

Arguments for Consuming Animal Products

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1. Introduction

If you ask the “man on the street” to justify his meat consumption, he’ll probably say that it’s necessary for health reasons. And if doesn’t say that, he’ll probably say either that it’s natural, nice, or normal. At least, that’s what you’d expect based on a recent study, which found that 91% of respondents offered one of these answers.¹

Of course, they aren’t particularly *good* answers. Rather than meat being necessary, it seems that the opposite is true: for most people, there are health benefits associated with well-planned vegetarian and vegan diets.² Meat-eating is, of course, about as natural anything else that humans do, but so are many other behaviors that we’d be loath to defend. Likewise for what’s normal. Finally, the “niceness” in question is gustatory, which we may as well acknowledge. But that’s hardly much of a defense: not paying your tab is also very pleasant, but that doesn’t settle whether you may.

¹ Jared Piazza et al., “Rationalizing Meat Consumption: The 4Ns,” *Appetite* 91 (2015): 114-128.

² For an overview of the evidence, see Kate Marsh, Carol Zeuschner, and Angela Saunders, “Health Implications of a Vegetarian Diet A Review,” *American Journal of Lifestyle Medicine* 6, no. 3 (2012): 250-267. Of course, this isn’t to suggest that limited meat consumption has no health benefits; on this, see Vaclav Smil, *Should We Eat Meat? Evolution and Consequences of Modern Carnivory* (Malden, MA: Blackwell, 2013).

We could, of course, be more charitable to the man on the street. However, given all we know—or ought to know—about the ugliness of animal agriculture, it isn't clear that charity is due.³ These are pat answers, and if we're going to defend eating animals, we need better.

So what can be said in favor of consuming animal products? (This includes meat, of course, as well as all the products derived from animals: eggs, milk, gelatin, etc.) In what follows, I survey the options. You can sort these arguments in a few ways. First, some purport to show that we *ought* to consume (at least some) animal products, though most want the weaker claim that we may. Second, you can divide up the argument based on the practices that they aim to justify. I'm aware of only one argument that defends the status quo in animal agriculture—namely, Peter Carruthers's defense of factory farming⁴—but there are many other ways to secure meat, dairy, and eggs. Most philosophers focus on small-scale, “animal-friendly” agriculture, the face of which is often Joel Salatin's Polyface Farms, made famous by Michael Pollan.⁵ But there are, in addition, defenses of eating insects, oysters, roadkill, and wild animals, as well as many offhand remarks about the permissibility of consuming food that would otherwise go to waste.⁶ Third, you can categorize arguments based on whether the empirical assumptions they employ—e.g., whether animals have certain morally interesting capacities, or whether “animal-friendly” agriculture is environmentally

³ On industrial animal agriculture, see Dan Imhoff, *The CAFO Reader: The Tragedy of Industrial Animal Factories* (Healdsburg, CA: Watershed Media, 2010). On small-scale and backyard operations, see James McWilliams, *The Modern Savage* (New York: Thomas Dunne Books, 2015).

⁴ Peter Carruthers, *The Animals Issue: Moral Theory in Practice* (New York: Cambridge University Press, 2002).

⁵ Michael Pollan, *The Omnivore's Dilemma: A Natural History of Four Meals* (New York: The Penguin Press, 2006).

⁶ C. D. Meyers, “Why It Is Morally Good to Eat (Certain Kinds of) Meat: The Case for Entomophagy” *Southwest Philosophy Review* 29 (2013): 119-126. Christopher Cox, “Consider the Oyster,” *Slate*, April 7, 2010, accessed July 8, 2015, http://www.slate.com/articles/life/food/2010/04/consider_the_oyster.html. Donald Bruckner, “Strict Vegetarianism Is Immoral,” in *The Moral Complexities of Eating Meat*, ed. Ben Bramble and Bob Fischer (New York: Oxford University Press, 2015), 30-47. Roger Scruton, *Animal Rights and Wrongs* (London: Continuum, 2006).

sustainable (by some standard or other). Finally, you can divvy up arguments based on their moral form: consequentialist, rights-based, contractarian, biocentric, etc.

There are practical advantages and disadvantages to each of these taxonomies. Here, I divvy things up using the last strategy—moral form—since that’s probably the most intuitive for the likely readership of this volume. Still, we shouldn’t forget these other taxonomies. They’re particularly useful for thinking through the challenges facing a broad case for consuming animal products—i.e., one that might earn respect from those in a variety of moral camps. I’ll conclude by trying to make just such a case.

2. Arguments for Consuming Animal Products

Utilitarians and rights-theorists have been the most vocal animal advocates. It might be surprising, then, to learn that most defenses of eating animals have drawn on utilitarian or rights-based considerations. But it shouldn’t be: a good way to criticize pro-vegetarian or pro-vegan arguments is to show that they lead elsewhere, as some philosophers have contended. After devoting sections to these two frameworks, I’ll discuss alternative approaches.

2.1. Utilitarian Arguments

There seems to be a strong utilitarian argument against eating animals. We get pleasure from eating them, but not nearly as much as they suffer in the process. They live in miserable conditions, die more slowly and painfully than we might like to think, and outnumber us roughly 33 to 1. (In the US, roughly ten billion land animals die each year to feed roughly three hundred million people.) Moreover, the environmental costs of animal agriculture are staggering, which affect both humans

and animals in all sorts of ways.⁷ So if this is a numbers game, it looks like you should be eating veggies instead.⁸

An initial problem is that this argument focuses on animal *agriculture*, and so seems not to apply to wild animals. Indeed, some hunters—such as Roger Scruton—think that utilitarianism actually favors their practices.⁹ And even if they’re wrong, that may only be because of the particular animals they hunt. Joel MacClellan points out that it’s an empirical question as to whether there is an animal such that utility is maximized by killing and eating it. But, he suggests, “[i]t is intuitively plausible [...] that a whale fits [this profile]. Indeed, it would be rather surprising if the pleasure resulting from eating whale meat did *not* yield higher overall utility than the suffering inflicted on the whale.”¹⁰

But as most people depend on farmed animals for their animal products, let’s set these concerns aside. Still, there are problems. The first involves jumping from claims about the ills of complex institutions to a claim about an individual consumer’s obligation. That is, it may well be true that it’s wrong to raise and slaughter animals in ways that involve massive amounts of suffering, but it doesn’t immediately follow that it’s wrong for a middleman to purchase the products derived from those processes, nor that it’s wrong for a consumer to purchase a can of

⁷ For details, see Lisa Kemmerer, *Eating Earth: Environmental Ethics and Dietary Choice* (New York: Oxford University Press, 2014). The worst environmental consequences are due to factory farming, and the impacts of industrial operations aren’t controversial. However, the debate about small-scale operations is very much alive. Kemmerer is critical based on concerns about methane production as well as land and water use. However, there are those who maintain that there are environmental benefits to raising animals, such as reversing desertification. For an overview, see Judith Schwartz, *Cows Save the Planet: And Other Improbable Ways of Restoring Soil to Heal the Earth* (White River Junction, VT: Chelsea Green Publishing, 2013).

⁸ I’m assuming that plants aren’t sentient. Michael Marder rejects this, arguing that research on plants suggests the opposite; see his *Plant-Thinking: A Philosophy of Vegetal Life* (New York: Columbia University Press, 2013). On this basis, he claims that we should rethink the ethics of eating generally as the process of developing respectful eating practices. Here’s hoping he’s wrong.

⁹ Scruton, *Animal Rights and Wrongs*.

¹⁰ Joel MacClellan, “Animal Size, Contributory Causation, and Ethical Vegetarianism.” *Journal of Animal Ethics* 3 (2013): 61. MacClellan overlooks the impact of whaling on the many, many animals that would otherwise feed on whale carcasses, which might tilt the balance in favor of having humans abstain.

Spam that has passed through any number intermediaries before landing in the local grocery store's shelf.

A natural way to criticize the middleman is to observe that if he reduced his demand, the slaughterhouse would reduce its supply. Of course, it isn't clear that this is so: if Middleman #1 buys less, Middlemen #2-10 may well take up the slack. But even if we ignore this issue, we don't yet have an argument for the wrongness of what the individual consumer does. A grocery store can't get a single can of Spam from its warehouse; it has to request boxes, or maybe entire pallets. And the warehouse's supplier doesn't deliver individual boxes or pallets, but only truckloads. And the supplier's supplier—which may not be the meat-packing plant itself, but let's suppose it is—has a strong incentive to produce as much as anyone might buy. Indeed, the people in charge of every link in the supply chain tolerate waste for this reason: they all overbuy (or overproduce) to ensure that they're always able to sell. What's more, it would be irrational for them to be sensitive to small fluctuations in the market, since they know that those are inevitable, statistically speaking.

Given as much, it's implausible that our criticism of Middleman #1 will work against the consumer, whose purchase probably doesn't make any difference to whether some future animal suffers and dies. Moreover, all the noise in the supply chain makes it unclear whether the consumer's purchases *over the course of his life* make a difference. The consumer's actions don't affect the supply chain cumulatively, but individually. So if no particular purchase makes a difference, then those purchases don't make a difference collectively either. It also isn't clear that, in actual fact, buying a can of Spam makes a difference *in tandem with others*, so that the consumer would be at least partially responsible for causing future animal suffering. Granted, the market is sensitive to the behavior of large groups, and there is some threshold at which the number of abstainers would influence what happens on the farm. But it isn't sufficient to have the numbers

just anywhere. As Harris and Galvin point out, you also need these consumers to be both simultaneous and geographically proximate, lest each purchase be lost in the noise of a (temporally or spatially) different supply chain.¹¹ This, in a nutshell, is the causal impotence problem.¹²

We can make it worse by inverting an argument due to Jeremy Garrett.¹³ Very roughly, Garrett argues that despite the causal impotence problem, you can be obliged to abstain from animal products thanks to the health benefits of a vegetarian diet. He contends that the extra pleasures you'd have in a life made healthier and longer by a vegetarian diet outweigh any additional gustatory pleasures you might gain by eating animals and their byproducts. So, you should eat a vegetarian diet. However, the evidence only shows that a *predominantly* vegetarian diet is superior to comparably-balanced omnivorous diet in terms of health and longevity. The studies don't show that a *strict* vegetarian diet beats a predominantly vegetarian one. Indeed, the occasional consumption of lean meats is probably good for you, and many people clearly enjoy them. Given these benefits, and assuming that the actions of individual consumers make no difference to whether future animals suffer and are slaughtered, the causal impotence problem might not just support the *permissibility* of eating animal-based foods, but some *obligation* to be a moderate consumer—what R. M. Hare calls a “demi-vegetarian.”¹⁴

We've been considering one problem with the simple utilitarian argument for abstaining from animal products that are derived from agricultural operations. A second serious problem is that the argument ignores the differences between industrial and “animal-friendly” agriculture.

¹¹ John Richard Harris and Richard Galvin, “‘Pass the Cocoamone, Please’: Causal Impotence, Opportunistic Vegetarianism and Act-Utilitarianism,” *Ethics, Policy and Environment* 15 (2012): 368-383.

¹² For a fuller statement of the causal impotence problem, see Mark Budolfson, “Is It Wrong to Eat Meat from Factory Farms? If So, Why?,” in *The Moral Complexities of Eating Meat*, ed. Ben Bramble and Bob Fischer (New York: Oxford University Press, 2015), 30-47.

¹³ Jeremy Garrett, “Utilitarianism, Vegetarianism, and Human Health: A Response to the Causal Impotence Objection,” *Journal of Applied Philosophy* 24 (2007): 223-237.

¹⁴ R. M. Hare, “Why I Am Only a Demi-Vegetarian,” in *Essays on Bioethics* (New York: Oxford University Press, 1993), 219-236.

You might grant that the suffering in factory farms can't be justified by the pleasure we gain from eating what emerges from them. But it doesn't follow that substantially *less* suffering—say, just what's involved in slaughter—can't be justified by our pleasure.¹⁵

This is the basic thought behind the Replaceability Argument, which Peter Singer first offered.¹⁶ The ambitious version goes like this: total welfare isn't affected by one animal's death as long as we bring another into existence, and total welfare would be increased insofar as meat-eating benefits us; so, we ought to eat happy animals. An older argument of a similar stripe is “the Logic of the Larder”—so-named by Henry Salt—according to which we do animals a favor by bringing them into existence to be slaughtered for our purposes, since they wouldn't exist otherwise, and coming into existence is a benefit (at least as long we give them good lives).¹⁷

The merits of these arguments depend, in part, on hard questions about whether and how the welfare of merely possible beings always counts in the utilitarian calculus, as well as whether merely possible beings have levels of welfare at all. If these issues can be finessed in ways that favor the Replaceability Argument or the Logic of the Larder, then there remains the charge of speciesism. Suppose, for example, that we were to apply the same line of reasoning to humans. Those with severe cognitive disabilities may well be replaceable in whatever sense a healthy pig

¹⁵ The easiest way to see this involves considering welfare footprint arguments, discussed in most detail in Krzysztof Saja, “The Moral Footprint of Animal Products.” *Agriculture and Human Values* 30 (2013): 193-202.

¹⁶ Peter Singer, *Animal Liberation: A New Ethics for Our Treatment of Animals* (New York: HarperCollins, 1975). For extensive discussion of this argument, see Tatjana Višak, *Killing Happy Animals: Explorations in Utilitarian Ethics* (New York: Palgrave Macmillan, 2013).

¹⁷ The Replaceability Argument doesn't assume that existence is a benefit, and the Logic of the Larder doesn't assume that sentient beings are replaceable. So they're clearly distinct arguments. Still, it's often very hard to know which of these arguments someone has in mind, as remarks along these lines tend to be made rather quickly. You can find arguments in this ballpark in R. G. Frey, *Rights, Killing, and Suffering: Moral Vegetarianism and Applied Ethics* (Oxford: Blackwell, 1983); Roger Crisp, “Utilitarianism and Vegetarianism,” *International Journal of Applied Philosophy* 4 (1983): 41-49; R. M. Hare, “Why I Am Only a Demi-Vegetarian,” in *Essays on Bioethics* (New York: Oxford University Press, 1993); Roger Scruton, “The Conscientious Carnivore,” in *Food for Thought: The Debate over Eating Meat*, ed. Steve Sapontzis (Amherst, MA: Prometheus Books, 2004), 81-91; Christopher Belshaw, “Meat,” in *The Moral Complexities of Eating Meat*, ed. Ben Bramble and Bob Fischer (New York: Oxford University Press, 2015), 9-29—among many, many others.

is replaceable. What follows? Likewise, may we bring infants into existence as organ donors—as long as their short lives are pleasant—since they wouldn’t exist otherwise, and coming into existence is a benefit?

However the utilitarian handles such challenges, empirical problems remain. First, those who run these arguments rarely factor in the environmental costs of animal agriculture. Second, there are worries about the inefficiency of animal agriculture, which ties up resources that could be devoted to other projects (such as, e.g., famine relief).¹⁸ Finally, even if there are farms where animals *do* live good lives, it’s unclear whether ordinary consumers are in a position to determine as much. It should come as no surprise that products *marketed* as humane often aren’t, even from seemingly-reputable suppliers. (Whole Foods comes to mind.) And if consumers aren’t in a position to make such determinations, it isn’t clear whether these arguments justify their animal product consumption.

It may be better, then, to press a third objection to the simple utilitarian argument. Consider, for example, Steven Davis’s observation that we’ve overlooked certain harms involved in a vegan diet: namely, the harms to animals that are associated with growing plants for food.¹⁹ Some of these harms are intentional, as when farmers shoot woodchucks and rabbits to prevent them from nibbling on their produce; others are unintentional, as when mice are caught in combines, poisoned by pesticides, etc. Davis goes on to argue that we ought not to be vegans if we want to minimize harm. (This means that Davis isn’t offering a squarely utilitarian argument, of course, but it could be reworked as one.) He estimates that, if the US population were to go vegan, 1.8 billion animals

¹⁸ Not everyone is impressed by the inefficiency argument for abstaining from animal products. For the best critique, see Simon Fairlie, *Meat: A Benign Extravagance* (White River Junction, VT: Chelsea Green Publishing, 2011). It’s worth noting that Fairlie still supports reducing animal product consumption dramatically. Moreover, the consumption he does defend is partly based on backyard agriculture—an unrealistic option for most people.

¹⁹ Steven Davis, “The Least Harm Principle May Require that Humans Consume a Diet Containing Large Herbivores, Not a Vegan Diet,” *Journal of Agricultural and Environmental Ethics* 16 (2003): 387-394.

would still die each year as a result of our agricultural practices. But if we were to supplement our diet with cows that forage on open pastures (read: living nice lives), then that number might fall as low as 1.35 billion. Why? Because raising large ruminants on the pasture-forage model is likely to result in fewer animal deaths per hectare.²⁰

Gaverick Matheny raises some worries about Davis's math (moral and otherwise); Andy Lamey questions how Davis estimates the harm to wild animals that live in and around farms.²¹ But as Lamey points out, these problems show that one particular argument fails, not that Davis's strategy is a bad one. Vegans—who maintain that it's wrong to consume animals or animal byproducts—indeed care about minimizing harm to animals. So if the best way to achieve that goal involves eating meat, they have some explaining to do.

One of the major problems with Davis's argument is that it rests on dubious empirical claims about how many wild animals are currently harmed by plant production, as well as how many wild animals would be harmed under a different regime. However, no one disputes that *some* wild animals are currently harmed. And this opens the door for a different sort of anti-vegan argument. Suppose we can find a source of meat that isn't a direct or indirect product of our agricultural practices, and suppose that meat will be wasted if we don't consume it. Now, might we be obligated to supplement our diet with that meat, thereby reducing our dependence on plant agriculture, and thus reducing the number of wild animals harmed in plant production?

²⁰ For a parallel argument in an Australian context, see Michael Archer, "Ordering the Vegetarian Meal? There's More Animal Blood on Your Hands," *The Conversation*, December 15, 2011, accessed on June 14, 2015, <http://theconversation.edu.au/ordering-the-vegetarian-meal-theres-more-animal-blood-on-your-hands-4659>.

²¹ Gaverick Matheny, "Least Harm: A Defense of Vegetarianism from Steven Davis's Omnivorous Proposal," *Journal of Agricultural and Environmental Ethics* 16 (2003): 505-511; Andy Lamey, "Food Fight! Davis versus Regan on the Ethics of Eating Beef," *Journal of Social Philosophy* 38 (2007): 331-348.

Donald Bruckner thinks so: he contends that we ought to eat roadkill—specifically, large, intact, and recently-killed animals.²² (Think of the deer that wasn't laid out by the side of the road when you went to the grocery store, but is there now.) To reach this conclusion, he appeals to a principle that David DeGrazia defends, according to which “[it] is wrong (knowingly) to cause, or support practices that cause extensive, unnecessary harm to animals.”²³ By eating a strict vegan diet, we support practices that cause extensive, unnecessary harm to animals—namely, those in plant agriculture. So, we shouldn't be strict vegans. What's the alternative? Well, by scavenging, we cause no harm whatever: the claim isn't that we should try to hit animals with our cars; the claim is that we shouldn't let potential food sources go to waste. Scavenging is also no riskier than eating meat from hunted game. As long as it's fresh, it's lean, healthy meat. It's also free, and you can learn how to prepare it by watching a few YouTube videos. So, we should scavenge. (Bruckner's argument seems to support freegan practices generally—i.e., scavenging from dumpsters as well as highways—but he doesn't make that point. Also, note that if scavenging is a practical impossibility for certain individuals, then his argument implies that they should still be willing to consume scavenged products when they're made available to us, as they are at the West Virginia Roadkill Cook-off—an annual celebration of meats sourced from the open road.)²⁴

²² Bruckner, “Strict Vegetarianism Is Immoral.” Bruckner just argues for a conditional: *if* we accept DeGrazia's principle, *then* we ought to collect and consume roadkill. For ease of exposition, though, I'm assuming the conditional's antecedent, as Bruckner in fact does. And yes: he follows through on the conditional's consequent.

²³ David DeGrazia, “Moral Vegetarianism from a Very Broad Basis,” *Journal of Moral Philosophy* 6 (2009): 159. Again, this isn't a utilitarian argument, both because of the support clause—which can but needn't be glossed in utilitarian terms—and because of the restriction to *extensive* harm. But if there's a solution to the causal impotence problem, then support can be glossed in utilitarian terms and the argument will go through. If there isn't, then utilitarian considerations may still support roadkill consumption; recall the inverted version of Garrett's argument. In any case, DeGrazia's principle is supposed to be acceptable to those from different moral perspectives, utilitarians included.

²⁴ Again, Bruckner is only arguing for a conditional: if we accept DeGrazia's principle, then we ought to collect and consume roadkill. You might worry that if the principle has this implication, then it surely has others—e.g., that we shouldn't be driving (since cars harm animals). I tend to think that this is a mark in favor of the principle rather than a mark against it.

We could get another striking conclusion by reworking C. D. Meyers's argument for entomophagy—eating insects.²⁵ He focuses on the environmental benefits of consuming bugs. But as long as insects aren't sentient—the jury's out, but it doesn't look good for many of them—you can make the same points about entomophagy being a way to reduce our dependence on plant agriculture. In fact, there are several reasons to think that insects are actually preferable to roadkill. First, anyone can raise and prepare insects. Mealworms and crickets, for example, are readily available from your local pet store, and with the help of a fish tank, some food scraps, and a water source, both species will multiply like mad. Second, they're easy to process and prepare without any food safety concerns: you just need boiling water, and then your culinary options are open. Third, they're very good for you: crickets, for example, are complete protein source that's low in fat; they're also high in iron and potassium. Fourth, they're environmentally friendly: they will take products that would otherwise go to waste and convert them—very efficiently—into nutrient-rich food.

In any case, we could extend Christopher Cox's brief for eating oysters²⁶ with a similar, Bruckner-inspired argument. (There is nothing special about oysters. Cox's reasoning applies equally well to some other bivalves, such as scallops and clams.) We could do the same to bolster Schaefer and Savulescu's defense of consuming *in vitro* meat.²⁷ You might even go so far as to extend the argument to “disenhanced” animals. Adam Shriver, for example, contends that we ought to replace current livestock with genetically engineered animals who lack the affective

²⁵ Meyers, “Why It Is Morally Good to Eat (Certain Kinds of) Meat: The Case for Entomophagy.”

²⁶ Cox, “Consider the Oyster.” Strict vegans will probably balk at eating insects and oysters based on some sort of precautionary principle. However, it's likely that precautionary arguments actually *support* eating insects and oysters. For details, see my “Bugging the Strict Vegan,” *Journal of Agricultural and Environmental Ethics*, forthcoming.

²⁷ G. Owen Schaefer and Julian Savulescu, “The Ethics of Producing *In Vitro* Meat,” *Journal of Applied Philosophy* 31 (2014): 188-202.

dimension of pain.²⁸ He doesn't argue that it's permissible to eat such animals; he just argues that it's better than the status quo. But if these animals don't suffer, and by eating them we could opt out of supporting some plant agriculture, then the same sort of argument might be available. (Whether it is, of course, will depend on empirical details about the mental lives of disenfranchised animals, as well as how, exactly, we're supposed to understand the notion of "welfare.")²⁹

2.2. Rights

Of course, nothing is sacred to utilitarians, so it's hardly shocking that they might sanction some animal product consumption. It is surprising, however, to find argument for consuming animal products that concede rights to animals.

One such argument is based on Tom Regan's version of the rights view. According to Regan, all "subjects of a life" have inherent value, and "[we] are to treat those individuals who have inherent value in ways that respect their inherent value."³⁰ However, Regan qualifies his view with the so-called "liberty principle," which is designed, *inter alia*, to handle lifeboat cases:

²⁸ Adam Shriver, "Knocking Out Pain in Livestock: Can Technology Succeed Where Morality has Stalled?," *Neuroethics* 2 (2013): 115-124.

²⁹ Mark Budolfson also argues that we've overlooked some of the harms involved in plant agriculture, though not the ones with which Davis is concerned; see his "Consumer Ethics, Harm Footprints, and the Empirical Dimensions of Food Choices," in *Philosophy Comes to Dinner: Arguments Over the Ethics of Eating*, ed. Matthew C. Halteman, Terence Cuneo, and Andrew Chignell (New York: Routledge, 2015), 163-181. Suppose our concern is to have with the diet with the smallest welfare footprint—or, at least, the one that falls below some threshold. Then, we should note that not every vegan meal beats every meal that includes animal products, since some plant products—such as quinoa, avocados, blueberries—are either associated with environmental harms, or expensive in terms of land or water use, or are harvested in ways that tend to involve the exploitation of migrant labor. This is a fair point, but until we set the relevant threshold, it isn't clear why that isn't simply an argument for abstaining from quinoa, avocados, and blueberries. Moreover, if we privilege human interests over those of animals, as Budolfson says we should, then it's worth noting that there are huge human costs in animal agriculture too. Workers in slaughterhouses often suffer serious injuries, slaughterhouses too exploit migrant labor, and crime rates increase when slaughterhouses are open (on this last point, see Amy Fitzgerald, Linda Kalof, and Thomas Dietz, "Slaughterhouses and Increased Crime Rates: An Empirical Analysis of the Spillover from 'the Jungle' into the Surrounding Community" *Organization & Environment* 22 (2009): 158-184).

³⁰ Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983), 248.

Provided that all those involved are treated with respect, and assuming that no special considerations obtain, any innocent individual has the right to act to avoid being made worse-off even if doing so harms other innocents.³¹

On this basis, Hugh Lehman argues that we can raise and slaughter animals since many of us *are* in a lifeboat (proverbially, if not literally):

Humans need a diet which includes a certain range of proteins. For many people, these proteins are obtained by killing and eating animals. Equipping current food production systems to produce vegetarian foods in sufficient quantities would be a massive undertaking as would educating all human beings about alternative sources of nutrients. Until the alternative foods were produced and the education was provided, people would have to continue to eat meat or face death or illness resulting from malnutrition.³²

Kathryn Paxton George is more specific about who's exempt from the general requirement to abstain from animal products, and the list is long:

(1) infants and children, (2) gestating and lactating women, (3) older women and some older men, (4) allergic individuals and individuals who are predisposed to vitamin and/or mineral deficiencies, (5) undereducated individuals, (6) poor individuals, including people living in countries where selection of food is narrow and erratic, and (7) people who are genetically not predisposed for vegetarianism.³³

These arguments only work if raising and slaughtering animals is compatible with treating them with respect, which is an essential clause in the liberty principle. Frankly, I don't see how slaughtering an animal is consistent with respecting it. But that aside, those who can reconcile these two acts should concede that these arguments *don't* license factory farming, nor many practices that are standard even in small-scale agriculture, such as shipping cows without food or water to slaughterhouses, where they arrive dehydrated, weak from hunger, and often with broken

³¹ Regan, *The Case for Animal Rights*, 331. See 351-353 for the application to lifeboat cases specifically.

³² Hugh Lehman, "On the Moral Acceptability of Killing Animals," *Journal of Agricultural and Environmental Ethics* 1 (1988): 161.

³³ Kathryn Paxton George, "So Animal a Human..., Or The Moral Relevance of Being an Omnivore," *Journal of Agricultural and Environmental Ethics* 3 (1990): 175. For more, see her *Animal, Vegetable, or Woman? A Feminist Critique of Ethical Vegetarianism* (Albany, NY: State University of New York Press, 2000).

bones from their time on the truck. Whatever respect involves, much animal agriculture doesn't display it.

Moreover, it's also worth noting that these arguments rest on dubious empirical assumptions about human health, and both Lehman and George seem to present some of the challenges involved in *transitioning* to a vegan diet as though they were problems with the diet itself. Ultimately, though, the biggest issue has to do with what the liberty principle *isn't*—namely, the sum total of morality. Granted, I may be within my moral rights to consume animal products in some circumstances, as the liberty principle implies. But that doesn't show that I *should* consume them, or even that I *may*, depending on what other moral considerations are in play. It might be selfish—and so wrong—for me to consume an animal's body even though I wouldn't violate anyone's rights by consuming it. So Lehman and George won't get their conclusions without making further assumptions about the other sorts of moral considerations that are relevant to our dietary choices.

Enter Terence Cuneo. He's prepared to grant that animals have rights, but argues that they don't clearly have the right “not to be killed for the purpose of providing nourishing food, which provides gustatory pleasure, sustains valued social practices, and provides a viable alternative to factory-farming, assuming that those animals are given excellent lives.”³⁴ In part, this is because he denies that we can infer that animals have this right from the more basic right not to be killed just for the pleasure of eating them. The suggestion, I take it, is that there may be limits on the burdens that your rights can make others bear, and demanding that people sacrifice nourishment,

³⁴ Terence Cuneo, “Conscientious Omnivorism,” in *Philosophy Comes to Dinner: Arguments Over the Ethics of Eating*, ed. Matthew C. Halteman, Terence Cuneo, and Andrew Chignell (New York: Routledge, 2015), 34. The sense of “viability” matters here. If it's economic viability, then some small-scale operations might make the grade, though it's very difficult to pull off without welfare compromises. For details, see F. Bailey Norwood and Jayson Lusk, *Compassion, by the Pound: The Economics of Farm Animal Welfare* (New York: Oxford University Press, 2011) and McWilliams, *The Modern Savage*.

gustatory pleasure, valued social practices, and a viable alternative to factory farming may be to demand too much.

Additionally, Cuneo offers an historical thought experiment:

Imagine [that the Native Americans who lived in the US one hundred fifty years ago] were offered the following choice (perhaps by others of their tribe): You may either continue your way of life or stop killing animals and become farmers or merchants... If these people were to take the former option, I take it that their justification for doing so would be very similar to the one offered by conscientious omnivores when asked to justify their position. By killing animals, the native Americans would say, they thereby provide their people with nourishing and delicious food—these activities being at the center of a deeply entrenched and valued way of life. The question to ask is whether they would be wronging the animals they kill if they were to take the first option. It is not apparent that they would.³⁵

Of course, it's hard to imagine similar statements being made about the rights of human beings. Those who favor rights-based ethics are unlikely to think that as long as (a) slaves live excellent lives and (b) having slaves makes possible a deeply entrenched and valued way of life, it's permissible to own other human beings. So we need some story about why the rights of animals function differently than the rights of humans.

If this gap can be filled, then Cuneo might be wise to join forces with George. *If* we aren't violating animals' rights, then we can combine George's observations about the nutritional needs of infants and children (for example) with the context that Cuneo imagines. So, it might be permissible for infants and children to consume nourishing and tasty animal products, at least if they're sourced in ways that sustain valued social practices, provide a viable alternative to factory-farming, and give animals excellent lives. And crucially, it would be much harder to argue that either they or their parents are vulnerable to the charge of selfishness, eliminating an important challenge to rights-based defenses of eating animals.

³⁵ Cuneo, "Conscientious Omnivorism," 35.

Of course, many philosophers deny that animals have rights. Carl Cohen, for example, maintains that if animals had rights, then we would have an obligation to stop lions from killing gazelles. However, we have no such obligation, so they don't have rights.³⁶

There have been various replies to this objection. Singer, for example, claims that we shouldn't intervene to save wild animals because this may cause more harm than good.³⁷ But at best, this explains why we shouldn't engage in *systematic* manipulations of wild environments—it doesn't explain why we shouldn't, say, shoot a fox that's chasing a rabbit, or even more modestly, shoo a cat away from a bird's nest. These obligations might not strike us as implausible, but it remains the case that it's hard to postulate animal rights without accepting various more dramatic implications, such as a ban on all animal experimentation, acknowledging animal property rights (thus seriously curtailing human land use), and perhaps even an obligation to make reparations.

These problems come up because of assumptions about what grounds a being's moral status—i.e., its right to moral consideration. Both Singer and Regan maintain that the correct status-grounding property is one that is both empirically-accessible—i.e., you can't appeal to souls—and underwrites our considered judgments about what it isn't permissible to do to human beings. Additionally, they think that the property should explain the wrongness of wrongful acts *directly*. While they disagree about what the correct property is—Singer thinks that it's sentience;

³⁶ Carl Cohen, "A Critique of the Alleged Moral Basis of Vegetarianism," in *Food for Thought: The Debate over Eating Meat*, ed. Steve Sapontzis (Amherst, MA: Prometheus Books, 2004), 152-166. Peter Alward offers an argument that sounds similar, but is much less interesting. He argues that if it's wrong for us to eat meat, then predation is wrong; predation isn't wrong, so it's permissible for us to eat meat. See his "The Naïve Argument Against Moral Vegetarianism," *Environmental Values* 9 (2000): 81-89. This argument founders on the distinction between moral agents and moral patients; see David Benatar, "Why the Naïve Argument against Moral Vegetarianism Really is Naïve," *Environmental Values* 10 (2001):103-112.

³⁷ Peter Singer, *Animal Liberation: A New Ethics for Our Treatment of Animals*, 3rd ed (New York: HarperCollins, 1975), 226.

Regan, being a subject of a life—they both insist that it’s hard to find a property that both meets these conditions and isn’t shared by animals.

Peter Carruthers rejects the demand for direct explanation.³⁸ That demand is designed to preclude indirect duty views of our obligations to animals. On such views, when it’s wrong to harm animals (and it isn’t always), it isn’t because of some property they have. Instead, it’s because in so doing we either violate the rights of those who own those animals, or deform our characters, or otherwise negatively affect a being that’s a rights-bearer. (Singer and Regan agree that insofar as it’s wrong to harm an animal, it’s primarily because of *what it does to the animal*—not for one of these other reasons.) So without that demand, Carruthers can develop a form of contractualism that denies direct moral standing to animals.³⁹ And if we assume that no animal is a rational agent, then it isn’t hard to see why animals wouldn’t have moral standing, since morality just is the set of rules that self-interested and rational agents would accept when reasoning together under idealized conditions. No agent is going to agree to a set of rules on which she has no right to moral consideration, so every agent will have standing. The question then is whether agents have something to gain by granting the same right to animals. Since they probably don’t, they probably wouldn’t.

The trick is to explain why agents would agree that every *human* should have moral standing, even when the human in question isn’t an agent. Carruthers has several things to say about this. First, the rules have to be psychologically supportable: that is, agents have to be able to endorse them without coercion. And agents probably won’t be able to endorse rules that don’t

³⁸ Carruthers, *The Animals Issue*; see too his “Animal Mentality: Its Character, Extent, and Moral Significance,” in *The Oxford Handbook of Animal Ethics*, ed. Tom Beauchamp and R. G. Frey, (New York: Oxford University Press, 2011), 373-406.

³⁹ Not every version of contractualism does this; see, e.g., Mark Rowlands, *Animal Rights: Moral Theory and Practice* (New York: Palgrave Macmillan, 2009).

grant moral status to infants, or those with severe cognitive disabilities, even if self-interest might be served by excluding such individuals. Our sympathies for these beings are too strong. Second, self-interest will lead them to protect the senile and comatose and brain damaged, given that this may well become their fate. And third, contractors have reason to endorse rules that promote virtue in themselves and others, at least insofar as virtue serves the end of the contract process: namely, establishing rules that lead to a stable society. So, there will be a strong presumption in favor of including beings like us, since we're most likely to become desensitized to harms to one group of humans if we tolerate harms to another group. Carruthers grants that agents might not agree to rules that grant standing to *absolutely* every human being, but he thinks that the rare exceptions will be tolerable, such as anencephalic infants. The upshot is that (nearly all) humans have the right to moral consideration, no animal has that right, and our obligations to animals are severely limited. In fact, he goes so far as to argue that even factory farming is permissible, since it can't be ruled out by considerations of character. He claims that "almost any legitimate, non-trivial motive is sufficient to make [an] action separable from a generally cruel or insensitive disposition," which means that the desire to make a living can excuse factory farm workers for many of their cruel actions.⁴⁰ Presumably, the same point applies to consumers' desires to be sated by tasty and nutritious animal products, to preserve familial and cultural traditions, and to do so conveniently and inexpensively.

Perhaps the most serious objections to Carruthers's defense of factory farming are empirical. First, there does seem to be a link between cruelty to animals and cruelty to humans.⁴¹ Second, contractors are bound to consider the environmental costs of industrial animal agriculture.

⁴⁰ Carruthers, *The Animals Issue*, 159.

⁴¹ Andrew Linzey, ed., *The Link between Animal Abuse and Human Violence*. (Eastbourne: Sussex Academic Press, 2009).

I doubt that these considerations would lead contractors to grant animals rights, but the odds are good that they'll endorse rules that are much more animal-friendly than Carruthers indicates. So I would expect that roadkill, oysters, and insects would be in, as well as hunted animals and some small-scale agriculture.⁴²

2.3. The New Speciesism, Environmentalism, and Human Goods

At this juncture, it becomes harder to batch arguments. In broadest outline, we can say that the other arguments for consuming animal products reject certain assumptions common to utilitarian and rights-based discussions of animals. First, some philosophers grant that animals have moral standing, but insist that dramatic conclusions don't follow. This is because they take species-membership to be (or to be co-extensive with) a morally-relevant property. Second, some philosophers approach animal ethics from broadly environmentalist or agrarian perspectives. Finally, some insist that utilitarian and rights-based defenses of animals overlook significant human goods that can stem from hunting and animal husbandry—goods valuable enough to justify ending the lives of animals.

2.3.1. The New Speciesism

⁴² Carruthers is also known for denying that animals are phenomenally conscious, which interacts in interesting ways with his contractualism. For an overview, see his Carruthers, "Animal Mentality"; for the details, see his *Consciousness: Essays from a Higher-Order Perspective* (New York: Oxford University Press, 2005). For a different form of contractualism that allows for some animal consumption, see John Zeis "A Rawlsian Pro-Life Argument Against Vegetarianism," *International Philosophical Quarterly* 53 (2013): 63-71. On his view, contractors produce three sets of moral rules depending on what's bracketed behind the veil of ignorance: one for rational individuals, one for sentient individuals, and one for living individuals. The rules are binding in that order, so that your obligations to beings *qua* sentient beings can't trump your obligations to beings *qua* rational.

There are several defenses of “the new speciesism” now available.⁴³ These defenses vary widely, and “the new speciesism” label is somewhat misleading. Some reject the assumption that moral reasons are agent-neutral, insisting that privileging species membership is akin to privileging family or friends; just as we have no reason to take up perspectives that would undermine the partiality we show them, we have no reason to take up perspectives that would undermine the partiality we show other humans.⁴⁴ Others posit properties that all and only humans have, arguing that they ground our special moral status.⁴⁵ Neither position fits with the classic definition of speciesism, which goes back to Richard Ryder, but is best known thanks to Singer’s *Animal Liberation*. As Ryder and Singer use the term, speciesism is privileging human interests in a morally arbitrary way, in the same way that racists privilege the interests of members of one race in a morally arbitrary way. The new speciesists aren’t defending that position, but since they’ve chosen the “speciesist” label, I’ll follow their lead.

There are two kinds of challenges for the new speciesism. The first is familiar from the problem of marginal cases: either it isn’t plausible that all and only humans have the property in question, or it isn’t plausible that the property grounds a special moral status. However it goes, privileging human beings begins to look like racism and sexism. But the second challenge is the more serious, at least insofar as defenses of preferential treatment for humans are supposed to fend

⁴³ Jennifer Welchman, “Xenografting, Species Loyalty, and Human Solidarity,” *Journal of Social Philosophy* 34 (2003): 244-255; Bernard Williams, “The Human Prejudice,” in *Philosophy as a Humanistic Discipline*, ed. A. W. Moore (Princeton, NJ: Princeton University Press, 2006), 135-152; Logi Gunnarsson, “The Great Apes and the Severely Disabled: Moral Status and Thick Evaluative Concepts,” *Ethical Theory and Moral Practice* 11 (2008): 305-326; S. Matthew Liao, “The Basis of Human Moral Status,” *Journal of Moral Philosophy* 7 (2010): 159-179; Douglas Maclean, “Is ‘Being Human’ a Moral Concept?,” *Philosophy and Public Policy Quarterly* 30 (2010): 16-20; Timothy Chappell, “On the Very Idea of Criteria for Personhood,” *Southern Journal of Philosophy* 49 (2010): 1-27; Timothy Hsiao, “In Defense of Eating Meat,” *Journal of Agricultural and Environmental Ethics* 28 (2015): 277-291.

⁴⁴ Williams’ “The Human Prejudice”; MacLean, “Is ‘Being Human’ a Moral Concept?”

⁴⁵ Liao, “The Basis of Human Moral Status”; Hsiao, “In Defense of Eating Meat.”

off arguments for either the reform or abolition of animal use. The problem is that it isn't clear what, exactly, speciesism is supposed to imply.

In Singer's case, by contrast, it's clear what the *rejection* of speciesism is supposed to imply—namely, the failure of one challenge (“But they’re just animals!”) to his use of the principle of equal consideration of interests. However, Singer doesn't need anything so strong to get abstinence from animal products: animals could matter much less than humans, but still enough that we can't justify how poorly we treat them. The upshot is that absent additional moral principles, speciesism doesn't tell us anything about whether it's permissible to consume animal products. It merely tells us that we get to give extra weight (though no one ever says how much) to human interests because they're human.

Timothy Hsaio is one of the few who tries to supply the crucial link. He argues as follows:

1. Moral welfare interests trump non-moral welfare interests.
2. Human consumption of meat for the sake of nutrition is a moral welfare interest.
3. The interests of non-human animals in not feeling pain is a non-moral welfare interest.
4. Therefore, human consumption of meat for the sake of nutrition trumps the interests of non-human animals.⁴⁶

Let's grant the second premise, focusing on the third instead. The argument for it is straightforward. The moral community is composed of those beings with “the root capacity for rational agency.”⁴⁷ Animals lack this root capacity, so they aren't included in the moral community. Harms to those outside the moral community are bad *for them*, but not *morally* bad. So, while animals have an interest in not being harmed, theirs is a non-moral interest. The payoff? Hsaio's speciesism implies that *any* human nutritional interest outweighs *all* interests that non-human animals have in not feeling pain. Factory farming is back on the table.

⁴⁶ Hsaio, “In Defense of Eating Meat,” 280.

⁴⁷ Hsaio, “In Defense of Eating Meat,” 286.

There are at least four problems with this view. First, Hsaio maintains that all and only humans have the root capacity for rational agency, and it isn't supposed to be a potentiality account. Instead, it rests on a metaphysical assumption—a variety essentialism. But essentialism in biology has had a rough time after Darwin. Second, in arguing this way Hsaio abandons the project of looking for an *empirically-accessible* status-grounding property. It may well be the case that his metaphysical theory is true, and that the permissibility of animal consumption falls out of it. But since it's hard enough to secure agreement in ethics *without* adding in our metaphysical differences, there should be little hope of securing agreement once we do. Third, since nutritional considerations seem to favor well-planned vegan diets, Hsaio's conclusion may be beside the point. What we need is a defense of our *gustatory* interests, not our nutritional ones. Finally, the payoff of Hsaio's view is implausible on its face. Suppose that I would be *ever so slightly* better nourished by eating a diet containing meat rather than a vegan diet. Suppose that I would feel the same either way, and the difference wouldn't appreciably affect my long term health, perhaps because it's swamped by other factors. Still, in such circumstances I have a nutritional interest in eating meat. Could I justify causing extensive animal suffering for such trivial gains? Presumably not. And yet on Hsaio's view, I can.

2.3.2. Environmentalism and Agrarianism

Let's set the new speciesism aside. We get a very different defense of animal consumption from environmentalists and agrarians. For the former, this is often based on rejecting the view that moral standing is an intrinsic property, offering extrinsic, relational accounts instead. Aldo Leopold (1949), for example, famously claimed that a “thing is right when it preserves the integrity, stability, and beauty of the biotic community.” Here, the biotic community is what matters first

and foremost, so it's no surprise that killing and eating animals can be morally permissible—even morally good—since it's often in the interest of the biotic community that those animals die. Whatever a biotic community is supposed to be, it's plain that predation sustains a good deal of it. (Indeed, Ned Hettinger argues that bans on animal consumption are incompatible with the environmentalist outlook, since they're incompatible with regarding predation as good. This probably isn't true, as Jennifer Everett shows, but it's indicative of what matters by the environmentalist's lights.⁴⁸)

The main problem for naïve versions of biocentricism is that they run the risk of ecofascism. From the perspective of the biotic community, it may well be the case that humans are a scourge on the earth. Does it then follow that most humans ought to be killed?

J. Baird Callicott solves this problem by subsuming biocentricism within a larger, communitarian ethic. This view is “paradigmatically monistic (duties and obligations are generated by community membership) and practically pluralistic (we are simultaneously members of multiple communities—familial, municipal, national, global, mixed, biotic—and so are importuned by multiple and often conflicting duties and obligations, which we are obliged to prioritize for purposes of coherent moral action).”⁴⁹ According to Callicott, the communities in which we're most deeply embedded usually deserve our loyalties first, and more distant spheres of moral obligation trump the more immediate only when the stakes are high. So while there may be a general obligation not to support factory farms, there may also be circumstances in which

⁴⁸ Ned Hettinger, “Bambi Lovers versus Tree Huggers,” in *Food for Thought: The Debate over Eating Meat*, ed. Steve Sapontzis (Amherst, MA: Prometheus Books, 2004), 294-301; Jennifer Everett, “Vegetarianism, Predation, and Respect for Nature,” in *Food for Thought: The Debate over Eating Meat*, ed. Steve Sapontzis (Amherst, MA: Prometheus Books, 2004), 302-314.

⁴⁹ J. Baird Callicott, “The Environmental Omnivore's Dilemma,” in *The Moral Complexities of Eating Meat*, ed. Ben Bramble and Bob Fischer (New York: Oxford University Press, 2015), 61.

honoring a host's hospitality requires eating the factory-farmed meat that he prepared.⁵⁰ However, I suspect that the main trouble with this theory, at least when it comes to animal ethics, is the difficulty in seeing what follows from it. True enough, there *may* be a general obligation not to support, and a particular obligation to eat—but we could equally well appeal to community membership to defend the regular consumption of animal products (“Eating at Cracker Barrel is a family tradition”) and rejecting hospitality (“We all care about animals and the environment here, and I could start a conversation by abstaining”).

Leopold and Callicott are attempting to offer comprehensive moral frameworks, but some within the environmentalist tradition don't have such ambitions. We find a less systemic approach in the work of Benjamin Lipscomb, who tries to draw together the threads of Wendell Berry's agrarianism.⁵¹ Agrarianism is a “back to the land” philosophy (in the popular sense of “philosophy”). It's an outlook that stresses the virtues involved in coaxing sustenance from the earth, in living in small communities, in the handmade, in understanding—and entering—the rhythm of a particular place. Moreover, Lipscomb notes, this view offers an approach to raising and killing animals on which it can be virtuous:

...we can only live by taking life, and [we might] try to reorient our thinking about this. [...Some] believe, or seem to believe, that the order by which coyotes prey upon prairie dogs and rabbits and such is a horrific one, one we should abstain from and perhaps even interrupt. It is a temptation [...] to regard the death by which the world lives with mere horror—as not the way things are supposed to be. But to think thus is to be alienated in one's thinking from the order Darwin uncovered—the order in and by which we live. [We]

⁵⁰ Julio Rubio develops another version of this view: “The tragedy of human existence does not allow for a clean conscience. Instead, we have to be content with our always partial efforts to do less evil and more good. In the case of meat-eating, though the choice seems simple when considered from an individual perspective, when placed in the context of family and community it is far more complex. [...] While very few people “need” to eat meat, families and community are fundamental human goods. Our realization of basic human goods is always partial because they so often conflict, and inevitably we will have to choose: For whom will we have the most compassion today? Sometimes it will be animals but other times it may be the teenager who would enjoy some time with the family if it included chicken pot pie” (“Animals, Evil, and Family Meals,” *Journal of Moral Theology* 3 (2014): 52).

⁵¹ Benjamin Lipscomb, “‘Eat Responsibly’: Agrarianism and Meat,” in *Philosophy Comes to Dinner: Arguments Over the Ethics of Eating*, ed. Matthew C. Halteman, Terence Cuneo, and Andrew Chignell (New York: Routledge), 56-72.

might try to learn to see our condition, not as a merely fallen, but as one we can inhabit with gratitude.⁵²

According to Berry, we do have obligations to animals—lots of them, in fact. But those obligations don't preclude living in intimate, life-taking and life-giving relationships with them. Indeed, animal husbandry emerges as a kind of spiritual practice, a way of embracing the natural order of things.⁵³

2.3.3. Human Goods

I don't see why the virtues so dear to agrarians wouldn't be enhanced by having less violent relationships with animals. After all, we can benefit from animals without killing them—as we do when we eat eggs from hens that have good lives (assuming we can address concerns about the all-too-expendable male chickens, as well as what happens to those hens when they stop laying; more on this below). In a sense, this is Tzachi Zamir's basic insight.⁵⁴ He argues that, insofar as veganism is based on a rejection of animal use, it also rules out having pets. However, he points out that pet ownership is good for us and for animals, and there's a difference between use and exploitation. So, we should reject a total ban on animal use, prohibiting only animal exploitation. This means that if we can find non-exploitative methods of animal husbandry, we may consume the products derived from it.⁵⁵ Zamir concedes that killing is out, and thus lacto-ovo vegetarianism emerges as the right ideal. We can promote gratitude to animals—or God, or what have you—without a system that says “Thanks” for a chicken's life some fifteen years before its time.

⁵² Lipscomb, “Eat Responsibly,” 70.

⁵³ For similar sorts of views, see Scruton, *Animal Rights and Wrongs* and Cerulli, *The Mindful Carnivore: A Vegetarian's Hunt for Sustenance* (New York: Pegasus Books, 2012).

⁵⁴ Tzachi Zamir, “Veganism,” *Journal of Social Philosophy* 35 (2004): 367-379.

⁵⁵ Zamir goes a bit farther, arguing that actual circumstances don't make it impermissible to purchase and consume products from humane farmers. This isn't because they meet the ideal of non-exploitative animal husbandry, but because they approximate it, and we can encourage even better agricultural practices by supporting “animal-friendly” farms over their industrial competitors.

Still, Berry's agrarianism—and Callicott's communitarianism, and Cuneo's view about the limits of animal rights—raise questions about the costs of giving up meat. This topic hasn't been much explored, and I suppose it's possible that there are virtues that can't be developed without slaughter. If so, it's worth considering whether this is because some virtues are bound up with particular identities. This could be one way to reply to Christopher Ciocchetti's fascinating examination of identity-based defenses of meat consumption, where he considers the possibility that our identities provide us with special reasons to act.⁵⁶ Ciocchetti concludes that our identities are often more flexible than we think, and we can breathe new life into traditions when we bring them in line with our moral convictions, so identity-based defenses aren't successful.⁵⁷ (Jonathan Safran Foer's *Eating Animals* is an excellent example of this: essentially, the entire book is an attempt to explain why he won't eat his grandmother's chicken and carrots, which is at the heart of his family's gatherings, and then to refashion an identity that's compatible with opting out.⁵⁸) In the face of Ciocchetti's work, the task for agrarians is to be more precise about why slaughter is essential to the virtue(s) they value.

Suppose there aren't any virtues that only slaughter makes available. Still, there certainly are pleasures that are hard to secure without slaughter. This is Loren Lomasky's concern: he insists that "eating meat contributes to a very great good for human beings without impermissibly impinging on animal well-being."⁵⁹ The "very great good" here is the aesthetic-*cum*-gustatory pleasure associated with meat consumption and its associated traditions. And he maintains that

⁵⁶ Christopher Ciocchetti, "Veganism and Living Well," *Journal of Agricultural and Environmental Ethics* 25 (2012): 405-417.

⁵⁷ ...which is compatible with there being some loss. Of course, morality asks people to give up various racist traditions, such as flying the Confederate flag and telling black jokes at family gatherings. But surely we have no particular reason to *mourn* that loss.

⁵⁸ Ultimately, it isn't clear that he succeeds, as he changes the subject from Grandma's chicken and carrots to the Thanksgiving turkey. Moreover, he never says how, exactly, he navigates his relationships with the people that his abstinence offends.

⁵⁹ Loren Lomasky, "Is It Wrong to Eat Animals?," *Social Philosophy and Policy* 30 (2013): 178.

this can be had without impermissibly impinging on animal well-being because (a) he thinks that we couldn't get this very great good any other way, (b) he denies that animals have rights, so we aren't infringing them, and (c) he thinks we just don't know whether animals suffer very much, so welfare considerations don't trump our interests.

At least where factory farming is concerned—and Lomasky thinks the point may apply even there—the last claim is false. Slaughterhouse videos have taught us that much. And while there are indeed pleasures *distinct* to meat-consumption, it isn't clear that they're *qualitatively superior*, which is what Lomasky needs. Lomasky tries to address the latter problem by appealing to Mill's competent judge test, insisting that, in general, those who've tried both vegetarian and omnivorous diets acknowledge the superiority of the latter. "All across the globe the same phenomenon is observed: as incomes increase so does the amount of meat in people's diets."⁶⁰ Michael Gill objects that we shouldn't take members of the general population to be competent judges, since they haven't experienced the best that vegetarian cooking can offer.⁶¹ However, I'm inclined to concede this point to Lomasky. There are gustatory costs to giving up animal products⁶²—which, of course, is different from saying that there are *moral* costs, or that they aren't ones we should be bear.

3. Defending Some Animal Product Consumption

What can we borrow from the above to assemble a reasonably coherent case for consuming some animal products? The most important points, I think, are these:

⁶⁰ Lomasky, "Is It Wrong to Eat Animals?," 185.

⁶¹ Michael B. Gill, "On Eating Animals," *Social Philosophy and Policy* 30 (2013): 201-207.

⁶² Not everyone agrees. I once had a conversation with Carol Adams during which she insisted that there are no costs whatever to giving up animal products. I don't know if that's her considered view, but she seemed quite adamant about it at the time.

1. We can't ignore the harms involved in conventional plant agriculture.⁶³ This consideration alone doesn't support eating grass-fed beef, *pace* Stephen Davis. Still, if we aim to minimize harm—or avoid supporting practices that cause extensive and unnecessary harm, or respect the rights of every experiencing subject-of-a-life—then we have to factor in the costs of eating plants.
2. Any case for consuming animal products shouldn't focus exclusively on traditional animal products—meat, dairy, eggs, and fish—or even on animal husbandry. In addition, we need to consider insects, mollusks, animals that die either accidentally or naturally, *in vitro* meat, animal products that will be discarded if they aren't consumed, etc. This means that even if it isn't possible to defend many traditional animal products, veganism doesn't follow (either *de facto* or as an ideal).
3. We need to acknowledge the environmental costs of animal agriculture, especially of the industrial variety. Some animal products may be hard to justify on this basis alone.
4. Even if we grant that animals have rights, it takes further argument to show that those rights rule out any particular activity. Of course, a right's implications often seem to be straightforward: the right to bodily integrity probably implies the right not to have your tail docked or beak trimmed, and it probably follows that people have an obligation not to place pigs and chickens in circumstances where tail-docking and debeaking seem like good ideas. But consider a parallel: the right to bodily integrity probably implies the right not to be spayed or neutered, and it probably follows that people have an obligation not to place animals in circumstances where spaying and neutering seem like good ideas. PETA, for example, advocates for both the right to bodily integrity *and* the importance of spaying and neutering, so I presume that its leadership sees no tension there. If not, then its leadership must concede that we may do some things to an animal that aren't directly in its interests.⁶⁴ The interesting question concerns the limits of that permission.
5. Though *ahimsa*—the virtue of nonviolence—is valuable if anything is, we need to grapple with the possibility that it can be virtuous to *embrace* your role in the harm you cause (or in which you participate). It seems to me that agrarians and their ilk overstate this point, as I don't see the value in embracing your role in *easily preventable* harm. Still, it's an open question as to what we can virtuously intend when we're bound to benefit from some harm or other, and we should recall that it's often hard to settle what is and isn't virtuous without considering whether there's a way of life that makes sense of a particular character trait.
6. We must be careful to distinguish—as Zamir does—between use and exploitation. At the same time, we shouldn't rule out the possibility that nearly all *actual* use is exploitative, even if there is a distinction to be drawn in principle.

⁶³ There are, of course, alternatives to conventional plant agriculture. The standard one is veganic agriculture, which attempts not to harm any animals whatever. Unfortunately, it faces significant practical hurdles; see Cerulli, *The Mindful Carnivore*. Moreover, even if these can be cleared, veganic agriculture is so uncommon that those who want to source their food this way will probably have to become agriculturists themselves, thus dramatically increasing the burden of going vegan.

⁶⁴ For more on this, see David Boonin, “Robbing PETA to Spay Paul: Do Animal Rights Include Reproductive Rights?,” *Between the Species* 13 (2003): 1-8.

There are, of course, other interesting moves in the material I've canvassed. However, most of the others involve more contentious theoretical assumptions than the ones I've identified here, and they're less valuable for that reason. Insofar as the aim is to justify some animal product consumption to a wide philosophical audience, we should avoid unnecessary assumptions about, say, existence being a benefit (as the Logic of the Larder assumes), or the moral legitimacy of giving preferential treatment to a particular species, or contractualism being the best moral theory.

Given these points, I think the best case for consuming some animal products *excludes* standard fare—i.e., the flesh of cows, chickens, and pigs that were raised to be slaughtered for it long before they'd otherwise die, as well eggs and dairy products that are bound up with the meat industry (more on these qualifications shortly). All the normal concerns apply here: animal welfare, rights violations, huge environmental consequences, the wastefulness of these products, etc. Indeed, I suspect that welfare concerns condemn many small farms in the US, partly because so many of them still use regular slaughterhouses instead of mobile slaughter units (MSUs), and so don't avoid the suffering that comes with transporting animals (broken limbs, dehydration, etc.), nor the agonies of industrial slaughter. (MSUs have their own problems, but not these ones.) More importantly, though, it's hard to see how small farms evade the charge of exploiting animals, no matter how well they treat them. Animal agriculture involves death on a schedule, and one that serves human interests, not those of the animals killed.

Instead, then, I think the best case for consuming animal products is a defense of *eating unusually*. Recall Bruckner's argument. If there's an available alternative, we shouldn't support practices that cause extensive and unnecessary harm to animals. By eating a strict vegan diet, we support practices that cause extensive and unnecessary harm to animals—namely, plant agriculture—when eating roadkill is an available alternative. So, we shouldn't be strict vegans.

Bruckner's argument generalizes. As far as I can see, the best reason not to eat insects and various bivalves is based on a precautionary principle: even though the evidence suggests that they aren't sentient, but they might be; since we might be, and the cost of being wrong would be significant, we shouldn't harm them unnecessarily. But we need to weigh the odds of insect and bivalve sentience against the *known* costs to animals involved in plant agriculture. Granted, it would be very bad if we were wrong about insects and bivalves, and we then began raising them for food.⁶⁵ However, it would be equally bad if we were wrong about plant sentience, and yet we rightly accept this risk: the evidence for plant sentience is weak, and the considerations that tell against positing it are strong. Likewise for the creatures in question. The upshot is that we should weigh the risk of making a mistake in the line-drawing problem (i.e., excluding insects and bivalves when they ought to be included) against the harms to those creatures that are clearly one side of the divide (e.g., the rabbits and field mice that are harmed in crop production). The aim isn't to limit our moral concern, but to balance moral caution against the moral imperative to respond to plant agriculture's costs.

The same points apply to *in vitro* meat, and they may also apply to animal products that will be discarded if they aren't consumed (your roommate's leftover Kung Pao chicken, which is low-hanging fruit for a freegan). A reasonable reservation about the latter concerns your ability (a) to limit yourself to eating such products just when they really would be thrown away and (b) to influence others to adopt more animal-friendly diets. These are questions to which there are no general answers. Some people have the willpower to opt out based on the provenance of the food;

⁶⁵ Though Meyers questions even this: "Unlike cattle, pigs, or chickens—and unlike even crabs, lobsters, or shrimp—most insects actually prefer to live in crowded, hot, and filthy conditions. The kinds of livestock environments that the profit demand encourages would actually be one that insects would most prefer. As long as they could be slaughtered humanely, we would have an inexpensive and nutritious, karma free source of meat that is good for the environment and could help prevent massive world hunger" ("Why It Is Morally Good to Eat (Certain Kinds of) Meat," 124).

others don't. Those who do may eat; those who don't probably shouldn't. Likewise, some people will be willing and able to explain to those nearby why they're consuming animal products, turning the occasion into an opportunity to advocate for animals. They're willing to communicate with words what vegans signal by their abstinence. And, of course, others either won't be willing or won't be able to have those conversations, and so should think twice before saving leftovers from the trash.

Someone might worry that eating food that will be thrown out is disrespectful to the animal whose body it was. There are two things to say here. First, it seems equally plausible that *not* eating leftover animal products is disrespectful to animals that will be harmed in plant agriculture. Second, we aren't obliged to show respect for animals the way we show respect for humans. It's a contingent fact about us that we show respect for human beings by not eating their dead bodies. I'll be the last to object to this state of affairs. Nevertheless, we should recognize that we needn't have the same practices for animals. Members of many species seem not to be terribly concerned about the dead bodies of their kith and kin, and I see no reason to think that animals care about how their own dead bodies are treated. So, we aren't violating the interests of surviving or dead animals by consuming those products, which makes it hard to see why eating them has to be disrespectful.

Finally, I think we can defend *very limited* animal husbandry. I once had a student whose family ran a chicken sanctuary where they took in birds that Austinites no longer wanted. (Backyard chicken farming isn't all it's cracked up to be.) The family fed and protected the chickens well, they allowed the birds to live out their natural lives, and they ate some of the eggs that the hens laid. Crucially, this family operates outside the meat industry: there are no concerns about exploiting animals for meat, since they aren't shortening the chickens' lives to get access to

their bodies. Moreover, there are no concerns about where the male chicks went, as the family couldn't have prevented their deaths. It seems to me that if there are any examples of use without exploitation, then this is one. And if it is, then it's permissible. Finally, I can't see any reason why they shouldn't sell those eggs to neighbors—at least as long they're able to resist any temptation to make welfare compromises—since there's nothing wrong with selling something that it's permissible to own (assuming that the selling doesn't lead to other harms).

4. Conclusion

There is, I think, a good case for eating some animal products, albeit not most of the ones you'll find at your local restaurant or grocery store. Instead, there appear to be good reasons to eat roadkill, bugs, bivalves, *in vitro* meat, animal products that will be wasted, and the bodies and byproducts of animals that live full, pleasant lives—that is, it seems we have good reason to eat unusually. What's more, we can justify such consumption without ignoring the welfare and respect-based concerns that have long motivated those who advocate for animals.

I don't eat unusually, and I don't want to start. You might be in the same boat. But I also think that animals matter, recognize the harms involved in plant agriculture, and care about the environment. I think I've got some explaining to do.

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