulco—in contemplating the joy and health I have brought to so many others.

Suppose Aunt Bea is killed and the rest of the story comes out as told. Would I have done anything

wrong? Anything immoral? One would have thought that I had. Not according to utilitarianism. Since what I have done has brought about the best balance between totalled satisfaction and frustration for all those affected by the outcome, my action is not wrong. Indeed, in killing Aunt Bea the physician and I did what duty required.

This same kind of argument can be repeated in all sorts of cases, illustrating, time after time, how the utilitarian's position leads to results that impartial people find morally callous. It is wrong to kill my Aunt Bea in the name of bringing about the best results for others. A good end does not justify an evil means. Any adequate moral theory will have to explain why this is so. Utilitarianism fails in this respect and so cannot be the theory we seek.

What to do? Where to begin anew? The place to begin, I think, is with the utilitarian's view of the value of the individual—or, rather, lack of value. In its place, suppose we consider that you and I, for example, do have value as individuals—what we'll call *inherent value*. To say we have such value is to say that we are something more than, something different from, mere receptacles. Moreover, to ensure that we do not pave the way for such injustices as slavery or sexual discrimination, we must believe that all who have inherent value have it equally, regardless of their sex, race, religion, birthplace and so on. Similarly to be discarded as irrelevant are one's talents or skills, intelligence and wealth, personality or pathology, whether one is loved and admired or despised and loathed. The genius and the retarded child, the prince and the pauper, the brain surgeon and the fruit vendor, Mother Teresa and the most unscrupulous used-car salesman—all have inherent value, all possess it equally, and all have an equal right to be treated with respect, to be treated in ways that do not reduce them to the status of things, as if they existed as resources for others. My value as an individual is independent of my usefulness to you. Yours is not dependent on your usefulness to me. For either of us to treat the other in ways that fail to show respect for the other's independent value is to act immorally, to violate the individual's rights.

Some of the rational virtues of this view—what I call the rights view—should be evident. Unlike (crude) contractarianism, for example, the rights view *in principle* denies the moral tolerability of any and all forms of racial, sexual or social discrimination; and unlike utilitarianism, this view *in principle* denies that we can justify good results by using evil means that violate an individual's rights—denies, for example, that it could be moral to kill my Aunt Bea to harvest beneficial consequences for others. That would be to sanction the disrespectful treatment of the individual in the name of the social good, something the rights view will not—categorically will not—ever allow.

The rights view, I believe, is rationally the most satisfactory moral theory. It surpasses all other theories in the degree to which it illuminates and explains the foundation of our duties to one another—the domain of human morality. On this score it has the best reasons, the best arguments, on its side. Of course, if it were possible to show that only human beings are included within its scope, then a person like myself, who believes in animal rights, would be obliged to look elsewhere.

But attempts to limit its scope to humans only can be shown to be rationally defective. Animals, it is true, lack many of the abilities humans possess. They can't read, do higher mathematics, build a bookcase or make *baba ghanoush*. Neither can many human beings, however, and yet we don't (and shouldn't) say that they (these humans) therefore have less inherent value, less of a right to be treated with respect, than do others. It is the *similarities* between those human beings who most clearly, most non-controversially have such value (the people reading this, for example), not our differences, that matter most. And the really crucial, the basic similarity is simply this: we are each of us the experiencing subject of a life, a conscious creature having an individual welfare that has importance to us whatever our usefulness to others. We want and prefer things, believe and feel things, recall and expect things. And all these dimensions of our life, including our pleasure and pain, our enjoyment and suffering, our satisfaction and frustration, our continued existence or our untimely death—all make a difference to the quality of our life as lived, as experienced, by us as

individuals. As the same is true of those animals that concern us (the ones that are eaten and trapped, for example), they too must be viewed as the experiencing subjects of a life, with inherent value of their own.

Some there are who resist the idea that animals have inherent value. 'Only humans have such value,' they profess. How might this narrow view be defended? Shall we say that only humans have the requisite intelligence, or autonomy, or reason? But there are many, many humans who fail to meet these standards and yet are reasonably viewed as having value above and beyond their usefulness to others. Shall we claim that only humans belong to the right species, the species *Homo sapiens*? But this is blatant speciesism. Will it be said, then, that all—and only—humans have immortal souls? Then our opponents have their work cut out for them. I am myself not ill-disposed to the proposition that there are immortal souls. Personally, I profoundly hope I have one. But I would not want to rest my position on a controversial ethical issue on the even more controversial question about who or what has an immortal soul. That is to dig one's hole deeper, not to climb out. Rationally, it is better to resolve moral issues without making more controversial assumptions than are needed. The question of who has inherent value is such a question, one that is resolved more rationally without the introduction of the idea of immortal souls than by its use.

Well, perhaps some will say that animals have some inherent value, only less than we have. Once again, however, attempts to defend this view can be shown to lack rational justification. What could be the basis of our having more inherent value than animals? Their lack of reason, or autonomy, or intellect? Only if we are willing to make the same judgement in the case of humans who are similarly deficient. But it is not true that such humans—the retarded child, for example, or the mentally deranged—have less inherent value than you or I. Neither, then, can we rationally sustain the view that animals like them in being the experiencing subjects of a life have less inherent value. *All* who have inherent value have it *equally*, whether they be human animals or not.

Inherent value, then, belongs equally to those who are the experiencing subjects of a life. Whether

it belongs to others—to rocks and rivers, trees and glaciers, for example—we do not know and may never know. But neither do we need to know, if we are to make the case for animal rights. We do not need to know, for example, how many people are eligible to vote in the next presidential election before we can know whether I am. Similarly, we do not need to know how many individuals have inherent value before we can know that some do. When it comes to the case for animal rights, then, what we need to know is whether the animals that, in our culture, are routinely eaten, hunted and used in our laboratories, for example, are like us in being subjects of a life. And we do know this. We do know that many—literally, billions and billions—of these animals are the subjects of a life in the sense explained and so have inherent value if we do. And since, in order to arrive at the best theory of our duties to one another, we must recognize our equal inherent value as individuals, reason—not sentiment, not emotion—reason compels us to recognize the equal inherent value of these animals and, with this, their equal right to be treated with respect.

That, *very roughly*, is the shape and feel of the case for animal rights. Most of the details of the supporting argument are missing. They are to be found in the book to which I alluded earlier. Here, the details go begging, and I must, in closing, limit myself to four final points.

The first is how the theory that underlies the case for animal rights shows that the animal rights movement is a part of, not antagonistic to, the human rights movement. The theory that rationally grounds the rights of animals also grounds the rights of humans. Thus those involved in the animal rights movement are partners in the struggle to secure respect for human rights—the rights of women, for example, or minorities, or workers. The animal rights movement is cut from the same moral cloth as these.

Second, having set out the broad outlines of the rights view, I can now say why its implications for farming and science, among other fields, are both clear and uncompromising. In the case of the use of animals in science, the rights view is categorically abolitionist. Lab animals are not our tasters; we are not their kings. Because these animals are treated routinely,

systematically as if their value were reducible to their usefulness to others, they are routinely, systematically treated with a lack of respect, and thus are their rights routinely, systematically violated. This is just as true when they are used in trivial, duplicative, unnecessary or unwise research as it is when they are used in studies that hold out real promise of human benefits. We can't justify harming or killing a human being (my Aunt Bea, for example) just for these sorts of reason. Neither can we do so even in the case of so lowly a creature as a laboratory rat. It is not just refinement or reduction that is called for, not just larger, cleaner cages, not just more generous use of anaesthetic or the elimination of multiple surgery, not just tidying up the system. It is complete replacement. The best we can do when it comes to using animals in science is—not to use them. That is where our duty lies, according to the rights view.

As for commercial animal agriculture, the rights view takes a similar abolitionist position. The fundamental moral wrong here is not that animals are kept in stressful close confinement or in isolation, or that their pain and suffering, their needs and preferences are ignored or discounted. All these *are* wrong, of course, but they are not fundamentally wrong. They are symptoms and effects of the deeper, systematic wrong that allows these animals to be viewed and treated as lacking independent value, as resources for us—as, indeed, a renewable resource. Giving farm animals more space, more natural environments, more companions does not right the fundamental wrong, any more than giving lab animals more anaesthesia or bigger, cleaner cages would right the fundamental wrong in their case. Nothing less than the total dissolution of commercial animal agriculture will do this, just as, for similar reasons I won't develop at length here, morality requires nothing less than the total elimination of hunting and trapping for commercial and sporting ends. The rights view's implications, then, as I have said, are clear and uncompromising.

My last two points are about philosophy, my profession. It is, most obviously, no substitute for political action. The words I have written here and in other places by themselves don't change a thing. It is what we do with the thoughts that the words express—our

acts, our deeds—that changes things. All that philosophy can do, and all I have attempted, is to offer a vision of what our deeds should aim at. And the why. But not the how.

Finally, I am reminded of my thoughtful critic, the one I mentioned earlier, who chastised me for being too cerebral. Well, cerebral I have been: indirect duty views, utilitarianism, contractarianism—hardly the stuff deep passions are made of. I am also reminded, however, of the image another friend once set before me—the image of the ballerina as expressive of disciplined passion. Long hours of sweat and toil, of loneliness and practice, of doubt and fatigue: those are the discipline of her craft. But the passion is there too, the fierce drive to excel, to speak through her body, to do it right, to pierce our minds. That is the image of philosophy I would leave with you, not ‘too cerebral’ but

disciplined passion. Of the discipline enough has been seen. As for the passion: there are times, and these not infrequent, when tears come to my eyes when I see, or read, or hear of the wretched plight of animals in the hands of humans. Their pain, their suffering, their loneliness, their innocence, their death. Anger. Rage. Pity. Sorrow. Disgust. The whole creation groans under the weight of the evil we humans visit upon these mute, powerless creatures. It is our hearts, not just our heads, that call for an end to it all, that demand of us that we overcome, for them, the habits and forces behind their systematic oppression. All great movements, it is written, go through three stages: ridicule, discussion, adoption. It is the realization of this third stage, adoption, that requires both our passion and our discipline, our hearts and our heads. The fate of animals is in our hands. God grant we are equal to the task.

Difficulties with the Strong Animal Rights Position

MARY ANNE WARREN

Tom Regan has produced what is perhaps the definitive defense of the view that the basic moral rights of at least some non-human animals are in no way inferior to our own. In *The Case for Animal Rights*, he argues that all normal mammals over a year of age have the same basic moral rights.¹ Non-human mammals have essentially the same right not to be harmed or killed as we do. I shall call this “the strong animal rights position,” although it is weaker than the claims made by some animal liberationists in that it ascribes rights to only some sentient animals.

I will argue that Regan’s case for the strong animal rights position is unpersuasive and that this position entails consequences which a reasonable person cannot accept. I do not deny that some non-human animals have moral rights; indeed, I would extend

the scope of the rights claim to include all sentient animals, that is, all those capable of having experiences, including experiences of pleasure or satisfaction and pain, suffering, or frustration.² However, I do not think that the moral rights of most non-human animals are identical in strength to those of persons.³ The rights of most non-human animals may be overridden in circumstances which would not justify overriding the rights of persons. There are, for instance, compelling realities which sometimes require that we kill animals for reasons which could not justify the killing of persons. I will call this view “the weak animal rights” position, even though it ascribes rights to a wider range of animals than does the strong animal rights position.

I will begin by summarizing Regan’s case for the strong animal rights position and noting two problems with it. Next, I will explore some consequences of the strong animal rights position which I think are unacceptable. Finally, I will outline the case for the weak animal rights position.

Mary Anne Warren, “A Critique of Regan’s Animal Rights Theory,” *Between the Species* Vol. 2, No. 4 (Fall 1987): 433–441. Reprinted with permission from *Between the Species*.

REGAN'S CASE

Regan's argument moves through three stages. First, he argues that normal, mature mammals are not only sentient but have other mental capacities as well. These include the capacities for emotion, memory, belief, desire, the use of general concepts, intentional action, a sense of the future, and some degree of self-awareness. Creatures with such capacities are said to be subjects-of-a-life. They are not only alive in the biological sense but have a psychological identity over time and an existence which can go better or worse for them. Thus, they can be harmed or benefited. These are plausible claims, and well defended. One of the strongest parts of the book is the rebuttal of philosophers, such as R. G. Frey, who object to the application of such mentalistic terms to creatures that do not use a human-style language. The second and third stages of the argument are more problematic.

In the second stage, Regan argues that subjects-of-a-life have inherent value. His concept of inherent value grows out of his opposition to utilitarianism. Utilitarian moral theory, he says, treats individuals as "mere receptacles" for morally significant value, in that harm to one individual may be justified by the production of a greater net benefit to other individuals. In opposition to this, he holds that subjects-of-a-life have a value independent of both the value they may place upon their lives or experiences and the value others may place upon them.

Inherent value, Regan argues, does not come in degrees. To hold that some individuals have more inherent value than others is to adopt a "perfectionist" theory, i.e., one which assigns different moral worth to individuals according to how well they are thought to exemplify some virtue(s), such as intelligence or moral autonomy. Perfectionist theories have been used, at least since the time of Aristotle, to rationalize such injustices as slavery and male domination, as well as the unrestrained exploitation of animals. Regan argues that if we reject these injustices, then we must also reject perfectionism and conclude that all subjects-of-a-life have equal inherent value. Moral agents have no more inherent value than moral patients, i.e., subjects-of-a-life who are not morally responsible for their actions.

In the third phase of the argument, Regan uses the thesis of equal inherent value to derive strong moral rights for all subjects-of-a-life. This thesis underlies the Respect Principle, which forbids us to treat beings who have inherent value as mere receptacles, i.e., mere means to the production of the greatest overall good. This principle, in turn, underlies the Harm Principle, which says that we have a direct *prima facie* duty not to harm beings who have inherent value. Together, these principles give rise to moral rights. Rights are defined as valid claims, claims to certain goods and against certain beings, i.e., moral agents. Moral rights generate duties not only to refrain from inflicting harm upon beings with inherent value but also to come to their aid when they are threatened by other moral agents. Rights are not absolute but may be overridden in certain circumstances. Just what these circumstances are we will consider later. But first, let's look at some difficulties in the theory as thus far presented.

THE MYSTERY OF INHERENT VALUE

Inherent value is a key concept in Regan's theory. It is the bridge between the plausible claim that all normal, mature mammals—human or otherwise—are subjects-of-a-life and the more debatable claim that they all have basic moral rights of the same strength. But it is a highly obscure concept, and its obscurity makes it ill-suited to play this crucial role.

Inherent value is defined almost entirely in negative terms. It is not dependent upon the value which either the inherently valuable individual or anyone else may place upon that individual's life or experiences. It is not (necessarily) a function of sentience or any other mental capacity, because, Regan says, some entities which are not sentient (e.g., trees, rivers, or rocks) may, nevertheless, have inherent value (p. 246). It cannot attach to anything other than an individual; species, eco-systems, and the like cannot have inherent value.

These are some of the things which inherent value is not. But what is it? Unfortunately, we are not told. Inherent value appears as a mysterious non-natural property which we must take on faith. Regan says that it is a *postulate* that subjects-of-a-life have inherent

value, a postulate justified by the fact that it avoids certain absurdities which he thinks follow from a purely utilitarian theory (p. 247). But why is the postulate that *subjects-of-a-life* have inherent value? If the inherent value of a being is completely independent of the value that it or anyone else places upon its experiences, then why does the fact that it has certain sorts of experiences constitute evidence that it has inherent value? If the reason is that subjects-of-a-life have an existence which can go better or worse for them, then why isn't the appropriate conclusion that all sentient beings have inherent value, since they would all seem to meet that condition? Sentient but mentally unsophisticated beings may have a less extensive range of possible satisfactions and frustrations, but why should it follow that they have—or may have—no inherent value at all?

In the absence of a positive account of inherent value, it is also difficult to grasp the connection between being inherently valuable and having moral rights. Intuitively, it seems that value is one thing, and rights are another. It does not seem incoherent to say that some things (e.g., mountains, rivers, redwood trees) are inherently valuable and yet are not the sorts of things which can have moral rights. Nor does it seem incoherent to ascribe inherent value to some things which are not individuals, e.g., plant or animal species, though it may well be incoherent to ascribe moral rights to such things.

In short, the concept of inherent value seems to create at least as many problems as it solves. If inherent value is based on some natural property, then why not try to identify that property and explain its moral significance, without appealing to inherent value? And if it is not based on any natural property, then why should we believe in it? That it may enable us to avoid some of the problems faced by the utilitarian is not a sufficient reason, if it creates other problems which are just as serious.

IS THERE A SHARP LINE?

Perhaps the most serious problems are those that arise when we try to apply the strong animal rights position to animals other than normal, mature mammals.

Regan's theory requires us to divide all living things into two categories: those which have the same inherent value and the same basic moral rights that we do, and those which have no inherent value and presumably no moral rights. But wherever we try to draw the line, such a sharp division is implausible.

It would surely be arbitrary to draw such a sharp line between normal, mature mammals and all other living things. Some birds (e.g., crows, magpies, parrots, mynahs) appear to be just as mentally sophisticated as most mammals and thus are equally strong candidates for inclusion under the subject-of-a-life criterion. Regan is not in fact advocating that we draw the line here. His claim is only that normal mature mammals are clear cases, while other cases are less clear. Yet, on his theory, there must be such a sharp line *somewhere*, since there are no degrees of inherent value. But why should we believe that there is a sharp line between creatures that are subjects-of-a-life and creatures that are not? Isn't it more likely that "subjecthood" comes in degrees, that some creatures have only a little self-awareness, and only a little capacity to anticipate the future, while some have a little more, and some a good deal more?

Should we, for instance, regard fish, amphibians, and reptiles as subjects-of-a-life? A simple yes-or-no answer seems inadequate. On the one hand, some of their behavior is difficult to explain without the assumption that they have sensations, beliefs, desires, emotions, and memories; on the other hand, they do not seem to exhibit very much self-awareness or very much conscious anticipation of future events. Do they have enough mental sophistication to count as subjects-of-a-life? Exactly how much is enough?

It is still more unclear what we should say about insects, spiders, octopi, and other invertebrate animals which have brains and sensory organs but whose minds (if they have minds) are even more alien to us than those of fish or reptiles. Such creatures are probably sentient. Some people doubt that they can feel pain, since they lack certain neurological structures which are crucial to the processing of pain impulses in vertebrate animals. But this argument is inconclusive, since their nervous systems might process pain in ways different from ours. When injured, they sometimes

act as if they are in pain. On evolutionary grounds, it seems unlikely that highly mobile creatures with complex sensory systems would not have developed a capacity for pain (and pleasure), since such a capacity has obvious survival value. It must, however, be admitted that we do not *know* whether spiders can feel pain (or something very like it), let alone whether they have emotions, memories, beliefs, desires, self-awareness, or a sense of the future.

Even more mysterious are the mental capacities (if any) of mobile microfauna. The brisk and efficient way that paramecia move about in their incessant search for food *might* indicate some kind of sentience, in spite of their lack of eyes, ears, brains, and other organs associated with sentience in more complex organisms. It is conceivable—though not very probable—that they, too, are subjects-of-a-life.

The existence of a few unclear cases need not pose a serious problem for a moral theory, but in this case, the unclear cases constitute most of those with which an adequate theory of animal rights would need to deal. The subject-of-a-life criterion can provide us with little or no moral guidance in our interactions with the vast majority of animals. That might be acceptable if it could be supplemented with additional principles which would provide such guidance. However, the radical dualism of the theory precludes supplementing it in this way. We are forced to say that either a spider has the same right to life as you and I do, or it has no right to life whatever—and that only the gods know which of these alternatives is true.

Regan's suggestion for dealing with such unclear cases is to apply the "benefit of the doubt" principle. That is, when dealing with beings that may or may not be subjects-of-a-life, we should act as if they are. But if we try to apply this principle to the entire range of doubtful cases, we will find ourselves with moral obligations which we cannot possibly fulfill. In many climates, it is virtually impossible to live without swatting mosquitoes and exterminating cockroaches, and not all of us can afford to hire someone to sweep the path before we walk, in order to make sure that we do not step on ants. Thus, we are still faced with the daunting task of drawing a sharp line somewhere on

the continuum of life forms—this time, a line demarcating the limits of the benefit of the doubt principle.

The weak animal rights theory provides a more plausible way of dealing with this range of cases, in that it allows the rights of animals of different kinds to vary in strength....

* * *

WHY ARE ANIMAL RIGHTS WEAKER THAN HUMAN RIGHTS?

How can we justify regarding the rights of persons as generally stronger than those of sentient beings which are not persons? There are a plethora of bad justifications, based on religious premises or false or unprovable claims about the differences between human and non-human nature. But there is one difference which has a clear moral relevance: people are at least sometimes capable of being moved to action or inaction by the force of reasoned argument. Rationality rests upon other mental capacities, notably those which Regan cites as criteria for being a subject-of-a-life. We share these capacities with many other animals. But it is not just because we are subjects-of-a-life that we are both able and morally compelled to recognize one another as beings with equal basic moral rights. It is also because we are able to "listen to reason" in order to settle our conflicts and cooperate in shared projects. This capacity, unlike the others, may require something like a human language.

Why is rationality morally relevant? It does not make us "better" than other animals or more "perfect." It does not even automatically make us more intelligent. (Bad reasoning reduces our effective intelligence rather than increasing it.) But it is morally relevant insofar as it provides greater possibilities for cooperation and for the nonviolent resolution of problems. It also makes us more dangerous than non-rational beings can ever be. Because we are potentially more dangerous and less predictable than wolves, we need an articulated system of morality to regulate our conduct. Any human morality, to be workable in the long run, must recognize the equal moral status of all persons, whether through the postulate of equal

basic moral rights or in some other way. The recognition of the moral equality of other persons is the price we must each pay for their recognition of our moral equality. Without this mutual recognition of moral equality, human society can exist only in a state of chronic and bitter conflict. The war between the sexes will persist so long as there is sexism and male domination; racial conflict will never be eliminated so long as there are racist laws and practices. But to the extent that we achieve a mutual recognition of equality, we can hope to live together, perhaps as peacefully as wolves, achieving (in part) through explicit moral principles what they do not seem to need explicit moral principles to achieve.

Why not extend this recognition of moral equality to other creatures, even though they cannot do the same for us? The answer is that we cannot. Because we cannot reason with most non-human animals, we cannot always solve the problems which they may cause without harming them—although we are always obligated to try. We cannot negotiate a treaty with the feral cats and foxes, requiring them to stop preying on endangered native species in return for suitable concessions on our part.

if rats invade our houses . . . we cannot reason with them, hoping to persuade them of the injustice they do us. We can only attempt to get rid of them.⁴

Aristotle was not wrong in claiming that the capacity to alter one's behavior on the basis of reasoned argument is relevant to the full moral status which he accorded to free men. Of course, he was wrong in his other premise, that women and slaves by their nature cannot reason well enough to function as autonomous moral agents. Had that premise been true, so would his conclusion that women and slaves are not quite the moral equals of free men. In the case of most non-human animals, the corresponding premise is true. If, on the other hand, there are animals with whom we can (learn to) reason, then we are obligated to do this and to regard them as our moral equals.

Thus, to distinguish between the rights of persons and those of most other animals on the grounds that only people can alter their behavior on the basis of reasoned argument does not commit us to a perfectionist

theory of the sort Aristotle endorsed. There is no excuse for refusing to recognize the moral equality of some people on the grounds that we don't regard them as quite as rational as we are, since it is perfectly clear that most people can reason well enough to determine how to act so as to respect the basic rights of others (if they choose to), and that is enough for moral equality.

But what about people who are clearly not rational? It is often argued that sophisticated mental capacities such as rationality cannot be essential for the possession of equal basic moral rights, since nearly everyone agrees that human infants and mentally incompetent persons have such rights, even though they may lack those sophisticated mental capacities. But this argument is inconclusive, because there are powerful practical and emotional reasons for protecting non-rational human beings, reasons which are absent in the case of most non-human animals. Infancy and mental incompetence are human conditions which all of us either have experienced or are likely to experience at some time. We also protect babies and mentally incompetent people because we care for them. We don't normally care for animals in the same way, and when we do—e.g., in the case of much-loved pets—we may regard them as having special rights by virtue of their relationship to us. We protect them not only for their sake but also for our own, lest we be hurt by harm done to them. Regan holds that such “side-effects” are irrelevant to moral rights, and perhaps they are. But in ordinary usage, there is no sharp line between moral rights and those moral protections which are not rights. The extension of strong moral protections to infants and the mentally impaired in no way proves that non-human animals have the same basic moral rights as people.

WHY SPEAK OF “ANIMAL RIGHTS” AT ALL?

If, as I have argued, reality precludes our treating all animals as our moral equals, then why should we still ascribe rights to them? Everyone agrees that animals are entitled to some protection against human abuse, but why speak of animal *rights* if we are not prepared to accept most animals as our moral equals? The weak animal rights position may seem

an unstable compromise between the bold claim that animals have the same basic moral rights that we do and the more common view that animals have no rights at all.

It is probably impossible to either prove or disprove the thesis that animals have moral rights by producing an analysis of the concept of a moral right and checking to see if some or all animals satisfy the conditions for having rights. The concept of a moral right is complex, and it is not clear which of its strands are essential. Paradigm rights holders, i.e., mature and mentally competent persons, are *both* rational and morally autonomous beings and sentient subjects-of-a-life. Opponents of animal rights claim that rationality and moral autonomy are essential for the possession of rights, while defenders of animal rights claim that they are not. The ordinary concept of a moral right is probably not precise enough to enable us to determine who is right on purely definitional grounds.

If logical analysis will not answer the question of whether animals have moral rights, practical considerations may, nevertheless, incline us to say that they do. The most plausible alternative to the view that animals have moral rights is that, while they do not have *rights*, we are, nevertheless, obligated not to be cruel to them. Regan argues persuasively that the injunction to avoid being cruel to animals is inadequate to express our obligations towards animals, because it focuses on the mental states of those who cause animal suffering, rather than on the harm done to the animals themselves (p. 158). Cruelty is inflicting pain or suffering and either taking pleasure in that pain or suffering or being more or less indifferent to it. Thus, to express the demand for the decent treatment of animals in terms of the rejection of cruelty is to invite the too easy response that those who subject animals to suffering are not being cruel because they regret the suffering they cause but sincerely believe that what they do is justified. The injunction to avoid cruelty is also inadequate in that it does not preclude the killing of animals—for any reason, however trivial—so long as it is done relatively painlessly.

The inadequacy of the anti-cruelty view provides one practical reason for speaking of animal rights. Another practical reason is that this is an age in which

nearly all significant moral claims tend to be expressed in terms of rights. Thus, the denial that animals have rights, however carefully qualified, is likely to be taken to mean that we may do whatever we like to them, provided that we do not violate any human rights. In such a context, speaking of the rights of animals may be the only way to persuade many people to take seriously protests against the abuse of animals.

Why not extend this line of argument and speak of the rights of trees, mountains, oceans, or anything else which we may wish to see protected from destruction? Some environmentalists have not hesitated to speak in this way, and, given the importance of protecting such elements of the natural world, they cannot be blamed for using this rhetorical device. But, I would argue that moral rights can meaningfully be ascribed only to entities which have some capacity for sentience. This is because moral rights are protections designed to protect rights holders from harms or to provide them with benefits which matter *to them*. Only beings capable of sentience can be harmed or benefited in ways which matter to them, for only such beings can like or dislike what happened to them or prefer some conditions to others. Thus, sentient animals, unlike mountains, rivers, or species, are at least logically possible candidates for moral rights. This fact, together with the need to end current abuses of animals—e.g., in scientific research . . . provides a plausible case for speaking of animal rights.

CONCLUSION

I have argued that Regan's case for ascribing strong moral rights to all normal, mature mammals is unconvincing because (1) it rests upon the obscure concept of inherent value, which is defined only in negative terms, and (2) it seems to preclude any plausible answer to questions about the moral status of the vast majority of sentient animals. . . .

The weak animal rights theory asserts that (1) any creature whose natural mode of life includes the pursuit of certain satisfactions has the right not to be forced to exist without the opportunity to pursue those satisfactions; (2) that any creature which is capable of pain, suffering, or frustration has the right



that such experiences not be deliberately inflicted upon it without some compelling reason; and (3) that no sentient being should be killed without good reason. However, moral rights are not an all-or-nothing affair. The strength of the reasons required to override the rights of a non-human organism varies, depending upon—among other things—the probability that it is sentient and (if it is clearly sentient) its probable degree of mental sophistication.

NOTES

1. Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983). All page references are to this edition.

2. The capacity for sentience, like all of the mental capacities mentioned in what follows, is a disposition. Dispositions do not disappear whenever they are not currently manifested. Thus, sleeping or temporarily unconscious persons or non-human animals are still sentient in the relevant sense (i.e., still capable of sentience), so long as they still have the neurological mechanisms necessary for the occurrence of experiences.

3. It is possible, perhaps probable, that some non-human animals—such as cetaceans and anthropoid apes—should be regarded as persons. If so, then the weak animal rights position holds that these animals have the same basic moral rights as human persons.

4. Bonnie Steinbock, “Speciesism and the Idea of Equality,” *Philosophy* 53 (1978): 253.

The Case for the Use of Animals in Biomedical Research

CARL COHEN

Using animals as research subjects in medical investigations is widely condemned on two grounds: first, because it wrongly violates the *rights* of animals,¹ and second, because it wrongly imposes on sentient creatures much avoidable *suffering*.² Neither of these arguments is sound. The first relies on a mistaken understanding of rights; the second relies on a mistaken calculation of consequences. Both deserve definitive dismissal.

WHY ANIMALS HAVE NO RIGHTS

A right, properly understood, is a claim, or potential claim, that one party may exercise against another. The target against whom such a claim may be registered can be a single person, a group, a community, or (perhaps) all humankind. The content of rights claims also varies greatly: repayment of loans, nondiscrimination by employers, noninterference by the state,

and so on. To comprehend any genuine right fully, therefore, we must know *who* holds the right, *against whom* it is held, and *to what* it is a right.

Alternative sources of rights add complexity. Some rights are grounded in constitution and law (e.g., the right of an accused to trial by jury); some rights are moral but give no legal claims (e.g., my right to your keeping the promise you gave me); and some rights (e.g., against theft or assault) are rooted both in morals and in law.

The differing targets, contents, and sources of rights, and their inevitable conflict, together weave a tangled web. Notwithstanding all such complications, this much is clear about rights in general: they are in every case claims, or potential claims, within a community of moral agents. Rights arise, and can be intelligibly defended, only among beings who actually do, or can, make moral claims against one another. Whatever else rights may be, therefore, they are necessarily human; their possessors are persons, human beings.

The attributes of human beings from which this moral capability arises have been described variously by philosophers, both ancient and modern: the

Carl Cohen, “The Case for the Use of Animals in Biomedical Research,” the *New England Journal of Medicine* 315 (October 2, 1986): 865–70. Copyright © 1986 Massachusetts Medical Society. Reprinted with permission from Massachusetts Medical Society.

inner consciousness of a free will (Saint Augustine³); the grasp, by human reason, of the binding character of moral law (Saint Thomas⁴); the self-conscious participation of human beings in an objective ethical order (Hegel⁵); human membership in an organic moral community (Bradley⁶); the development of the human self through the consciousness of other moral selves (Mead⁷); and the underivative, intuitive cognition of the rightness of an action (Prichard⁸). Most influential has been Immanuel Kant's emphasis on the universal human possession of a uniquely moral will and the autonomy its use entails.⁹ Humans confront choices that are purely moral; humans—but certainly not dogs or mice—lay down moral laws, for others and for themselves. Human beings are self-legislative, morally *auto-nomous*.

Animals (that is, nonhuman animals, the ordinary sense of that word) lack this capacity for free moral judgment. They are not beings of a kind capable of exercising or responding to moral claims. Animals therefore have no rights, and they can have none. This is the core of the argument about the alleged rights of animals. The holders of rights must have the capacity to comprehend rules of duty, governing all including themselves. In applying such rules, the holders of rights must recognize possible conflicts between what is in their own interest and what is just. Only in a community of beings capable of self-restricting moral judgments can the concept of a right be correctly invoked.

Humans have such moral capacities. They are in this sense self-legislative, are members of communities governed by moral rules, and do possess rights. Animals do not have such moral capacities. They are not morally self-legislative, cannot possibly be members of a truly moral community, and therefore cannot possess rights. In conducting research on animal subjects, therefore, we do not violate their rights, because they have none to violate.

To animate life, even in its simplest forms, we give a certain natural reverence. But the possession of rights presupposes a moral status not attained by the vast majority of living things. We must not infer, therefore, that a live being has, simply in being alive, a "right" to its life. The assertion that all animals, only

because they are alive and have interests, also possess the "right to life"¹⁰ is an abuse of that phrase, and wholly without warrant.

It does not follow from this, however, that we are morally free to do anything we please to animals. Certainly not. In our dealings with animals, as in our dealings with other human beings, we have obligations that do not arise from claims against us based on rights. Rights entail obligations, but many of the things one ought to do are in no way tied to another's entitlement. Rights and obligations are not reciprocals of one another, and it is a serious mistake to suppose that they are.

Illustrations are helpful. Obligations may arise from internal commitments made: physicians have obligations to their patients not grounded merely in their patients' rights. Teachers have such obligations to their students, shepherds to their dogs, and cowboys to their horses. Obligations may arise from differences of status: adults owe special care when playing with young children, and children owe special care when playing with young pets. Obligations may arise from special relationships: the payment of my son's college tuition is something to which he may have no right, although it may be my obligation to bear the burden if I reasonably can; my dog has no right to daily exercise and veterinary care, but I do have the obligation to provide these things for her. Obligations may arise from particular acts or circumstances: one may be obliged to another for a special kindness done, or obliged to put an animal out of its misery in view of its condition—although neither the human benefactor nor the dying animal may have had a claim of right.

Plainly, the grounds of our obligations to humans and to animals are manifold and cannot be formulated simply. Some hold that there is a general obligation to do no gratuitous harm to sentient creatures (the principle of nonmaleficence); some hold that there is a general obligation to do good to sentient creatures when that is reasonably within one's power (the principle of beneficence). In our dealings with animals, few will deny that we are at least obliged to act humanely—that is, to treat them with the decency and concern that we owe, as sensitive human beings,



to other sentient creatures. To treat animals humanely, however, is not to treat them as humans or as the holders of rights.

A common objection, which deserves a response, may be paraphrased as follows:

If having rights requires being able to make moral claims, to grasp and apply moral laws, then many humans—the brain-damaged, the comatose, the senile—who plainly lack those capacities must be without rights. But that is absurd. This proves [the critic concludes] that rights do not depend on the presence of moral capacities.^{1,10}

This objection fails; it mistakenly treats an essential feature of humanity as though it were a screen for sorting humans. The capacity for moral judgment that distinguishes humans from animals is not a test to be administered to human beings one by one. Persons who are unable, because of some disability, to perform the full moral functions natural to human beings are certainly not for that reason ejected from the moral community. The issue is one of kind. Humans are of such a kind that they may be the subject of experiments only with their voluntary consent. The choices they make freely must be respected. Animals are of such a kind that it is impossible for them, in principle, to give or withhold voluntary consent or to make a moral choice. What humans retain when disabled, animals have never had.

A second objection, also often made, may be paraphrased as follows:

Capacities will not succeed in distinguishing humans from the other animals. Animals also reason; animals also communicate with one another; animals also care passionately for their young; animals also exhibit desires and preferences.^{11,12} Features of moral relevance—rationality, interdependence, and love—are not exhibited uniquely by human beings. Therefore [this critic concludes], there can be no solid moral distinction between humans and other animals.¹⁰

This criticism misses the central point. It is not the ability to communicate or to reason, or dependence on one another, or care for the young, or the exhibition of preference, or any such behavior that marks the critical divide. Analogies between human

families and those of monkeys, or between human communities and those of wolves, and the like, are entirely beside the point. Patterns of conduct are not at issue. Animals do indeed exhibit remarkable behavior at times. Conditioning, fear, instinct, and intelligence all contribute to species survival. Membership in a community of moral agents nevertheless remains impossible for them. Actors subject to moral judgment must be capable of grasping the generality of an ethical premise in a practical syllogism. Humans act immorally often enough, but only they—never wolves or monkeys—can discern, by applying some moral rule to the facts of a case, that a given act ought or ought not to be performed. The moral restraints imposed by humans on themselves are thus highly abstract and are often in conflict with the self-interest of the agent. Communal behavior among animals, even when most intelligent and most endearing, does not approach autonomous morality in this fundamental sense.

Genuinely moral acts have an internal as well as an external dimension. Thus, in law, an act can be criminal only when the guilty deed, the *actus reus*, is done with a guilty mind, *mens rea*. No animal can ever commit a crime; bringing animals to criminal trial is the mark of primitive ignorance. The claims of moral right are similarly inapplicable to them. Does a lion have a right to eat a baby zebra? Does a baby zebra have a right not to be eaten? Such questions, mistakenly invoking the concept of right where it does not belong, do not make good sense. Those who condemn biomedical research because it violates “animal rights” commit the same blunder.

IN DEFENSE OF “SPECIESISM”

Abandoning reliance on animal rights, some critics resort instead to animal sentience—their feelings of pain and distress. We ought to desist from the imposition of pain insofar as we can. Since all or nearly all experimentation on animals does impose pain and could be readily forgone, say these critics, it should be stopped. The ends sought may be worthy, but those ends do not justify imposing agonies on humans, and by animals the agonies are felt no less. The laboratory

use of animals (these critics conclude) must therefore be ended—or at least very sharply curtailed.

Argument of this variety is essentially utilitarian, often expressly so¹³; it is based on the calculation of the net product, in pains and pleasures, resulting from experiments on animals. Jeremy Bentham, comparing horses and dogs with other sentient creatures, is thus commonly quoted: “The question is not, Can they reason? nor Can they talk? but, Can they suffer?”¹⁴

Animals certainly can suffer and surely ought not to be made to suffer needlessly. But in inferring, from these uncontroversial premises, that biomedical research causing animal distress is largely (or wholly) wrong, the critic commits two serious errors.

The first error is the assumption, often explicitly defended, that all sentient animals have equal moral standing. Between a dog and a human being, according to this view, there is no moral difference; hence the pains suffered by dogs must be weighed no differently from the pains suffered by humans. To deny such equality, according to this critic, is to give unjust preference to one species over another; it is “speciesism.” The most influential statement of this moral equality of species was made by Peter Singer:

The racist violates the principle of equality by giving greater weight to the interests of members of his own race when there is a clash between their interests and the interests of those of another race. The sexist violates the principle of equality by favoring the interests of his own sex. Similarly the speciesist allows the interests of his own species to override the greater interests of members of other species. The pattern is identical in each case.²

This argument is worse than unsound; it is atrocious. It draws an offensive moral conclusion from a deliberately devised verbal parallelism that is utterly specious. Racism has no rational ground whatever. Differing degrees of respect or concern for humans for no other reason than that they are members of different races is an injustice totally without foundation in the nature of the races themselves. Racists, even if acting on the basis of mistaken factual beliefs, do grave moral wrong precisely because there is no morally relevant distinction among the races. The supposition of

such differences has led to outright horror. The same is true of the sexes, neither sex being entitled by right to greater respect or concern than the other. No dispute here.

Between species of animate life, however—between (for example) humans on the one hand and cats or rats on the other—the morally relevant differences are enormous, and almost universally appreciated. Humans engage in moral reflection; humans are morally autonomous; humans are members of moral communities, recognizing just claims against their own interest. Human beings do have rights; theirs is a moral status very different from that of cats or rats.

I am a speciesist. Speciesism is not merely plausible: it is essential for right conduct, because those who will not make the morally relevant distinctions among species are almost certain, in consequence, to misapprehend their true obligations. The analogy between speciesism and racism is insidious. Every sensitive moral judgment requires that the differing natures of the beings to whom obligations are owed be considered. If all forms of animate life—or vertebrate animal life?—must be treated equally, and if therefore in evaluating a research program the pains of a rodent count equally with the pains of a human, we are forced to conclude (1) that neither humans nor rodents possess rights, or (2) that rodents possess all the rights that humans possess. Both alternatives are absurd. Yet one or the other must be swallowed if the moral equality of all species is to be defended.

Humans owe to other humans a degree of moral regard that cannot be owed to animals. Some humans take on the obligation to support and heal others, both humans and animals, as a principal duty in their lives; the fulfillment of that duty may require the sacrifice of many animals. If biomedical investigators abandon the effective pursuit of their professional objectives because they are convinced that they may not do to animals what the service of humans requires, they will fail, objectively, to do their duty. Refusing to recognize the moral differences among species is a sure path to calamity. (The largest animal rights group in the country is People for the Ethical Treatment of Animals; its codirector,

Ingrid Newkirk, calls research using animal subjects “fascism” and “supremacism.” “Animal liberationists do not separate out the *human* animal,” she says, “so there is no rational basis for saying that a human being has special rights. A rat is a pig is a dog is a boy. They’re all mammals.”¹⁵

Those who claim to base their objection to the use of animals in biomedical research on their reckoning of the net pleasures and pains produced make a second error, equally grave. Even if it were true—as it is surely not—that the pains of all animate beings must be counted equally, a cogent utilitarian calculation requires that we weigh all the consequences of the use, and of the nonuse, of animals in laboratory research. Critics relying (however mistakenly) on animal rights may claim to ignore the beneficial results of such research, rights being trump cards to which interest and advantage must give way. But an argument that is explicitly framed in terms of interest and benefit for all over the long run must attend also to the disadvantageous consequences of not using animals in research, and to all the achievements attained and attainable only through their use. The sum of the benefits of their use is utterly beyond quantification. The elimination of horrible disease, the increase of longevity, the avoidance of great pain, the saving of lives, and the improvement of the quality of lives (for humans and for animals) achieved through research using animals is so incalculably great that the argument of these critics, systematically pursued, establishes not their conclusion but its reverse: to refrain from using animals in biomedical research is, on utilitarian grounds, morally wrong.

When balancing the pleasures and pains resulting from the use of animals in research, we must not fail to place on the scales the terrible pains that would have resulted, would be suffered now, and would long continue had animals not been used. Every disease eliminated, every vaccine developed, every method of pain relief devised, every surgical procedure invented, every prosthetic device implanted—indeed, virtually every modern medical therapy is due, in part or in whole, to experimentation using animals. Nor may we ignore, in the balancing process, the predictable gains in human (and animal) well-being that are probably

achievable in the future but that will not be achieved if the decision is made now to desist from such research or to curtail it.

Medical investigators are seldom insensitive to the distress their work may cause animal subjects. Opponents of research using animals are frequently insensitive to the cruelty of the results of the restrictions they would impose.² Untold numbers of human beings—real persons, although not now identifiable—would suffer grievously as the consequence of this well-meaning but shortsighted tenderness. If the morally relevant differences between humans and animals are borne in mind, and if all relevant considerations are weighed, the calculation of long-term consequences must give overwhelming support for biomedical research using animals.

CONCLUDING REMARKS

Substitution

The humane treatment of animals requires that we desist from experimenting on them if we can accomplish the same result using alternative methods—in vitro experimentation, computer simulation, or others. Critics of some experiments using animals rightly make this point.

It would be a serious error to suppose, however, that alternative techniques could soon be used in most research now using live animal subjects. No other methods now on the horizon—or perhaps ever to be available—can fully replace the testing of a drug, a procedure, or a vaccine, in live organisms. The flood of new medical possibilities being opened by the successes of recombinant DNA technology will turn to a trickle if testing on live animals is forbidden. When initial trials entail great risks, there may be no forward movement whatever without the use of live animal subjects. In seeking knowledge that may prove critical in later clinical applications, the unavailability of animals for inquiry may spell complete stymie. In the United States, federal regulations require the testing of new drugs and other products on animals, for efficacy and safety, before human beings are exposed to them.^{16,17} We would not want it otherwise.

Every advance in medicine—every new drug, new operation, new therapy of any kind—must sooner or later be tried on a living being for the first time. That trial, controlled or uncontrolled, will be an experiment. The subject of that experiment, if it is not an animal, will be a human being. Prohibiting the use of live animals in biomedical research, therefore, or sharply restricting it, must result either in the blockage of much valuable research or in the replacement of animal subjects with human subjects. These are the consequences—unacceptable to most reasonable persons—of not using animals in research.

Reduction

Should we not at least reduce the use of animals in biomedical research? No, we should increase it, to avoid when feasible the use of humans as experimental subjects. Medical investigations putting human subjects at some risk are numerous and greatly varied. The risks run in such experiments are usually unavoidable, and (thanks to earlier experiments on animals) most such risks are minimal or moderate. But some experimental risks are substantial.

When an experimental protocol that entails substantial risk to humans comes before an institutional review board, what response is appropriate? The investigation, we may suppose, is promising and deserves support, so long as its human subjects are protected against unnecessary dangers. May not the investigators be fairly asked, Have you done all that you can to eliminate risk to humans by the extensive testing of that drug, that procedure, or that device on animals? To achieve maximal safety for humans we are right to require thorough experimentation on animal subjects before humans are involved.

Opportunities to increase human safety in this way are commonly missed; trials in which risks may be shifted from humans to animals are often not devised, sometimes not even considered. Why? For the investigator, the use of animals as subjects is often more expensive, in money and time, than the use of human subjects. Access to suitable human subjects is often quick and convenient,

whereas access to appropriate animal subjects may be awkward, costly, and burdened with red tape. Physician-investigators have often had more experience working with human beings and know precisely where the needed pool of subjects is to be found and how they may be enlisted. Animals, and the procedures for their use, are often less familiar to these investigators. Moreover, the use of animals in place of humans is now more likely to be the target of zealous protests from without. The upshot is that humans are sometimes subjected to risks that animals could have borne, and should have borne, in their place. To maximize the protection of human subjects, I conclude, the wide and imaginative use of live animal subjects should be encouraged rather than discouraged. This enlargement in the use of animals is our obligation.

Consistency

Finally, inconsistency between the profession and the practice of many who oppose research using animals deserves comment. This frankly ad hominem observation aims chiefly to show that a coherent position rejecting the use of animals in medical research imposes costs so high as to be intolerable even to the critics themselves.

One cannot coherently object to the killing of animals in biomedical investigations while continuing to eat them. Anesthetics and thoughtful animal husbandry render the level of actual animal distress in the laboratory generally lower than that in the abattoir. So long as death and discomfort do not substantially differ in the two contexts, the consistent objector must not only refrain from all eating of animals but also protest as vehemently against others eating them as against others experimenting on them. No less vigorously must the critic object to the wearing of animal hides in coats and shoes, to employment in any industrial enterprise that uses animal parts, and to any commercial development that will cause death or distress to animals.

Killing animals to meet human needs for food, clothing, and shelter is judged entirely reasonable by most persons. The ubiquity of these uses and the

virtual universality of moral support for them confront the opponent of research using animals with an inescapable difficulty. How can the many common uses of animals be judged morally worthy, while their use in scientific investigation is judged unworthy?

The number of animals used in research is but the tiniest fraction of the total used to satisfy assorted human appetites. That these appetites, often base and satisfiable in other ways, morally justify the far larger consumption of animals, whereas the quest for improved human health and understanding cannot justify the far smaller, is wholly implausible. Aside from the numbers of animals involved, the distinction in terms of worthiness of use, drawn with regard to any single animal, is not defensible. A given sheep is surely not more justifiably used to put lamb chops on the supermarket counter than to serve in testing a new contraceptive or a new prosthetic device. The needless killing of animals is wrong; if the common killing of them for our food or convenience is right, the less common but more humane uses of animals in the service of medical science are certainly not less right.

Scrupulous vegetarianism, in matters of food, clothing, shelter, commerce, and recreation, and in all other spheres, is the only fully coherent position the critic may adopt. At great human cost, the lives of fish and crustaceans must also be protected, with equal vigor, if speciesism has been forsown. A very few consistent critics adopt this position. It is the *reductio ad absurdum* of the rejection of moral distinctions between animals and human beings.

Opposition to the use of animals in research is based on arguments of two different kinds—those relying on the alleged rights of animals and those relying on the consequences for animals. I have argued that arguments of both kinds must fail. We surely do have obligations to animals, but they have, and can have, no rights against us on which research can infringe. In calculating the consequences of animal research, we must weigh all the long-term benefits of the results achieved—to animals and to humans—and in that calculation we

must not assume the moral equality of all animate species.

NOTES

1. Regan T. *The case for animal rights*. Berkeley, Calif.: University of California Press, 1983.
2. Singer P. *Animal liberation*. New York: Avon Books, 1977.
3. St. Augustine. *Confessions*. Book Seven, 397 A.D. New York: Pocket-books, 1957: 104–26.
4. St. Thomas Aquinas. *Summa theologica*. 127, A.D. Philosophic texts. New York: Oxford University Press, 1960:353–66.
5. Hegel GWF. *Philosophy of right*. 1821. London: Oxford University Press, 1952:105–10.
6. Bradley FH. *Why should I be moral?* 1876. In: Melden Al. ed. *Ethical theories*. New York: Prentice-Hall, 1950:345–59.
7. Mead GH. *The genesis of the self and social control*. 1925. In: Reck AJ. ed. *Selected writings*. Indianapolis: Bobbs-Merrill, 1964:264–93.
8. Prichard HA. *Does moral philosophy rest on a mistake?* 1912. In: Cellars W. Hospers J.eds. *Readings in ethical theory*. New York: Appleton-Century-Crofts, 1952:149–63.
9. Kant I. *Fundamental principles of the metaphysic of morals*. 1785. New York: Liberal Arts Press, 1949.
10. Rollin BE. *Animal rights and human morality*. New York: Prometheus Books, 1981.
11. Hoff C. *Immoral and moral uses of animals*. N Engl J Med 1980; 302:115–8.
12. Jamieson D. *Killing persons and other beings*. In: Miller HB. Williams WH, eds. *Ethics and animals*. Clifton, N.J.: Humana Press, 1983:135–46.
13. Singer P. *Ten years of animal liberation*. New York Review of Books, 1985: 31:46–52.
14. Bentham J. *Introduction to the principles of morals and legislation*. London: Athlone Press, 1970.
15. McCabe K. *Who will live, who will die?* Washingtonian Magazine, August 1986:115.
16. U.S. Code of Federal Regulations, Title 21, Sect. 505(i). Food, drug, and cosmetic regulations.
17. U.S. Code of Federal Regulations. Title 16, Sect. 1500. 40–2. Consumer product regulations.

How to Argue for (and Against) Ethical Veganism

TRISTRAM MCPHERSON

This paper has two goals. The first is to offer a carefully reasoned argument for *ethical veganism*: the view that it is (at least typically) wrong to eat or otherwise use animal products. The second goal is to give you, the reader, some important tools for developing, evaluating, and replying to reasoned arguments for ethical conclusions. I begin by offering you a brief essay, arguing that it is wrong to eat meat. This essay both introduces central elements of my case for veganism, and serves as one helpful model of a short ethics essay. In the remainder of this paper, I use the model essay as a target, to illustrate important strategies for developing objections to ethical arguments. I will also illustrate a range of important ways for the vegan to reply to these objections. You can use the models and skills I illustrate here in your own essays, and in your reasoned evaluation of ethical arguments. I conclude that the arguments and replies offered in this paper add up to a powerful reasoned case for ethical veganism. You can practice the skills I illustrate here to deciding for yourself—in a reasoned way—whether my conclusion is correct.

I begin with the promised model essay:

IT IS WRONG TO EAT MEAT

Most of us think that it would be wrong to adopt a puppy from a shelter, in order to take it home and torture it until it dies. However, we do not think it is wrong to eat a steak for dinner. In this essay, I will argue that these views are hard to square with each other, and that the second view is false: it is wrong to eat meat. My argument has the following structure:

1. It is wrong to make animals suffer
2. If it is wrong to make animals suffer, then it is wrong to kill animals

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3. If it is wrong to kill animals, then it is wrong to eat meat
- C. It is wrong to eat meat.

This argument is *valid*. This means that the conclusion must be true if all of the premises are true. I will defend each of these premises in turn.

First, why think that it is wrong to make animals suffer? To begin, think about why it is wrong to make another person suffer. Part of the most plausible explanation is that because suffering is awful to experience, it is wrong to inflict suffering. Because an animal's suffering is awful for it, this explanation entails that it is wrong to make an animal suffer.

This premise of my argument assumes that animals *can* suffer, which is mildly controversial. For example, René Descartes suggested that animals are just complicated machines with no inner lives (1991 [1640], 148). However, Descartes' views are scientifically indefensible (see Allen and Trestman 2014, §7.1), so I set them aside.

You might object to my case for my first premise that it is only wrong to make a creature suffer if that creature is an ethical agent: the sort of being who can be morally responsible for its actions. But this is false. It is wrong to make babies suffer, and they are not ethical agents. You might object that it is only wrong to make *human beings* suffer. This is implausible for several reasons. First, think about torturing a baby: what is wrong with this is surely the nature of the suffering inflicted, not the fact that the baby has a human genetic code. Second, imagine a non-human animal with a miraculous mutation, which has the ability to speak, reason, and feel as much as you or I do. Surely the mere fact that such an animal is not genetically human does not make it okay to torture it (compare Peter Singer's argument against such "speciesism" in his 1977). And, finally, think again about the case I began this essay with: it is wrong to torture a puppy. But surely the central explanation here is just the same as with a human victim: torture will inflict horrible

suffering on the puppy, and it is wrong to inflict such suffering.

Some authors, like Carl Cohen (1986, 867), insist that all suffering is not equal: human suffering is much more ethically important than animal suffering. My argument is compatible with this thesis. I am not arguing that torturing a puppy is just as bad as torturing a human being. I think the latter is typically much worse. My claim is only that making the puppy suffer is wrong, and that the pleasure a human being might take from torturing it does not justify inflicting that suffering.

Next, I argue that if it is wrong to make animals suffer, it is wrong to kill them. Some people find the idea that it is wrong to kill animals much less intuitive than the idea that it is wrong to make them suffer. However, an example shows that this combination of views—that it is wrong to make animals suffer, but not to kill them—is difficult to defend. Suppose that there is a cow that has a disease that will be fatal unless treated by giving the cow a painful medical operation. If the cow would go on to have a long and pleasant life after the operation, performing this operation seems good, not wrong. This shows that an ordinarily wrongful act—inflicting suffering on a cow—can be permissible if it is necessary to save the cow’s life. But if *saving* an animal’s life can justify inflicting suffering that would otherwise be wrong, it is hard to understand how *taking* that animal’s life could be a matter of ethical indifference.

We can bolster this initial argument by combining it with a plausible explanation of why it is wrong to kill animals. One important reason why killing a *person* is typically wrong is that killing typically deprives the victim of an objectively valuable future. That is, killing someone deprives them of the valuable experiences activities, projects, etc. that they would otherwise have had (compare Marquis 1989, §II; I do not claim, with Marquis, that this is the “primary” thing wrong with killing). This principle applies to animals as well: just as suffering can make an animal’s life go badly, pleasant experiences can make it go well. So, just as with humans, it is plausible that it is (typically) wrong to kill animals because doing so deprives them of a valuable future.

Finally, I argue that if it is wrong to kill animals, it is wrong to eat meat. Killing and eating are, obviously,

not the same thing: in our economically specialized society, many meat-eaters never even see the animals they eat alive, let alone make them suffer or kill them. However, this doesn’t mean that eating meat is okay. To see why, consider an analogy.

There is a new restaurant in town: the food is sensational, and the prices are very low. How do they do it? Here’s how: the owner kidnaps world-class chefs, and enslaves them at the restaurant. Suppose that the owner is connected with the mob, and going to the police would just get you killed. Your patronizing the restaurant does not enslave anyone, but it still seems wrong. The explanation for why it is wrong is roughly that by patronizing the restaurant, you would be *complicit* in wrongdoing: you would be benefiting from a wrongful act (enslavement), while economically supporting the wrongdoer (the slaver).

Making animals suffer may be less awful than enslaving another human being. But the same form of explanation applies to eating meat. The raising of animals for food causes those animals a horrifying amount of suffering, and early death (see Mason and Singer 1990 for some of the literally grisly details). If it is wrong to kill animals and to cause them to suffer, then the industry that produces our meat acts wrongly on a massive scale. It is wrong to eat meat because in doing so you are complicit with that massive and systematic wrongdoing.

In this essay I have argued that it is wrong to eat meat. One clarification of this conclusion is in order: like many ethical claims, it should be read as a claim about what is *typically* true. It is typically wrong for you to break all of my fingers, but if doing so is the only way to prevent nuclear catastrophe, break away! Similarly, there may be unusual circumstances in which it is permissible or even required to eat meat. Nonetheless, if my argument is sound, each of us does wrong almost every time we sit down to a meal that contains meat.

I have written “It is Wrong to Eat Meat” as a model short philosophy essay. Unless your professor tells you otherwise, you would do well to emulate several of the stylistic features of this essay:

- The introduction offers a brief clear motive for the question addressed, states the essay’s thesis, and previews the argument to come;

- The argument of the paper is summarized in valid premise/conclusion form;
- The essay does not waste words: every sentence is dedicated to developing the central argument, explaining a concept, introducing an objection or replying to it, or doing other important work. Even the conclusion does important work, introducing a crucial clarification of the argument.
- The essay does not use lengthy quotes from its sources: instead, it cites those sources after stating (in my own words) key claims that I take from them.

The argument of this essay is also an excellent target for reasoned objections. I now discuss how to offer such objections.

First, let's back up a bit and think about the activity that we are engaged in. We are seeking to make and to evaluate reasoned arguments about ethics. For example, the model essay did not just disagree with the claim that it is okay to eat meat; it offered reasons for thinking that claim is incorrect, and it organized those reasons into an argument. Making an argument does not simply aim to persuade your reader. I know, for example, that no reasoned argument is as likely to change eating habits as grisly video footage of life inside the animal factories that produce our meat. If philosophers aimed simply to persuade, we would write clever advertising, rather than carefully argued essays. Instead, my aim as a philosopher is to seek the truth together with my audience, in a way that respects the ability of each person involved to find the truth herself, using her own ability to reason. My aim now is to offer you some tools to enable you to skillfully engage in this sort of respectful argumentation.

For many of you, the conclusion of the model essay is a challenge to your ethical views. You may be tempted to reply to this sort of challenge by simply disagreeing with the conclusion. Resist this temptation: if an author offers you an argument, and you ignore the argument, and you ignore the argument and simply reject their conclusion, it is very difficult to seek the truth together with you. So, when you are presented with an argument, your central question should be: does this argument give me good reason to

accept its conclusion? The model argument appears to be *valid*: the truth of its premises would logically ensure the truth of the conclusion. When you object to a valid argument, you should focus on objecting to its premises, not the conclusion. This is because the argument purports to offer you reasons to accept its conclusion, and if you cannot explain why you should reject those reasons, you aren't providing a compelling reply to the argument.¹ On the other hand, if you can identify a good reason to reject one of the premises of an argument, you have made an important and constructive contribution, by explaining why a reasonable person should not be persuaded by the argument. This is why it is important to learn how to offer reasoned objections to the premises of an argument.

Developing reasoned objections is in part a creative task, and there is no recipe for doing it well. However, there are several useful general strategies for finding good objections. Taking the model essay as a target, I will introduce some of these strategies, and illustrate them with exemplary objections to the model essay. Another important philosophical skill is to assess the import of potential objections. Because of this, when I consider each objection I will discuss whether the objections can be answered, whether it calls for some amendment to the model essay's argument, or whether it constitutes a promising line of objection to the overall strategy of the model argument. The point of carefully exploring objections and replies is to arrive ultimately at the best arguments that can be made on each side of an ethical issue, like the issue of whether it is wrong to eat meat. Because objections should target the premises of an argument (as I have emphasized), I will organize my discussion by focusing on each premise in turn.

PREMISE ONE: INFILCTING SUFFERING

Premise One of the model argument says:

1. It is wrong to make animals suffer

In this section, I consider objections to this principle that are instances of three general strategies for identifying objections: looking to extreme cases, appealing to an obscured distinction, and appealing to a competing ethical principle.

One excellent way to find objections to ethical principles is to look to extreme cases (Hájek *forthcoming-b*, §4; this and Hájek *forthcoming-a* are excellent sources of heuristics for doing philosophy, although they are most suited for somewhat advanced philosophy students). There are several relevant *types* of extreme cases. One type of extreme case involves *raising the stakes*. Suppose, for example, that some generic supervillain will incinerate the earth unless you torture this puppy. It is surely required (and not wrong) to torture the puppy in that case. So it is not always wrong to cause animals to suffer.

It is not enough to find an objection: you should also think about how someone sympathetic to the argument that you are objecting to should reply to your objection. In this case, there is a decisive reply to this objection: the conclusion of the model essay already granted that it is only *typically* wrong to eat meat. Because scenarios involving comic-book supervillains are extremely atypical, this is not an effective objection to the argument of the model essay. There is an important lesson here: make sure that you interpret the argument you are objecting to accurately and fairly. Failure to do this is so common it has its own name: the *straw man* fallacy.

A different sort of extreme case is more potent. If we arranged animals on a continuum of cognitive sophistication, we would notice that puppies (which featured in the model argument) are relatively close to us on that continuum. So: what happens to the model argument as we move to animals farther away from us on that continuum? Here is one salient example: oysters and other bivalves lack brains, and so are almost certainly incapable of suffering. Because one cannot make an oyster suffer, it cannot be wrong to eat an oyster for the reasons suggested in the model essay.² Because there is nothing atypical about eating oysters, this case is an important objection to the argument in the model essay.

One important way to reply to an objection is to concede that it requires one to modify one's argument. This objection to the model argument is powerful, and the best reply is thus concessive. I grant that the model argument does not explain why it is wrong to eat oysters, and so I conclude that the conclusion of

the model argument should be restricted to apply only to eating animals that can suffer.

This in turn raises a further question: *which* animals, exactly, can suffer? Here there are formidable methodological barriers to investigation (Allen and Trestman 2014, §4). The core problem is that we have no direct access to animals' experiential states, so we must reason about their inner lives on the basis of behavioral, functional, neurobiological and evolutionary considerations. Unsurprisingly, the strongest case for suffering can be made for mammals, where the evolutionary and neurobiological parallels with humans are closest. However, we should not assume that only mammals can experience pain; some have argued that there is evidence for pain experience in all vertebrates (Varner 2003), and in many cases we may simply lack adequate empirical knowledge to be able to assess the issue. Especially hard cases include cephalopods such as squid, which are behaviorally very sophisticated but evolutionarily distant from us. My approach to this issue invokes a modest sort of precautionary principle: Because we are not in a position to be confident about whether birds, fish, and cephalopods can suffer, we are not in a position to know whether we act wrongly when we eat them. Indifference to the possibility that we act wrongly is a vice, and we should avoid eating these animals on that basis.

A second powerful way to find objections to a premise is to identify an important distinction that the argument for that premise ignores. For example, one could argue that Premise One of the model essay becomes less plausible once we make the distinction between *being in pain* and *suffering*. Some philosophers grant that many animals can be in pain. However, they suggest that suffering requires something in addition to being in pain that most non-human animals lack. For example, perhaps it requires a conscious belief: that *I am having this pain* (for discussion, see Akhtar 2011, 496–499). An objector might argue that it is suffering in this sense—and not merely being in pain—that is ethically significant. If this were true, then my argument would at very least be incomplete: I would need to discuss the nature of suffering more carefully, and then explore which animals can experience it.

The best reply to this objection begins by emphasizing that the important issue here is not how we should use the word *suffering* (in philosophy you should usually avoid fighting about how to use words). It is rather whether conscious belief (or something like it) is required for pain to be ethically significant. If we are clear on this point, another extreme case shows why this objection fails. The most intense pains tend to fully occupy us: one is unlikely to be thinking anything—let alone *this pain is happening to me*—when in utter agony. But surely it is wrong to inflict utter agony on someone, because of how awful it feels (compare Rachels 2011, 898). This shows that it can be wrong to inflict pain that does not count as suffering in the objector's stipulated sense. If this is true of agonizing pains, it should be true of less intense pains. And if it is true for our own case, it should be true for animals as well. I thus conclude that this objection fails.

A third way to object to an ethical premise is to identify and defend an independently plausible ethical principle that conflicts with it. You may have encountered such a principle in your previous study of ethics, or you might be able to develop one yourself. One example of this strategy is to argue against Premise One of the model argument by appealing to contractualism, which is one of the most influential contemporary approaches to ethics and political philosophy. The basic idea of contractualism is that moral (or political) principles are principles that reasonable persons would agree to as rules to govern their lives together. So understood, contractualism can seem to cast serious doubt on the ethical significance of animals. As Peter Carruthers notes, according to the contractualist, “Morality is viewed as constructed *by* human beings, in order to facilitate interactions *between* human beings . . .” (1992, 102, emphasis his). Because it is hard to see how a principle like Premise One would help to facilitate such interactions, contractualism may seem to give us good reasons to reject this premise.

I have two interlocking replies to this objection. First, the most plausible forms of contractualism do not have the implications that the objector claims. Exemplary here is T.M. Scanlon’s extremely influential contractualist ethical theory. Scanlon is careful to argue that his theory can be extended to protect

animals (1998, 177–84). Further, Scanlon is clear that we have strong reasons that are not based in the contractual principle, so his view is compatible with the idea that we might have such reasons not to harm animals. Other philosophers have been more ambitious, offering contractualist arguments on behalf of animals (Rowlands 2002, Ch. 3; Talbert 2006).

Of course, there are some contractualist theories that have the implications that Carruthers suggests. But these are controversial views among contractualists, and contractualism itself is only one of a number of controversial and competing general ethical theories. Because of this controversy, however, it is unlikely that we should be confident in the truth of these contractualist theories. Without such confidence, however, it is hard to see how these theories could give us good reasons to reject Premise One. Further, the case of animals is exactly one where these theories appear implausible. Because it is obviously wrong for me to torture puppies just for fun, it counts against a moral theory that implies otherwise. This sort of case is part of a deep and more general challenge. As Martha Nussbaum (2006) and others have argued, many of our most important moral concerns address the interests of distinctively vulnerable parties (such as children, the severely mentally handicapped, and animals), and not simply the interactions between equally capable adult humans. A contractualism that ignores these interests is indefensible. In light of these considerations, it will be very difficult to mount a compelling case against Premise One of my argument that appeals to contractualism.

In this section I have considered three kinds of objections to Premise One of my argument. An important part of my reply has been concessive, refining the premise that I want to defend: so refined, the thesis states that it is typically wrong to inflict pain on a range of animals, including at least all mammals. So refined, I have suggested that it is very difficult to reasonably reject this premise.

PREMISE TWO: KILLING ANIMALS

Premise Two of the model argument says:

2. If it is wrong to make animals suffer, then it is wrong to kill animals

This premise is *conditional*. In order to successfully object to a conditional, one would need to find a reasonable way to accept the *antecedent* (i.e. the first part) of the conditional, while rejecting the *consequent* (i.e. the second part). Here, this would mean granting that it is wrong to make animals suffer, and arguing that it is nonetheless okay to kill them. I will consider three strategies for objecting to this premise. These strategies all target my explanation of why we should accept this premise. This was the idea that the wrongness of killing is well-explained by the fact that killing deprives the victim of a valuable future. The first strategy appeals to a competing explanation, the second strategy objects that my explanation is incomplete, and the third objects that my explanation has a false presupposition.

Just as a promising objection can be based in a competing ethical principle, so we can base an objection in a competing ethical explanation. In arguing for Premise Two, I offered a general explanation of the wrongness of killing: that killing can be wrong because it deprives the victim of a valuable future. One seemingly competing explanation is that killing you would be wrong because it would violate your autonomy. *Violation* here includes two important and separable ideas. First, killing you would interfere with your exercise of your autonomy. You cannot live your life in the way you choose if you are dead. Second, killing you would be a way of failing to respect your autonomy: if I take myself to be licensed to kill you, I take myself to have the right to ride roughshod over your own view of how your life should go.

In certain cases, this explanation of the wrongness of killing may seem markedly superior to the “valuable future” explanation offered in the model essay. For example, suppose that Alice is near death and in pain, but wishes to continue living. If I inject her with a lethal dose of morphine, I wrongly kill her. (Notice that this is another instance of using an extreme case to make a point.) The best explanation here is that I have wrongly failed to respect her right to autonomously determine whether she continues to live. By contrast, it is not clear that I deprive her of a valuable future at all. Because most non-human animals are not autonomous agents (there may be borderline cases of

non-human agency, such as chimpanzees), this competing explanation suggests that Premise Two is false.

To see why this objection is not promising, notice that the autonomy-violation explanation also clearly fails in some cases. Because you are an autonomous agent, I should not force you to go to bed at a certain time, even if it is good for you to do so. By contrast, I act *rightly* when I paternalistically force my three-year-old son to go to bed at an appropriate time. This is because he is not an autonomous agent. It would obviously be very wrong to kill my son, but since he is not an autonomous agent, this cannot be explained in terms of autonomy violation.

You might think that this leaves us at an impasse: we have two candidate explanations of the wrongness of killing (valuable future-deprivation and autonomy-violation) and counter-examples to each. Does this show that both must be bad explanations? No. A better diagnosis is that each of these accounts provides a *typically sufficient but not necessary* explanation of the wrongness of killing. That is: killing can be wrong *either* because it violates autonomy, *or* because it deprives the victim of a valuable future (or both). On this account, one of the reasons why it is uncontroversial that it is wrong to kill an adult human in a range of ordinary circumstances is that there are several different things wrong with such killing. Because Premise Two of the model argument requires only that the valuable future-deprivation explanation is typically sufficient, this reply vindicates that premise.

Another important way to object to an ethical principle or explanation is to argue that it is *incomplete*. Whenever someone offers a principle or explanation, it is always a good idea to ask: is that *all* that is doing the important explanatory work here? Or have I only been given a part of the best ethical principle that applies to this sort of case? For example, one might think that a future’s merely *being valuable* is not sufficient to explain why we must not eliminate it. Suppose that my wife and I were debating whether to have another child. If we did, that child would almost certainly have a valuable future. But it seems clear that I do no wrong simply by preventing that future: my having had a vasectomy does not make me akin to a murderer. Michael Tooley (1972) proposes an explanation of this

fact: in order for it to be wrong to deprive an entity of a valuable future, that entity needs to have the capacity to care about its own continued existence. Because the child I do not conceive does not currently exist, it cannot care about its future existence, and hence I do not wrong it by preventing its future, on Tooley's view. One might appeal to Tooley's view to argue that it is not wrong to kill most animals because they are not cognitively sophisticated enough to care about their continued existence.

It is not obvious whether some animals can care about their futures in the relevant way. However, I set this aside, and instead focus on arguing against Toolley's explanatory claim (notice that I do so by appealing to extreme cases reasoning). Suppose that artificial intelligence research advances to the point that we are capable of creating intelligent and autonomous androids, capable of almost everything humans are: sophisticated reasoning, love, physical and emotional pain, etc. Suppose this type of android is programmed to be simply incapable of caring about its own continued existence, although it can and typically does care deeply about particular others. In light of this programming, such androids would be predictably prone to certain tragic behavior: they would sometimes lay down their lives to save others from inconsequential harms. It would be obviously wrong to kill such an android—even with its consent—to save yourself from a splinter. The android's inability to care about its future is a rational imperfection, but not one that licenses killing it.

We can square our judgments about the nonexistent child and the android if we suggest that the android is (imagined to be) an ethically significant being that now exists, while the non-existent child is a merely possible entity. We can then amend our ethical explanation as follows: it is wrong to deprive existing creatures of valuable futures, but it is not wrong to prevent non-existing entities from coming into existence. This explanation implies that it is wrong to kill existing animals, and so supports Premise Two.

A third way to object to an explanation is to argue that it has a false presupposition. That is: it works only by implicitly assuming some false claim. One crucial presupposition of my explanation of the wrongness

of killing animals is that if I refrain from killing a cow today, there is a single moral patient—the cow—that will enjoy various pleasant cow experiences in the future. The objector suggests that we have reason to doubt this, if we think carefully about the conditions for the continued existence of a given moral patient.

The objection can be initially motivated by another extreme case: suppose that a mad scientist was able to map the neural structure of our brains, and then *swap* those structures: your brain is “wiped” and then rebuilt in accordance with the map of my brain, so that your body is now the home of beliefs, desires, and “memories” near identical to mine (pre-operation), and vice-versa. Suppose that the mad scientist performs this swap shortly after I injected my own heart with a slow-acting but lethal poison. Arguably, thanks to the mad scientist's intervention, I will have survived, and succeeded in killing you, rather than myself.

Some philosophers use cases like these to argue that *psychological continuity* is required for personal identity or ethically significant survival. In the case above, the idea is that I survive the operation because the surviving body houses a psychology that is continuous with my pre-operation psychology. This sort of case matters to my argument for the following reason. Suppose that the psychological connections across the life of a cow are not very rich. Then, in killing the cow now, I may be depriving *it* of only an inconsequential amount of valuable future. I will also be preventing a series of future “cows” from coming into existence and enjoying life. But as we saw from the nonexistent child case, it appears not to be wrong to refrain from bringing into existence beings with valuable futures.

This leads us to the central issue: do animals have rich enough psychological connections to underwrite the intuitive thought that a given cow (e.g.) is the same moral patient over time? I am cautiously optimistic that they do, in at least many cases. For example, many animals appear capable of various forms of memory (Allen and Trestman 2014, §7.4). However, as with questions about animal pain and suffering, answers here are likely to vary substantially across species in ways that require careful empirical work to tease out.



It is worth making two further points. First, theories of personal identity—and related claims about the persistence of a given moral patient—are extremely difficult to assess. The view that psychological continuity is the criterion of ethically significant survival is controversial. And on many competing views—on which organism continuity, or brain continuity can underwrite ethically significant survival, for example—the objection will fail immediately. Second, the precautionary approach to practical ethics that I advocated in the preceding section is again relevant here. This objection certainly reveals deep complexities ignored by the argument of the model essay. However, we should only be content to reject that argument if these complexities lead us to be confident that it is not wrong to kill animals.

In this section I have argued that the appeal to autonomy-violation complements—rather than competes with—the valuable future-deprivation account of the wrongness of killing. I also argued that it can be wrong to kill a being that is incapable of caring about its own continued existence. In discussing this issue, I amended the ethical principle I endorse to claim that it is wrong to deprive an *existing* moral patient of the valuable future that it would otherwise have. And I argued that many animals are probably the same moral patient across time (although I granted that the issues here are quite complex).

PREMISE THREE: USING ANIMAL PRODUCTS

Premise Three of the model argument is the claim that:

3. If it is wrong to kill animals, then it is wrong to eat meat

I argued for this claim by defending another ethical principle: that it is wrong to be complicit in wrongdoing: to benefit from that wrongdoing, and to support it. Here we can ask two questions: should we accept this principle, and does it really support Premise Three? In this section I begin by considering an objection to the idea that this principle supports Premise Three, before considering whether this principle is objectionably incomplete.

It is always wise to consider whether an ethical principle really supports the conclusion it is intended to. Consider a case that illustrates this sort of objection

to Premise Three. Suppose Alice is driving carefully on a country road, when a deer jumps in front of her truck without warning. The deer is killed instantly, and Alice moves its carcass to the side of the road and leaves. Zoe, who lives nearby, sees all of this. Zoe knows how to dress a deer carcass and has a taste for venison. She takes the carcass home, dresses it, cooks some, and eats it (compare Bruckner 2016 for further discussion of cases like this one). In this scenario, Zoe knowingly prepared and ate meat. But in doing so, Zoe is not complicit in any wrongdoing: Alice's killing of the deer was neither malicious nor negligent, so it is hard to see how it could be wrong. This is a case where eating meat is not complicit in wrongful killing, so it is a case where Premise Three fails to hold, even if the principle I offer is true.

I am happy to grant the objector this case. Recall that my conclusion is that eating meat is *typically* wrong. This case helpfully brings out another atypical exception. The objection lacks more general force exactly because in the overwhelming majority of cases, the meat that we eat *is* wrongfully produced (at least if the arguments for Premises One and Two are sound).

We saw in the previous section that a good strategy for finding objections to an explanation is to challenge its completeness. The same is true for ethical principles like my complicity principle. We can challenge the completeness of my principle by arguing that complicity with the wrongful treatment of animals could only be wrong if it tended to make a difference to how much wrongful treatment there was (see Appiah 1986–7 for a version of this view about complicity). I will call this the *efficacy objection*. This objection has significant force: one might wonder what the point of avoiding complicity is, if it makes no difference to how much animal suffering occurs.

Because I take this to be the single most important challenge to the argument of the model paper, I will offer three potentially complementary replies. (Please note that I offer multiple replies to help illustrate the issues here. In general you should focus on developing the single strongest reply to an objection as clearly as you can, rather than offering multiple replies.)

The first reply accepts the objection, and claims that it is wrong to eat meat because doing so *does* tend to make a difference to the amount of mistreatment of

animals. This might seem absurd: by the time I buy a chicken at the store (for example) it is already dead. And the idea that every chicken bought will cause another one to be raised, made to suffer, and then killed, is plainly false. Peter Singer (1980, 335–6, and following him, Norcross 2004, Kagan 2011, and Rachels 2011) has replied to this challenge in the following way: There must be some change in demand for chicken that the market would notice. For example, Singer imagines that for every 10,000 vegetarians, there would be one fewer 20,000-bird broiler factory, harming and killing 100,000 chickens a year. He imagines further that if we were just below the threshold—if, for example, 1,009,999 people were vegetarians—the last 9,999 vegetarians would save no chickens, because demand for chicken would be just above the threshold that triggers a change in supply. Given these assumptions, and given that we do not know exactly how many other vegetarians there are, someone becoming vegetarian has only a 1/10,000 chance of making any difference to the number of chickens made to suffer and die.

That sounds depressing. But Singer argues that we should pay attention to the other numbers: if one is that 1/10,000, one will save 100,000 chickens a year. In light of this, the *expected* effect of becoming vegetarian is the effect you would have if you make a difference divided by your chance of making that difference; in the example, saving $100,000/10,000 = 10$ chickens a year from short but awful lives. Of course, these precise numbers are merely illustrative; Singer grants that we do not know where exactly the thresholds are. But he suggests that the structure of probable effects will be similar on any reasonable hypothesis about these thresholds. So, according to Singer, while any reduction or increase in one's meat consumption has a tiny chance of making a difference to the amount of wrongful animal suffering and death, the difference you will make if you do make a difference will be correspondingly huge. And this, it might be claimed, is what makes it wrong to eat meat. If Singer's reasoning is sound, it answers the efficacy objection: complicity is wrong in part because it has an ethically significant chance of making an ethically significant difference. While Singer's reply is promising, his argument is somewhat complex, and relies on some controversial

assumptions (see Budolfson *forthcoming* for an important reply). In light of this, I will explore alternative ways of replying to the efficacy objection.

Singer's argument illustrates two important ideas worth keeping in mind in your ethical reasoning. First, sometimes the *expected* effects of your actions are ethically significant, and not just their actual effects. (In this case, the alleged expected effect of being a vegetarian is sparing ten chickens a year from short and awful lives, even if for most vegetarians, there is no actual effect on chicken well-being.) Second, in thinking about the effects of an action, it is sometimes important to step back from focusing on the particular act, and think about how that act fits into overall patterns.

A second response to the efficacy objection appeals to these patterns in another way, by focusing on the ethical significance of what groups of people do together. One advantage of this approach is that it is uncontroversial that meat-eaters as a group *do* make a difference to the amount of animal suffering: if there were no omnivores there would be no factory farms.

I will introduce the key idea with another example. Suppose that there are two small cities, Upstream and Downstream, along the same river. The river is the only available source of water for the households in each city draws its water from the river as the river comes into the city, and dumps its sewage in the river as it flows out of the city. The sewage dumped in the river in Upstream flows down the river and pollutes the drinking water drawn from the river in Downstream. As a result, the people in Downstream are constantly getting seriously ill and dying. Suppose that each household in Upstream could, at small cost, bury their sewage instead of dumping it in the river. If everyone in Upstream did this, it would end the health catastrophe in Downstream. However, given the number of other households that are actually polluting, a single person in Upstream burying his sewage would not save anyone in Downstream from illness or death.

It seems plausible that the sewage-dumpers in Upstream *together* wrongfully cause massive amounts of suffering and death in Downstream. Anyone in Upstream who dumps her sewage in the river is thus part of a group that acts wrongly. It is easy to cease to be part of that group, however: one need only bury



one's sewage. It seems plausible that one should bury one's sewage in this situation, rather than dump it into the river. We could explain this by appealing to the following ethical principle: if one can avoid being part of a group that together does serious wrong, then one acts wrongly by continuing to be a member of that group. This principle applies neatly to eating meat. Together, the meat-eaters make a tremendous difference: without their demand for meat, no one would cause animals to suffer and die in order to produce it. So the meat-eaters together make vast amounts of wrongful pain and death happen to animals. So, by the ethical principle just proposed, one acts wrongly by continuing to be a member of that group.

This reply answers the efficacy objection by appealing to group efficacy. However, the issue of when exactly it is wrong to remain a part of an ethically objectionable group is very complicated. (Sometimes, for example, it is only by being part of such a group that one can mitigate the bad things the group does.) So I will explore another alternative response to the efficacy objection, which is the one I find most promising.

This response directly rejects the efficacy objection, and defends the claim that complicity with wrongdoing can be a sufficient explanation for wrongdoing, even if it has no expected bad effects. I will defend this response in three ways: by appealing to a plausibly analogous ethical principle, by clarifying the anti-complicity principle, and by appealing to a variant on an earlier case that helps to distinctively motivate it.

The first thing to notice is that there are other plausible ethical principles that require us to act even when our doing so will not make a difference. For example, the duty of *fair play* requires that one not benefit from successful cooperative institutions without making a fair contribution to them; i.e., that one not *freeride* (see e.g. Klosko 2004). Consider, as an example, sneaking onto a public bus without paying the fare.

Second, it may be useful to more precisely state the principle that I endorse (see McPherson 2016-*b* for more detailed discussion):

Anti-Complicity It is typically wrong to aim to benefit by cooperating with the wrongful elements of others' plans

When introducing a principle, it is often useful to briefly explain each of the elements of that principle. I now do this for Anti-Complicity. My talk of "plans" here should not be taken to apply only to patterns of explicit reasoning; rather it should include the pattern of goals that explain an individual's or institution's behavior. If my unconscious desire to humiliate my rival explains all of my behavior, humiliating my rival counts as my plan, even if I would never consciously admit this is what I am up to. My talk of "benefit" should similarly be read in an expansive way: smoking does more harm than good, but if one seeks the enjoyment of a cigarette, one is aiming at benefit in the sense I am interested in. We should understand "cooperating" in the following way: our plans often call for others to act in certain ways. For example, if I make widgets for sale, my plan includes others' buying those widgets. Of course, it is not crucial that any particular person buys my widgets. So anyone who buys a widget counts as cooperating with my plan. Finally plans can be disjunctive: someone can plan to read the newspaper, buy some tools at the store, and then use the tools to torture a puppy. The clearly wrongful part here is the puppy torturing. Buying the tools is instrumental to the wrongful behavior, and is arguably wrongful for that reason, and reading the newspaper is not a wrongful part of the plan. It is most clear that we should not cooperate with the wrongful part of the plan.

Anti-Complicity is plausible in part because it can explain the wrongness of certain acts that cannot be explained by either the group or individual efficacy explanations. Return to the example in the model essay: the restaurant that kidnaps and enslaves chefs to make its food. Suppose the restaurant is *demand-insensitive*: it's partly a money-laundering operation, and so it will remain in business even if no one ever patronizes it. This means that neither an individual, nor the whole group of patrons, have any chance of reducing the amount of slavery in the restaurant by refusing to patronize it. Still, it seems wrong to go to the restaurant and enjoy the fruits of the slave chefs' unwilling labors. Anti-Complicity can explain why, while principles that demand that the individual or group make a difference cannot.

If the arguments earlier in the paper are correct, the meat industry has a wrongful plan: to produce meat in a way that involves egregious amounts of pain and early death, and then to sell that meat. They do not, of course, typically sell it directly to consumers. But consumers buying meat is clearly part of their plan: for if consumers do not buy, then wholesalers will not either, and the meat industry's plan would not be economically viable. (This is why meat-industry groups sometimes advertise directly to consumers: to increase consumer-level demand for their goods.) So, in buying meat, one is cooperating with their wrongful plan. And Anti-Complicity suggests that doing so is typically wrong.

Of the three explanations that I have discussed here (individual efficacy, group efficacy, and Anti-Complicity), I prefer the last. However, it is worth emphasizing that, as with explanation of the wrongness of killing, it is not clear that these explanations compete. Rather, if each is sound, they could be complementary explanations of the wrongness of eating meat. This means that the objector has her work cut out for her. For each of the three explanations that I have discussed, she must either debunk the relevant explanatory principle, or argue that the principle does not entail that it is wrong to eat meat. For example, one might insist that individual efficacy is required for wrongdoing in these cases, and then argue against the Singer-style reasoning. I take this to be the most promising way to reject the argument, but to nonetheless be a very difficult task.

THE IMPLICATIONS OF THE ARGUMENT: VEGANISM

In the previous three sections, I have considered several objections to each of the three premises of the model argument, and refined that argument in light of those objections. I now want to consider the broader implications of the argument, as refined. I will begin by considering two objections to the argument that target gaps between the premises and my overall thesis: ethical veganism.

An obvious but important objection at this stage notes that my aim in this paper is to argue for ethical

veganism: the view that it is (at least typically) wrong to eat or otherwise use animal products. However, the model argument concludes only that it is wrong to eat *meat*. The model argument itself thus fails to establish ethical veganism. I grant this objection. However, the argument I have developed in this paper naturally extends to support ethical veganism.

The first point to notice is that it is possible to imagine farming with animals in a way that does not involve shortening their lives or making them suffer. My argument does not suggest any objection to using animal products made on such farms. However, when we turn from possible to actual animal farming, we find that my case against killing animals and making them suffer applies to almost all of the institutions that produce animal products (with the exceptions of some shellfish farms). The reasons lie in the interaction between biology and economics. Consider a single example: even the most humane dairy farm will typically produce as many male calves as female, and almost all of the males will be killed early, so as not to be an economic burden. That means that the central plan of almost any economically viable dairy farming operation involves raising cows to be killed (or to be sold to another operation, knowing the latter operation will kill them), a practice that I have argued above is typically wrong. And this in turn means that the overall argument I have proposed applies here: the core plan of economically viable dairy farms involves systematic wrongdoing, and I have argued that it is wrong to be complicit with such wrongdoing. But one would be complicit with such wrongdoing if one were to buy and consume the milk (e.g.) produced on such farms, and hence buying and consuming such milk would be wrong. This example generalizes to the institutions that produce almost all of our animal products: eggs, cheese, leather, etc. And for this reason I think that my argument supports ethical veganism as opposed to a requirement to be a vegetarian who merely refrains from eating meat.

A second worry about my overall argument is that the initial simple statement of the argument in premise and conclusion from in the model essay is misleading. In the preceding sections, I have emphasized various ways that this argument should be refined, but

there is a general worry that should be explored. The conclusion of the model argument emphasized that it is only *typically* wrong to eat meat. And as I explained in my initial discussion of Premise One, this qualifier should be read back into the premises. So the argument should look like this:

1. It is typically wrong to make animals suffer
2. If it is typically wrong to make animals suffer, then it is typically wrong to kill animals
3. If it is typically wrong to kill animals, then it is typically wrong to eat meat
- C. It is typically wrong to eat meat.

The first thing to do is to verify that this statement of the argument, like the statement in the model essay, is valid. It is: the addition of the word “typically” does not alter the logical form of the argument, which is: *P, if P then Q, if Q then R, so R*, which is a slightly more complex variant of the classic *modus ponens* argument form. However, there are two connected worries about the argument as given. First, the reference to typicality points us at a range of ordinary cases, but every sort of exception that we have identified for each premise is an exception that must hold for the argument as a whole. The discussion has identified a raft of “atypical” exception cases: cases of making animals suffer to avoid ethically awful alternatives, cases of eating oysters and other animals incapable of experiencing pain, and cases of eating meat (like some roadkill) that was not wrongfully produced.

These cases do not exhaust the set of potential exceptions that the argument permits. And one might worry that as a result, the argument might be far too weak to support anything resembling veganism. To begin to see the force of this worry, notice that I have granted that human suffering and death may tend to be substantially more ethically significant than the suffering and death of non-human animals. This is because, as we saw above, killing you or making you suffer would be wrong for multiple reasons: some have to do with the awfulness of suffering, and the deprivation of your future, and others have to do with the ethical significance of your autonomy.

In light of this, my argument at least suggests that the most central and pressing human interests should typically take priority over the welfare of non-human animals. For example, my conclusion is compatible with the idea that we should typically harm or kill a non-human animal if doing so is needed to prevent suffering or death to a human being. This is practically relevant: in various times and places, animal products have been an essential element of the only feasible nutritionally adequate human diets. For example, in many parts of the world, owning a cow—or even a handful of chickens—can offer crucial protection against certain forms of malnutrition. I take it to be a virtue of my argument that it is compatible with cases like these counting as legitimate exceptions to the vegan principle.

At this point, however, one may wonder whether the case for veganism has any practical bite at all. After all, becoming a vegan involves a non-trivial sacrifice of real goods. Consider three sorts of examples. First, there is a sea of delicious animal-involving food, so as a vegan one sacrifices access to a range of interesting aesthetic goods. Second, food is deeply meaningful to many people, and animal products are centrally involved in many important cultural traditions and occasions. To be a vegan is thus to complicate one’s relationship to those traditions and meanings. Finally, because shared values are central to many personal and professional relationships, veganism could be an impediment to such relationships, especially in cultural contexts where veganism is seen as threatening.

If the fact that veganism required one to sacrifice goods like these typically rendered omnivorism permissible, then veganism would not typically be ethically required, as I claim. Instead, it would be an admirable but non-obligatory ideal. However, I do not think that the sorts of sacrifices just mentioned suffice to make omnivorism permissible. The core issue here is how weighty the considerations in favor of veganism that I have developed in this paper are. The issue is complex, but I think that a reasonable heuristic can be derived from the initial example in the model paper: *some circumstances* would warrant torturing the stray puppy imagined in that example. But those circumstances would be comparatively dire. I contend

that only similarly dire circumstances would warrant ordering the sirloin steak for dinner. And the sacrifices typically involved in becoming vegan, while significant, fall well below this threshold.

Challenging this heuristic would be yet another natural way to object to the argument of this paper. However, I think the heuristic is basically sound. And if it is, the argument of the paper suggests that we ought to eschew almost all animal products in almost all ordinary circumstances. We ought, in other words, to be vegan.

PEDAGOGICAL CODA

I conclude this paper by returning to my pedagogical aims: to aid you in thinking about how to make (and critically examine) philosophical arguments in ethics. In order to do so, I will review the basic elements of philosophical argument that I have sought to explain and illustrate in this paper.

The argument of the model essay began with a vivid *example*: the claim that it would be wrong to torture a puppy in a specific scenario. This case supported a *general principle*: that it is wrong to make animals suffer. The case supported the principle in part because the case seems *representative* of the principle. It does not seem that there is some unique feature of puppies that explains why it is wrong to torture them, for example. This principle was also supported by an underlying *ethical explanation*: it is wrong to cause animals to suffer, *because of how awful it is to experience suffering*. Although general principles themselves appear explanatorily illuminating, explanations and general principles can be different. One way to see this is to notice that there can be multiple good explanations of a single ethical principle, as in the case of the future-deprivation and autonomy-violation explanations of the wrongness of killing. In making arguments, cases, general principles, and explanations are likely to be the most important elements to develop. These elements should fit together in a rationally compelling way, and one good way to do that is to put these elements together into a valid argument, as I again did in the model essay.

In critically examining an argument, you might in principle target the structure of the argument itself: for

example, showing that the argument contains some fallacious reasoning. Or you might challenge the ethical claims the argument makes about specific cases: for example, you could try to argue that there is nothing wrong with torturing puppies. (But I dearly hope you don't do that!) It is far more common for it to be useful to challenge the general principles and explanations offered in an argument. I have discussed several important ways of executing these challenges. First, it can be useful to look to extreme cases, to see if principles are really generally applicable. For example, the model argument appeals to suffering to explain why it is wrong to eat meat. But some animals (such as oysters) cannot suffer. So the model argument cannot explain why it is wrong to eat them. Second, it can be useful to see if an argument only works because it obscures an ethically important distinction. I discussed this issue using the example of the contrast between being in pain and suffering. Third, it is always a good idea to ask if there is a superior competitor to the general principle or ethical explanation offered in an argument. Examples of this strategy discussed above were the objection from contractualism, and the objection that autonomy violation is the best explanation of why killing is typically wrong. Fourth, a very natural objection to an explanation or principle is that it is *incomplete*. For example, I considered the idea that it is only wrong to deprive a creature of its valuable future *if* that creature is capable of caring about that future. And I discussed the idea that complicity with wrongdoing is only morally objectionable if such complicity can make a difference to the extent of the underlying wrongdoing. Fifth, another important type of objection to some explanations is that those explanations rest on false presuppositions. For example, I considered the possibility that most animals do not have valuable futures in the ethically relevant sense, because most animals lack rich enough psychological connections to remain the same moral patient from one day to the next. Finally, another important way to challenge an argument is to show that there is a gap between an explanation offered in support of an ethical principle, and the principle itself. For example, the case of eating blamelessly produced roadkill suggests that there is a gap between its being wrong to kill animals, and its

being wrong to eat meat, because some meat does not come from animals that were wrongfully killed.

I take these to be some of the most important tools for critically analyzing philosophical arguments. However, there are many more to be discovered. One very good habit to get into when reading philosophical papers is to ask: what kind of argument is this? How is this author objecting to that argument? If you do that consistently, you will soon have a very rich repertoire of tools for evaluating others' arguments, and making your own. One final note about how to use these tools. Probably the most important place to use the tools I have discussed in this paper is in revising your own paper. Once you have a draft of your paper in hand, you should be merciless in carefully reading through it, asking: how compelling is this argument? How could someone reasonably object to it? Are their objections sound? In my view, it is most important to use these tools to examine arguments for the conclusions that you most care about. Only by doing so can you determine whether these conclusions are reasonable, or whether you are guilty of wishful thinking, only accepting them *because* you care about them.³

NOTES

1. This paragraph simplifies in several ways. First, in some arguments the premises (even if true) simply fail to support the conclusion, even given a charitable interpretation. Clearly demonstrating that fact can be a powerful way of objecting to such an argument. Second, some philosophers have argued that it can be legitimate to object to certain arguments as a whole, without criticizing either specific premises or the logical structure of the argument. For discussion relevant to our topic, see McPherson 2014 and 2016-a.

2. There might, however, be other arguments that count against eating animals that cannot suffer: for example, one could offer environmental objections to how some such animals are raised or harvested, or appeal to the idea that simply being a fellow animal is morally significant.

3. One final bit of guidance: you should always recognize help you have received in writing a paper! I am indebted to many people for helpful comments and discussion of ideas related to this paper. These include Mark Budolfson, David Plunkett, Tyler Doggett, Andrew Chignell, Sean Walsh, Derek Baker, Tom Dougherty, Gideon Rosen, and Katie Bat-

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WORKS CITED

- Akhtar, Sahar. "Animal Pain and Welfare: Can Pain Sometimes Be Worse for Them Than for Us?" *Oxford Handbook of Animal Ethics*. Eds. Tom Beauchamp and R.G. Frey. Oxford University Press, 2011. 495–518.
- Allen, Colin, and Michael Trestman. "Animal Consciousness." *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition). Ed. Edward N. Zalta. <<http://plato.stanford.edu/archives/sum2014/entries/consciousness-animal/>>.
- Appiah, Kwame Anthony. "Racism and Moral Pollution." *Philosophical Forum* 18.2–3 (1986). 185–202.
- Bruckner, Donald W. "Strict Vegetarianism is Immoral" in *The Moral Complexities of Eating Meat*, Eds. Robert Fischer and Ben Bramble. Oxford University Press: 2016. 30–47.
- Budolfson, Mark. "The Inefficacy Objection and the Problem with the Expected Consequences Response", *Philosophical Studies*, forthcoming.
- Carruthers, Peter. *The Animals Issue*. Cambridge: Cambridge University Press, 1992.
- Cohen, Carl. "The Case for the Use of Animals in Biomedical Research." *The New England Journal of Medicine* 315, 1986. 865–869.
- Descartes, Rene. *The Philosophical Writings of Descartes Vol. III*. Ed. and Tr. John Cottingham, Robert Stoothoff, Dugald Murdoch, and Anthony Kenny. Cambridge, Cambridge University Press, 1991.
- Hájek, Alan. "Heuristics for Philosophical Creativity." forthcoming in *The Philosophy of Creativity*. Eds. Elliot Samuel Paul and Scott Barry Kaufman. Oxford: Oxford University Press. *Cited as forthcoming-a*.
- . "Philosophical Heuristics and Philosophical Methodology." forthcoming in *The Oxford Handbook of Philosophical Methodology*. Eds. Herman Cappelen, Tamar Gendler, and John Hawthorne. Oxford: Oxford University Press. *Cited as forthcoming-b*.



- Kagan, Shelly. "Do I Make a Difference?" *Philosophy and Public Affairs* 39.2 (2011). 105–141.
- Klosko, George. *The Principle of Fairness and Political Obligation* (New Edition). Rowman and Littlefield, 2004.
- McPherson, Tristram. "A Case for Ethical Veganism." *Journal of Moral Philosophy* 11(6), 2014. 677–703.
- . "A Moorean Defense of the Omnivore?" in *The Moral Complexities of Eating Meat*, Eds. Robert Fischer and Ben Bramble. Oxford University Press: 2016. 118–134. Cited as 2016-a.
- . "Why I am a Vegan (and You Should be One Too)." in *Philosophy Comes to Dinner*, Eds. Andrew Chignell, Terence Cuneo, and Matthew Halterman. Routledge: 2016. 73–91. Cited as 2016-b.
- Marquis, Don. "Why Abortion is Immoral." *Journal of Philosophy* 86.4, April 1989. 183–202.
- Mason, Jim and Peter Singer. *Animal Factories* Revised and Updated Edition. Harmony: 1990.
- Norcross, Alasdair. "Puppies, Pigs, and People: Eating Meat and Marginal Cases." *Philosophical Perspectives* 18 (Ethics), 2004. 229–245.
- Nussbaum, Martha. *Frontiers of Justice*. Harvard: Belknap, 2006.
- Rachels, Stuart. "Vegetarianism." *Oxford Handbook of Animal Ethics*. Eds. Tom Beauchamp and R. G. Frey. Oxford: Oxford University Press, 2011. 877–905.
- Rowlands, Mark. *Animals Like Us*. Verso: 2002.
- Scanlon, T. M. *What We Owe to Each Other*. Cambridge, MA: Belknap: 1998.
- Singer, Peter. *Animal Liberation*. New York: Avon, 1977.
- . "Utilitarianism and Vegetarianism." *Philosophy and Public Affairs*. 9.4 (Summer 1980), 325–337.
- Talbert, Matthew. "Contractualism and Our Duties to Nonhuman Animals." *Environmental Ethics* 28 (Summer 2006). 202–215.
- Tooley, Michael. "Abortion and Infanticide." *Philosophy and Public Affairs* 2.1 (August 1972). 37–65.
- Varner, Gary. *In Nature's Interests*. Oxford: Oxford University Press, 1998.