



Save the Meat for Cats: Why It's Wrong to Eat Roadkill

Cheryl Abbate¹

Accepted: 18 February 2019
© Springer Nature B.V. 2019

Abstract

Because factory-farmed meat production inflicts gratuitous suffering upon animals and wreaks havoc on the environment, there are morally compelling reasons to become vegetarian. Yet industrial plant agriculture causes the death of many field animals, and this leads some to question whether consumers ought to get some of their protein from certain kinds of non factory-farmed meat. Donald Bruckner, for instance, boldly argues that the harm principle implies an obligation to collect and consume roadkill and that strict vegetarianism is thus *immoral*. But this argument works only if the following claims are true: (1) all humans have access to roadkill, (2) roadkill would go to waste if those who happen upon it don't themselves consume it, (3) it's impossible to harvest vegetables without killing animals, (4) the animals who are killed in plant production are all-things-considered harmed by crop farming, and (5) the best arguments for vegetarianism all endorse the harm principle. As I will argue in this paper, each of these claims are deeply problematic. Consequently, *in most cases*, humans ought to strictly eat plants and save the roadkill for cats.

Keywords Animal ethics · Roadkill · Eating animals

Introduction

“Strict vegetarianism is immoral.” This is the bold conclusion of a recent argument advanced by Donald Bruckner, who argues that even if it's immoral to purchase and consume factory farmed meat, it doesn't follow from this that we ought to become strict vegetarians. Vegetarian diets themselves seem to cause extensive harm insofar as field animals are frequently injured and killed in the process of industrial crop farming. Bruckner thus claims that there is a morally preferable alternative to strict vegetarianism: collecting and eating roadkill. If humans were to collect and consume roadkill, and consequently reduce their consumption of plant protein, then a

✉ Cheryl Abbate
cheryl.abbate@colorado.edu

¹ University of Colorado, 1878 Fourmile Canyon Drive #3, Boulder, CO 80302, USA

good amount of harm would be spared to field animals, or so it's argued (Bruckner 2015). Bruckner thus concludes that the vegetarian's *harm principle*, which asserts that it is wrong to (knowingly) cause, or support practices that cause, extensive, unnecessary harm to animals, implies that it is not merely permissible, but rather *obligatory* to get some of our protein from roadkill.

Bruckner's argument works only if the following claims are true: (1) all humans have access to roadkill, (2) roadkill would go to waste if the humans who discover it don't consume it, (3) it's impossible to harvest vegetables without killing animals, (4) the animals who are killed in plant production are all-things-considered harmed by crop farming, and (5) the best arguments for vegetarianism all endorse the harm principle. But each of these claims are false. As I will argue, (1) not everyone has access to roadkill, (2) and even if they do, vegetarians aren't obligated to consume it, as there are alternative morally good uses for roadkill. Moreover, (3) not all plant-based diets involve the killing of field mammals and birds, and (4) even if they do, it's not clear that field animals are all-things-considered harmed by plant production. Finally, (5) not every compelling argument for vegetarianism endorses the harm principle; some condemn meat eating on the grounds that it expresses the disrespectful view that animals are things to be consumed. And it's likely that expressing this view perpetuates the felt harms to which the harm principle applies. Consequently, *aside from extreme circumstances*, humans ought to strictly eat plants and save the roadkill for cats.

A Defense of Roadkill Eating

According to Bruckner, one of the “most popular and convincing arguments” (or one of “the usual arguments”) for vegetarianism endorses some version of what he calls the Factory Harm Argument (FHA).¹ Central to the FHA is the harm principle, which claims that it is wrong (knowingly) to cause, or support practices that cause, extensive, unnecessary harm to animals. Because buying and consuming factory-farmed meat supports a practice that causes extensive and unnecessary harm to animals, the conclusion of the FHA is that vegetatrianism is morally obligatory. This line of argumentation seems to imply that, to satisfy our nutritional needs, we have only two options: either we can buy and consume commercial animal meat or we can maintain an exclusively vegetarian diet. The FHA thus implies that *plants are the only morally acceptable alternative to factory-farmed meat*. Yet, it's been argued that there are morally acceptable ways to consume animals. Adam Shriver (2009), for instance, suggests that a better alternative to factory farming is the production of

¹ Bruckner also discusses what he refers to as the second most “popular and convincing” argument for vegetarianism: the “Environmental Harm Argument.” This argument focuses on the harm animal agriculture causes to the environment. Bruckner claims that this argument, too, implies that it's morally obligatory to supplement our diets with roadkill, since crop farming causes more environmental harm than does roadkill collection. My focus is specifically on the Factory Harm Argument. I argue that the Factory Harm Argument does not entail that individuals should eat roadkill. At times, I use Bruckner's discussion of the Environmental Harm Argument to support my argument.

“knockout” animals, who have been genetically engineered in a way such that their affective perception of pain is blocked. Jeff McMahan’s (2008, 8–9) proposed solution is to create a breed of animals that are genetically programmed to die at an early age, “when their meat would taste best.” Bruckner (2015) suggests perhaps the most feasible alternative: we could collect and eat animals killed by vehicular collisions, that is, road kill.²

Millions of pounds of perfectly nutritious roadkill meat are thrown out each year, and if consumers were to collect and eat roadkill, this would not cause any harm, according to Bruckner. Perhaps this wouldn’t even harm scavenger animals, since this proposal applies only to *large* road-killed animals, such as deer and elk, which are usually collected by government agencies and wasted in landfills and thus are, as it currently stands, off-limits to scavengers.³ Bruckner moreover argues that if consumers were to get some of their protein from roadkill, this would *reduce* the harm they cause—and this holds true even for vegetarians. After all, industrial plant production arguably causes extensive harm to field animals (Davis 2003; Demetriou and Fischer 2018). Thus, it seems that, according to their own principles, vegetarians have a duty to minimize harm to field animals, and one way they might do this is by supplementing their diets with roadkill. Bruckner thus concludes that the harm principle, which he claims is central to the “usual arguments” for vegetarianism, implies that it is not merely permissible, but rather *obligatory* to get some of our protein from roadkill.

The basic format of the argument is this:

P1) According to the vegetarian, it is wrong to (knowingly) cause, or support practices that cause extensive, unnecessary harm to animals. [This is the *harm principle*].

P2) Consuming plants supports a practice that causes extensive, unnecessary harm to animals.

P3) Collecting and consuming roadkill doesn’t support a practice that causes extensive, unnecessary harm to animals.

P4) If there’s a choice between performing an act that supports a practice that causes extensive harm and performing an act that doesn’t support a practice that causes extensive harm, we ought to perform the act that doesn’t support a practice that causes extensive harm.

P5) Consumers have a choice to eat a strictly plant-based diet or to collect and consume roadkill.

² Bruckner is in the company of Milburn (2017) and Fischer (2018), who argue that it’s permissible to eat roadkill or animal flesh obtained through dumpster diving.

³ Bruckner suggests that individuals who collect and consume roadkill relocate the parts of the animals unfit for human consumption to environments where they can be scavenged. He claims that if this is done, scavengers would benefit from his proposal.

C) According to the vegetarian's harm principle, we are obligated to *collect* and *consume* roadkill (and thus, according to the vegetarian's harm principle, *strict* vegetarianism is immoral).⁴

One goal of Bruckner's project is to show how vegetarianism is rendered inconsistent with its own fundamental principle: the harm principle. Contra Bruckner, I will argue that the harm principle implies that eating roadkill is, *at best*, morally permissible. And there's good reason to think that the harm principle entails that, in most circumstances, eating roadkill is morally *wrong*. Finally, as I will point out, Bruckner fails to consider a compelling argument for vegetarianism that doesn't appeal to the harm principle: the respect argument. And, as I will argue, the respect argument can explain the *strict* vegetarian's intuition that eating roadkill is *wrong*.

Objection 1: Not Everyone has Access to Roadkill

In Bruckner's (2015, 36) words, "the usual arguments" for vegetarianism imply that "we [my emphasis] are obligated to collect and consume roadkill." There are two possible ways to interpret the use of the word "we." Perhaps Bruckner meant that *everyone* is obligated to collect and consume roadkill and that, for *everyone*, it is immoral to eat a strict vegetarian diet. An obvious problem for this interpretation is that many people never encounter large, fresh, intact, and unspoiled roadkill in their entire lives. These people, then, cannot easily, if at all, collect and eat roadkill, even if they desire to do so. And if one is *unable* to collect roadkill, then surely one is under no obligation to do so. Bruckner might then point out that in some states, one can sign up for the local game warden's list to be notified when fresh, intact, and unspoiled roadkill is located and available for pickup. So, perhaps one might argue that there is an obligation to add one's name to this list and to collect and consume roadkill when contacted by a game warden. Still, not every state has such a list. In some states, such as California, it's *illegal* to collect roadkill. And some who add their name to such a list might never be notified about available roadkill. Surely, it's not obligatory for *these* people to collect and consume roadkill.

Perhaps, then, Bruckner intended to defend a "limited we" approach, which contends that only those who either encounter fresh, intact, and unspoiled roadkill *or* are notified about the availability of edible roadkill are obligated to collect and consume roadkill. Yet there remains a problem with even the "limited we" interpretation: some people don't have motor vehicles, so even if they encounter fresh, intact, and unspoiled roadkill, they may be unable to collect and transport it. Recall that when Bruckner claims there is an obligation to eat roadkill, he emphasizes that he is concerned only with "large...animals such as deer, moose, and elk" (Bruckner 2015, 33). But note that the average deer weighs over 100 lb, the average moose weighs over 800 lb, and the average elks weighs over 700 lb. Many people who do have vehicles don't have vehicles that are large enough to transport large roadkill. So even those who encounter fresh, intact, and unspoiled

⁴ Although the target of his project are *vegetarians*, his argument might also apply to *vegans*, i.e., those who eat only plant-based foods. But since Bruckner talks in terms of "vegetarianism," I will also do so.

roadkill *and* have motor vehicles may be unable to collect and transport it. Others, such as those who live in small apartments, may lack the equipment and space needed for cleaning and butchering large carcasses and storing 35–300 lb of animal flesh. Keep in mind that, when large animal bodies are processed into food, they are immediately hung upside down so that the blood is drained. It's likely that those who live in apartment complexes are not permitted to hang deer carcasses outside of their units, especially those who don't have individual porches or patios. Moreover, those who process the roadkill should have some knowledge of animal anatomy to ensure that they don't puncture or rupture certain organs, as doing so can spoil the meat. But the average person lacks this knowledge.

I grant that it's plausible that, according to the harm principle, those who (1) happen across fresh, intact, and unspoiled roadkill, and (2) have the necessary equipment and knowledge for transporting, processing, and storing large animal carcasses are obligated to collect and consume roadkill. Consider Steve's situation.

Steve is driving a large pickup truck down the highway when he sees a dead deer on the side of the road. The carcass is fresh, intact, and unspoiled. Because he is very strong, Steve can lift the carcass onto his truck and transport it home. Steve also has taken roadkill education courses and is well informed about safe animal handling practices. He also has the space and equipment needed to butcher and process the roadkill and a large freezer in which he can store the 35 lb of animal flesh he salvages.

But most people aren't in Steve's position. Arguably, the average person who happens upon roadkill is in a situation more like Dana's.

Dana is driving her Honda Civic down the highway when she sees a dead deer on the side of the road. The carcass is fresh, intact, and unspoiled. Dana wishes that she could collect the carcass, transport it home, process it, and consume it. But she realizes that, as a 110-pound woman, she cannot lift the carcass herself. And, even if she could, she wouldn't be able to fit it in her small car. Moreover, she doesn't know the first thing about cleaning and butchering animal bodies, and her apartment manager would surly forbid her from hanging the deer carcass on the apartment property. Finally, her freezer is much too small to store 35 lb of meat.

The point here is that specialized equipment and knowledge is needed to haul, process, and store roadkill, and such equipment and knowledge are not things the average person possesses or can readily obtain. Thus, it's unreasonable to insist that the average person is morally obligated to supplement their diet with roadkill, even if they happen upon it.

One might insist that Bruckner's argument applies to even people like Dana. Perhaps Dana can call a friend who owns a pickup truck and is willing and able to help her collect and transport the deer. This friend could then transport the roadkill, *while it's still fresh*, to a professional deer processor. After the roadkill is processed, Dana could freeze and store the 35 lb of meat at a friend's house. Or, at the very least, Dana could store a small amount of the meat in her own refrigerator.

If Dana can do all of this, then it's plausible that she has an obligation to collect and consume roadkill. But, still, the point remains: if there is such a duty to collect and consume roadkill, it would fall on only a *very* small number of people. As mentioned, not everyone happens across *fresh, intact, and unspoiled* roadkill in the first place. Second, not everyone has a pickup truck *or* a friend with a pickup truck who is able and willing to help their friends transport roadkill, before it spoils, to a processing facility. If there is such a duty to collect and consume roadkill, it falls only on those who (1) happen across fresh, intact, and unspoiled roadkill, (2) have the means of transporting it (whether this be their own large vehicle or the large vehicle of a friend who is willing and able to help transport the roadkill while it's still fresh), (3) have the means of processing the roadkill (whether this be their own personal equipment or access to a deer processor), and (4) have the means of storing 35 lb or more of animal meat (whether this be their own freezer or a friend's freezer). Perhaps, then, when Bruckner says "we" have an obligation to collect and consume roadkill, he meant for this to apply to the people described in the prior sentence. But now the argument has become much less interesting and shocking, given that very few people will ever find themselves in such a position.

One might reply that Bruckner's point isn't that it is likely that vegetarians will encounter roadkill; rather, his point is that refusing to eat meat in certain circumstances is wrong. But, still, if this is his point, it's disingenuous for him to title his paper "Strict Vegetarianism is Immoral." After all, this title suggests that, for *everyone*, it's immoral to eat a strictly plant-based diet. Surely those who don't have access to a roadkill-based diet are justified in eating strictly plants. A title that more accurately reflects Bruckner's project is something like this: "Strict Vegetarianism is Immoral when One Has the Option to Consume Roadkill." But this title is much less shocking.

If there were some sort of commercial collection and butchering service for roadkill that packages and distributes roadkill to grocery stores, which can then be sold to consumers, this would eliminate the individual hardship problem. But because Bruckner seems to claim that *individuals* have an obligation to collect and consume roadkill, one cannot defend his conclusion by claiming that it's *possible* for commercial collection agencies to do the hard work for individuals.⁵ After all, such services are not currently available to the standard consumer. Although, as Bruckner notes, in *some* states, there are organizations that collect, butcher, and distribute road-killed meat to those in need, not every state provides such services. Moreover, states with these services don't process and transport roadkill to *grocery stores*. For instance, in Alaska, all roadkill belongs to the state, and it's salvaged through a roadkill program that donates roadkill to *charity groups*. So vegetarians in Alaska who don't depend on the services of charity groups certainly aren't obligated to eat roadkill. Moreover, states with bills that permit roadkill salvaging stipulate that it cannot be sold by butcher shops, supermarkets, and other establishments that require a USDA seal. At

⁵ At times, Bruckner specifically uses the term "individuals" when discussing the alleged duty to collect roadkill for consumption (2015, 33, 44).

best, Bruckner might argue that *if there were supermarkets that sold roadkill, consumers (vegetarians included) would be obligated to purchase and consume roadkill*. But until state laws concerning roadkill collection change, most vegetarians are under no obligation to consume roadkill. Moreover, as I will argue in the next section, even if some people can easily access roadkill meat, it doesn't follow that *they*, themselves, are obligated to consume roadkill. Quite the contrary, in many cases, it would be morally wrong to do so.

Objection 2: Roadkill Wouldn't go to Waste if Vegetarians Don't Consume it

One key assumption of Bruckner's argument seems to be that roadkill would be wasted if those who happen upon the roadkill don't *themselves* consume it. In this section, I describe alternative ways one might use roadkill to *more effectively* reduce harm in the world, all of which involve donating roadkill "finds" to those who regularly consume factory-raised meat. The core claim of this section is that industrial animal production causes more harm than what I will call "pure plant production," which refers to the production of plants for the purpose of direct *human* consumption.

Bruckner himself grants (for the sake of argument) that industrial animal agriculture causes more *environmental* harm than plant production. And in addition to causing more *environmental* harm than pure plant production, industrial animal production causes more *animal* harm than *pure* plant production. In defense of this claim, we need only to point to the terrible harm inflicted upon the billions of animals confined to factory farms—harms which are acknowledged by Bruckner himself.⁶ But one might argue that pure plant production also causes extensive harm to field animals, and perhaps the alleged harm done to field animals in pure plant production outweighs the harm done to factory farmed animals in industrial animal agriculture.

If extensive harm is caused to field animals during plant productions, then this means that when there is an increase in plant production, there is an increase in field animal harm. Now, note that diets supported by industrial animal agriculture require the harvesting of *more* plants than strictly plant-based diets. After all, farmers feed, on average, 8 lb of plant protein to pigs in return for one pound of pork, and they, on average, feed 21 lb of plant protein to cattle in return for 1 pound of beef (DeGrazia 2002: 75). If humans were to eat plants instead of factory raised animals, plant production would drastically *decrease*, and, consequently, the number of field animals killed in agriculture would sharply decrease.

Given that industrial animal farming inflicts terrible suffering upon billions of farmed animals each year *and* it is responsible for *more* field deaths than pure plant production, industrial animal agriculture surely causes more harm to animals than

⁶ For a more detailed description of these harms, see Singer (1975) and Rachels (2011).

does *pure* plant production, *even when granting that plant production causes extensive harm to field animals*. And this implies that, from a moral perspective, it's better to reduce the purchases of factory-farmed animal flesh than it is to reduce the purchases of plant-based food, which in turn implies that it's preferable that available roadkill be given to the average meat eater instead of the vegetarian.⁷

Any plausible ethical theory recognizes a *prima facie* obligation to reduce harm in the world *wherever it occurs and regardless of who causes it*, assuming we can make a difference. Morality is not just about minding one's own business and narrowly concerning oneself *only* with the impacts of one's own actions. So, if the best way for vegetarians to reduce harm in the world is by donating their roadkill "finds" to those who regularly consume factory-raised meat, they have an *obligation* to do so. Consider, for instance, vegetarian David.

Vegetarian David happens upon roadkill, and he has the means of transporting, cleaning, butchering, and storing it. Rather than consume the roadkill himself, he would rather feed the roadkill to someone who gets their protein mainly from factory-farmed meat. As David sees it, reducing the amount of factory-farmed meat that will be purchased and consumed is better than reducing the amount of plants that will be purchased and consumed.

David has several options. He could collect and donate roadkill to a wild animal sanctuary, and the sanctuary can then feed it to their obligate carnivores.⁸ For example, Carolina Tiger Rescue (2018) in North Carolina says on their website that roadkill deer are accepted "if the person donating the deer witnessed the deer getting hit or hit the deer themselves, and must be within 24 h while the carcass is fresh." This animal sanctuary spends approximately \$80,000 (annually) on animal food, and a significant amount is spent on chicken, as their big cats each eat approximately 10–15 whole chickens every week. So, if vegetarians collect deer carcasses and donate them to Carolina Tiger Rescue, the sanctuary will reduce the number of chickens they purchase.⁹

Or, if David himself lives with companion animals, such as dogs or cats, he could freeze the roadkill and feed it to his animal companions throughout the year. If he doesn't live with companion animals, he could donate the roadkill to people who

⁷ Because 99% of animal products sold in supermarkets come from industrial animal farms, the average meat-eater surely consumes animals who were fed diets of industrial produced plants (as opposed to grass-fed animals).

⁸ Not all animal sanctuaries accept roadkill donations. The Wild Animal Sanctuary (2013) in Colorado, for instance, says on their website that "[w]e do not take in road-kill or any other kind of carcass animals since they are not fresh, or safe, for our animals to eat. Dead animals can bring in all sorts of fleas, ticks and other parasites—which can cause a lot of medical problems for our animals." But moral agents nevertheless have a duty to familiarize themselves with the policies of their local animal sanctuaries and wildlife rehabilitation centers *when they happen upon roadkill*, just like moral agents have a duty to familiarize themselves with the policies of domestic violence shelters, *if they happen upon victims of domestic abuse*. And if this is too much to ask, surely, it's too much to ask an individual to collect and butcher roadkill.

⁹ And if this suggestion seems implausible, it's worth noting that, in some states such as New York, roadkill is often collected for Mexican gray wolf reintroduction programs.

do. Either way, this would reduce the amount of harm in the world, insofar as animal guardians who feed their animal companions roadkill will reduce the amount of commercial pet food they purchase, which causes (or supports a practice that causes) extreme harm to animals. According to Bruckner's logic, even *vegetarian* pet food causes extensive harm to field animals, so by feeding roadkill to their companion animals, animal guardians can reduce their harm footprint, perhaps more effectively than if they were to themselves consume the roadkill.

Here's a third option: David could give the animal flesh to one of his meat-eating friends, thereby reducing the amount of factory-farmed meat they would have otherwise purchased. Or, he could donate the roadkill to a homeless shelter or charity that feeds the hungry. Bruckner himself acknowledges that, in some states, there are charitable organizations and governmental agencies that have systems for collecting, butchering, and distributing roadkill meat to needy individuals. It's not clear why Bruckner doesn't suggest that vegetarians who happen upon roadkill donate the roadkill to these organizations or local food banks.

The argument here also implies that even if roadkill were sold in grocery stores, vegetarians wouldn't be morally obligated to purchase and consume roadkill. In fact, it might be wrong for them to do so. After all, we need to consider what would happen if vegetarians refused to purchase roadkill. Presumably, someone who is more likely to buy industrial produced meat would purchase and consume supermarket roadkill. And, as I just argued, it's better to reduce the purchases of factory-farmed products than it is to reduce the purchases of plant-based foods.

At best, Bruckner might argue that a *vegetarian* is obligated to eat roadkill in this circumstance: (1) a free roadkill lunch is offered to the vegetarian by someone who already has roadkill on hand, (2) the person offering the roadkill-lunch plans to throw it in the trash if the vegetarian refuses it, (3) if the vegetarian refused the sandwich, she would have to purchase a plant-based meal, and (4) the vegetarian doesn't have the option to give the roadkill meal to someone else (human or nonhuman). In this case, the harm principle may imply that the vegetarian ought to eat roadkill. But then again, one must wonder how important it is to defend this very uninteresting point.

Objection 3: It's Possible to Harvest Vegetables Without Killing Animals

Now consider Vegetarian Geoff.

Geoff happens upon fresh, intact, and unspoiled roadkill. He has the means of transporting, cleaning, butchering, and storing it, but he doesn't have the means of donating it to some other factory-farmed meat consumer. Geoff, though, is very careful about where he gets his plant food. In fact, he either grows it himself or purchases it from local community gardens. He thus won-

ders whether reducing the amount of plant protein he consumes by eating the roadkill will make a moral difference.

Geoff is right to wonder about this, since it's possible to harvest plants without causing extensive harm. Bruckner, though, seems to assume the common belief that many field animals are harmed extensively in the production of plants.¹⁰ Presumably, this harm occurs during the plowing of fields and the harvesting of certain crops, such as wheat, corn, soybeans, and rice. While Bruckner does not describe what these harms are, he does draw attention to Stephen Davis's claim that when wheat fields are cut, half of the rabbits in the field and almost all the ground birds and reptiles are chopped up. According to Davis, these animal deaths are a consequence of the *industrial* production of plants. Because the *industrial production* of plants requires the use of *heavy machinery*, many field animals are killed. But not all plant-based farming methods are over-automated and heavily industrialized. Rather, vegetarians could grow their own food with veganic farming methods and without using heavy machinery. With *subsistence agriculture*, which I will simply refer to as "backyard gardening," farmers/gardeners use hand tools and perhaps some simple machines to produce enough food for the individual (and the individual's family). While not everyone has enough land to grow enough food to sustain themselves (and their families), it might be possible for individuals to purchase food from community gardens, which don't use heavy equipment in the production of plant food.

Essentially, Bruckner jumps from the claim that *industrial plant production* causes harm to the claim that *all* forms of plant production cause harm. In doing so, he presents a false trichotomy. After claiming that plant production causes extensive harm to animals, he says that we have three dietary choices: (1) a diet of factory farmed products, (2) a diet of commercially produced plants, or (3) a vegetarian diet supplemented with roadkill. As I've suggested, there are at least two other options: a diet of personally grown plants or a diet of plants grown in urban gardens (or some combination of the two).

Perhaps, though, community and backyard gardening isn't a harm-free way to produce food. Surely, worms, spiders, and insects are killed during even non-intensive farming. But even if it's true that a great number of insects are killed by backyard and community gardening, this does not entail that, *according to the harm principle*, community and backyard gardening cause extensive harm. After all, (1) insects might be insentient (and thus incapable of being harmed), and (2) even if insects can be harmed, they might not be harmed by death.¹¹

Indeed, due to the lack of compelling evidence for insect sentience, more and more *animal* ethicists are suggesting that we could solve the factory farming problem by transitioning to an insect-based diet (Meyers 2012; Fischer 2016). Some have objected to this proposal by appealing to a popular article that suggests that insects may have the capacity for basic consciousness, as structures in insect brains might

¹⁰ As Bruckner (2015, 36) puts it, "[e]veryone seems to agree that extensive harm is done to animals in the production of vegetables".

¹¹ I assume Singer's (1975) compelling claims that (1) only beings with interests can be harmed, and (2) only sentient beings (i.e., beings with the capacity for suffering and enjoying things) have interests.

function analogously to the mammalian cortex, and many insects engage in what appears to be intelligent behavior (Klein and Barron 2016). But even if this hypothesis is true, it would only establish that insects have subjective awareness; it wouldn't establish that they are sentient. After all, one can have basic consciousness without being sentient; sentience requires awareness that involves *feeling* (DeGrazia 2019).

And even if insects are sentient, it doesn't follow that it's wrong to kill them when gardening. After all, the major proponent of the Factory Harm Argument and its harm principle, Peter Singer (1979), famously argues that death itself is not a harm for *nonrational* animals (humans or nonhumans), as they allegedly do not have an interest in continued existence. Clearly, even those who endorse the harm principle are not committed to the view that it's wrong to kill insects (or any nonrational animal, for that matter).¹² So even if insects (1) are sentient (and thus can be harmed), and (2) are killed prematurely in community and backyard gardening, the harm principle doesn't imply that we ought to eat roadkill over plants produced by subsistence or urban farming. In order to claim that eating roadkill is morally better, Bruckner must show either that: (1) insects are harmed by death itself, or (2) insects somehow endure pain and/or suffering because of subsistence and urban gardening. Yet he defends neither.

There are other worries about my "backyard and community gardening" proposal. For one, individual gardeners and community gardeners might not be able to easily produce popular vegan staples, such as lentils, chickpeas, black beans, and so forth. But even if this is true, subsistence gardeners can plan for a well-rounded harvest (and plant enough for canning and conserving for winters) by planting other superfoods (such as blueberries, quinoa, kale, chia seeds, sweet potatoes, and peas) or "survival foods" (such as potatoes, sweet potatoes, kale, grain corn, squash, beans, cabbage, and cassava). Gardening guides are readily available, some of which specify exactly how many plants one must grow to feed oneself and one's family.¹³ Of course, if one eats only what one grows or what one can find in community gardens, one's meal options will be more limited than the options of those who eat industrially produced plants with a little roadkill on the side. But surely *some* vegetarians prefer a boring diet to eating roadkill and industrial produced plants.

Here's another concern. Although some people can grow and/or purchase *some* plant food without harming animals, perhaps neither backyard nor community gardens (or some combination of both) produce enough plant food for *well-rounded*, nutritionally adequate diets. But even if it's impossible to consume a well-rounded, nutritionally adequate diet by growing all of one's food and/or by purchasing it from

¹² Bruckner himself seems to equate harm with pain and/or suffering, and not once does he suggest that the premature death of an animal is itself a harm. In his description of the Factory Harm Argument, the harms that Bruckner describes are felt harms. For example, he mentions the harms of food and water deprivation, painful mutilations, chronic respiratory diseases, intensive confinement, all of which cause pain and/or suffering to animals. Although he also mentions that industrial animal farming prevents animals from engaging in species-specific behavior, if this is a harm, arguably it is because depriving animals of the opportunity to engage in species-specific behavior causes frustration, which is itself a form of suffering.

¹³ For example, see *The Gardner's A-Z Guide to Growing Organic Food*.

community gardens, it still doesn't follow that it's *obligatory* to consume roadkill. Perhaps someone like Geoff is willing to forgo the benefits of a well-rounded, nutritionally adequate diet in order to avoid eating industrial produced plants *and* roadkill. And it would be well within Geoff's rights to do so. Surely, one is not morally *required* to eat a well-rounded, nutritionally adequate diet.

Keep in mind that I am not arguing that one has an *obligation* to eat only what one grows oneself and/or what one purchases from community gardens. The point of this discussion is to show that *some* vegetarians, such as Geoff, might prefer to eat *only* food that comes from their personal or community gardens. And if someone chooses to eat in such a manner, one is not *obligated* to eat roadkill. So, contra Bruckner, strict vegetarianism is not immoral for these folks. If there is an *obligation* for someone like Geoff to eat roadkill, the following implausible claims must be true: (1) humans have an *obligation* to eat well-rounded, nutritionally adequate diets, and (2) one *cannot* eat a well-rounded, nutritionally diet by growing one's own food and/or by purchasing it from community gardens.¹⁴ Bruckner hasn't given us reason to accept either.

Objection 4: The Animals Who Die in Plant Production Might Not Be All-Things-Considered Harmed

It's certainly not viable for *everyone* to satisfy their nutritional needs by producing their food themselves or by purchasing it from community gardens. Consider, for instance, Vegetarian Samantha:

Samantha neither has access to community gardens, nor the means of growing food in her backyard. Samantha encounters the fresh and unspoiled carcass of a deer killed by a motor vehicle, and she has the means of transporting, cleaning, butchering, and storing the meat. But she doesn't have the option of donating the carcass to a meat eater.

Samantha thus has two options: (1) she can consume the roadkill, and thereby reduce her purchases of industrial produced vegetables, or (2) she can refuse to eat the roadkill and continue to purchase and consume only industrial produced plants. I argue that *even when granting that some animals are harmed in industrial plant agriculture*, it doesn't follow that Samantha is required to get some of her protein from roadkill. This is because even if animals are harmed by plant production, they might not be all-things-considered harm.

A key assumption of Bruckner's argument is that the animals killed by plant production are harmed extensively. Yet he doesn't elaborate upon the harms, granting

¹⁴ Or, Bruckner could modify his conclusion to this: *if* (1) one chooses to eat a well-rounded diet, (2) it's permissible to pursue the means necessary to eating a well-rounded diet, (3) one cannot eat a well-rounded diet by growing one's own food and/or by purchasing it from community gardens, (4) one happens upon roadkill, and (5) one has the means of transporting, butchering, and storing the roadkill, then (5) one ought to collect and consume roadkill.

only that at least some field animals (such as rabbits, mice, and nesting birds) are injured or killed by plant production (plowing and harvesting crops). For instance, he does not specify what percent of field animals suffer extensively before their deaths. Perhaps it is the case that while many field animals are killed by industrial plant agriculture, their deaths are relatively quick and painless. And, as noted earlier, the harm principle does not assume that death itself harms field animals.

But let us grant, for the sake of argument, that: (1) at least some field animals are harmed by death, and/or (2) field animals who are killed in crop production suffer before they die. Still, it's not enough to show that field animals are harmed in plant production to deem it wrong for someone like Samantha to refuse to eat roadkill. In order to make this claim, Bruckner needs to argue that industrial plant production causes an *all-things-considered harm* to field animals.

It might be the case that the animals killed in commercial plant production exist only because of plant production. Because cropland provides an abundance of food, it can support more animal life. And it's good for field animals to exist, *unless the harms they experience when they are killed are so serious that it renders their lives not worth living*. And Bruckner certainly hasn't argued that this is the case. So even if some animals are harmed when they are killed by field cutting practices, it doesn't follow that they are *all-things-considered* harmed by plant agriculture. And it doesn't follow that industrial plant agriculture is a bad practice. Rather, if this practice causes field animals to exist and if the lives of field animals are worth living, then this practice is good for field animals, because without it, they wouldn't have existed.¹⁵

A reasonable concern, though, is that this line of argumentation might be used to justify raising and slaughtering animals on "happy farms." Yet there is a morally relevant difference between (1) *intentionally* bringing animals into existence with the goal of 1 day *intentionally* killing them in order to consume them, and (2) *unintentionally* bringing animals into existence and later *unintentionally* killing them as a side-effect of growing and eating *plants*. The former, which is inherent to traditional animal agriculture, not only involves intentional killing, but it also involves the modification of animal lives and bodies. But humans certainly do not *intentionally* bring field animals into existence, planning to later slaughter and consume them. Rather, their deaths are unfortunate by-products of our attempts to feed ourselves with plants. And if the lives of field animals are worth living, despite the alleged suffering they experience before they die, it's difficult to see how supporting most forms of industrial plant production is morally objectionable.¹⁶

¹⁵ Even if this practice turns out to be good, it doesn't follow from this that it's obligatory. That is, there is no moral duty to enlarge plant production so to bring more field animals into existence. After all, the harm principle doesn't require that we benefit others; it just requires that we abstain from causing extensive and unnecessary harm (and that we refrain from supporting practices that cause such harm).

¹⁶ Certain forms of plant production are problematic, such as those that destroy current animal habitat. So, if plant agriculture requires the *expansion of cropland by means of destroying perfectly good animal habitat*, Bruckner's argument would be more compelling. But he hasn't made the case that this is inherent to industrial plant agriculture.

The argument here relies on the claim that there is a moral distinction between intending harm and unintentionally, but foreseeably causing harm. This line of thought is made popular by the doctrine of double effect (DDE), which claims that, in order for it to be justified to perform an act that causes a foreseeable bad effect as a *side-effect* of promoting a good end, the following conditions must obtain: (1) the nature of the act itself is not intrinsically bad, (2) the bad effect is not intended, (3) the bad effect is not the means by which the good effect is achieved, and (4) the good effect “outweighs” the bad effect. Some might worry that relying on the DDE’s allowing/intending harm distinction has significant costs. For instance, one might attempt to defend commercial fishing against the “by-catch” problem by claiming that commercial fishers do not *intend* to kill bycatch and that the death of by-catch is just a foreseeable, but *unintended* consequence of fishing.

This “fishing objection” fails to consider that commercial fishing doesn’t satisfy the fourth condition of the DDE insofar as the bad effect of fishing (the death of bycatch) is not proportional to the good effect. Keep in mind that *because there are alternatives to eating fish*, the good effect of commercial fishing is simply the *gustatory* pleasure of eating fish, and surely this trivial pleasure does not outweigh the great harm done to bycatch. Moreover, the “fishing objection” fails to acknowledge that although the bad effect of bycatch is not intended, the bad effect of fish suffering and death (remember, I’ve granted that death is a harm for animals) *is* intended by commercial fishing. And this alone makes commercial fishing wrong. To see why this is, consider the following:

James starts to suffocate Sarah and then finishes her off by blowing her up with a grenade. James does this because he wants to eat Sarah once she is dead. As a side effect of the grenade blast, Jerrod dies.

Just as one cannot justify the harm done to Sarah by pointing out that Jerrod’s death was not intended, one cannot justify killing fish by pointing out that the harm done to bycatch is not intended. Arguably, both James and commercial fishers intend to harm their victims, and this itself makes their behavior morally wrong.

Objection 5: Not Every Compelling Argument for Vegetarianism Endorses the Harm Principle

A final problem with Bruckner’s argument pertains to his assumption that the “most convincing” arguments for vegetarianism endorse the harm principle. In describing “the usual” arguments for vegetarianism, he appeals primarily to the arguments put forth by *utilitarians*, such as Singer (1975) and Rachels (2011). Since those who are vegetarian for utilitarian reasons assume that what’s fundamentally wrong with eating animals is the distress it causes, Bruckner might be right that, according to the harm principle, they ought to consume roadkill *if it’s readily available to them and there is nothing better they can do with it*. But utilitarian arguments are not the only compelling arguments for vegetarianism. And if Bruckner believes that all other arguments for vegetarianism are implausible, he needs to explain *why*.

A distinct and incredibly influential non-consequentialist argument for vegetarianism is put forth by the father of animal rights theory, Tom Regan (1983), and Bruckner fails to even *mention* this compelling argument. Regan contends that the argument for vegetarianism is not so much about the experiential harm done to the animals who are raised and killed on farms; it is rather about *respect*. On this view, the fundamental wrong of using animals for food is not the pain or suffering meat production causes; rather, the fundamental wrong is the *viewing* and treating of animals as our resources, here for us to consume. As Regan argues, the fundamental principle of morality, the respect principle, demands that we both treat and *view* animals (human or nonhuman) respectfully.

In explaining what it means to treat a being with respect, Regan first describes what it means to *fail* to respect another. As he argues, one fails to show respect for others when one reduces them to the status of *resources, tools, or commodities*; it is disrespectful to treat another as if she were here for us to consume. This is precisely why it is wrong to raise and kill animals for food. But the respect principle is not only concerned with our *treatment* of living animals; it moreover implies that practices are wrong when they *express* an impoverished view of those with inherent value. One such practice is eating roadkill. When we eat deer corpses, we express that deer are resources, here for us to consume, thus failing to *view* deer with the respect they are due, *even if our act of consumption does not cause experiential harm to a particular deer*. There's something deeply problematic with eating roadkill because there's more to the wrongness of eating animals than the experiential harm it typically causes.

Viewing animals (humans and nonhumans) with respect requires that we *view* them as *things that are not to be eaten*. This explains our strong intuition that there is something morally problematic about eating *human* corpses. Eating human corpses is wrong precisely because such an act indicates a failure to recognize that humans, as beings with inherent value, *are not things to be eaten*. To consume human corpses is to express that humans are consumables or resources, and this is a failure to view humans with the respect they are due, *even if this act of consumption does not cause experiential harm to a particular human*.¹⁷

But perhaps eating humans is not *intrinsically* wrong; perhaps we are just offended by it because of our cultural norms. But if this is the case, then it's curious that Bruckner didn't argue that the harm principle entails that we ought to collect and consume human corpses. He could have argued that the duty to collect and consume human corpses is implied by *any* ethic that says it is wrong to cause unnecessary harm to *humans* (or that it's wrong to support practices that cause unnecessary harm to humans). After all, the production of both animal and plant foods

¹⁷ Thus, one cannot justify eating roadkill by claiming that doing so is a sign of respect for animals and that it would be the epitome of disrespect to waste their bodies by throwing them in landfills. After all, it's unlikely than one would attempt to justify eating human corpses by appealing to the "waste argument." Moreover, what I've argued does not imply that roadkill should just be thrown in landfills. As I've argued, individuals who happen upon roadkill *and* have the means of transporting it should donate the roadkill to animal sanctuaries. And if that's not possible, perhaps they should bury the carcasses as a sign of respect.

harms *humans*. For instance, slavery and labor abuse is widespread in the United States agriculture system, as evident by the horrific treatment of migrant workers on Florida tomato farms. The construction of palm oil plantations pollutes the air in Indonesia and Malaysia, causing serious harm to *human* health. By eating human corpses, we could reduce our support for plant agriculture, which causes extensive, unnecessary harm to not only animals, but to *humans*, too.

It's likely that Bruckner didn't argue that those who promote human rights and welfare ought to consume human corpses because he acknowledges that this somehow is disrespectful to *human beings*. Yet to eat roadkill, while refusing to eat the corpses of humans, is to express the sentiment that because humans have, while animals lack, serious moral worth, human bodies should be venerated, while animal bodies can be consumed. And it is precisely because we are willingly to eat animal corpses, but at the same time, we refuse to eat human corpses, that makes eating roadkill wrong. Indeed, it would be terrible to suggest that humans should eat the corpses of black humans, while remaining silent about the ethics of consuming the corpses of white humans. It is terrible because this would express the disrespectful view that black people, but not white people, are mere consumables, and thus that black people have less moral worth than white people. Likewise, to suggest that humans should eat the corpses of animals, while remaining silent about the ethics of consuming human corpses, is problematic because it expresses the disrespectful view that animals, but not humans, are things to be eaten.¹⁸

If Bruckner's argument seems convincing, it is because there is a deeply embedded cultural belief that animals are, while humans are not, things to be eaten. This is especially true when it comes to animals like deer, elk, and moose. But it is precisely the deeply embedded cultural idea that "animals are things to be eaten" that is called into question by some non-consequentialist arguments for vegetarianism. The different ways in which we approach the handling of human and animal corpses is not only a symptom of the belief that animals are, in general, worth less than humans, but it also perpetuates it. Those who fail to view and treat animals equally often readily consume animal corpses because they don't see animals as worthy of the same respect we show to humans. And the eating of animal corpses, including roadkill, reaffirms the view that animals are unequal to humans. Some vegetarians who refuse to eat roadkill attempt to break this vicious cycle by demanding that we reconsider our notion of what it means to be an animal. As at least one compelling, non-consequentialist argument for vegetarianism contends: *to be an animal is to be the type of being who shouldn't be consumed*. To eat, or recommend that humans eat, roadkill is to deny this very plausible claim.

Objection

One might object that what I've just argued implies that we ought not to feed animal corpses, such as roadkill, to obligate carnivores in sanctuaries. After all, if animals aren't things to be eaten, then it seems that their corpses shouldn't be fed to *anyone*:

¹⁸ Sue Donaldson and Kymlicka (2013, 152) express a similar concern about the production of cultured meat.

human or nonhuman. And if this is true, then I shouldn't have suggested that roadkill be donated to animal sanctuaries and wildlife centers.

But to refuse to feed animal flesh to animals in sanctuaries and other wildlife centers is disrespectful to the obligate carnivore residents. It is to deny what obligate carnivores are: animals who *need* to eat other animals. There is thus a distinction between (1) expressing the view that animals are things for *humans to eat*, and (2) expressing the view that some animals are things for *carnivorous animals to eat*. To express that some animals are things for *carnivorous animals* to eat is not disrespectful to the animals who might be eaten. After all, it is a tragic reality that some animals must eat other animals to survive. But to express the view that animals are things for *humans* to eat is not only disrespectful to all animals, but it also perpetuates the unfounded view that humans need to eat animals to survive—a view that is commonly used to “defend” industrial animal agriculture. To express the view that animals are things for humans to eat is not only *itself* disrespectful, but it also may perpetuate the exploitation of animals for food, which itself causes much pain and suffering.¹⁹

One might then wonder: if it is permissible to feed deer carcasses to carnivorous animals in sanctuaries, it is also permissible to feed *human* corpses to these animals? I am inclined to say that we should feed human corpses to carnivorous animals in sanctuaries, simply because carnivorous animals are the kind of things that need to eat other animals to survive, and humans *are* animals. But I hesitate to defend this view, because even carnivorous nonhumans aren't the kinds of beings who normally eat *human* animals. And by feeding human corpses to carnivorous animals in sanctuaries, we very well might perpetuate the harmful myth that certain animals are “deadly menaces” who are looking to attack humans. This misconception is certainly dangerous for large carnivores, as it promotes the irrational fear of “man-eating animals,” which in turn might incite humans to “retaliate” against larger predators.

Concluding Remarks

The aim of Bruckner's project is to argue that the core principle of the “usual” arguments for vegetarianism support the conclusion that eating roadkill is obligatory. But, as I've shown, aside from extreme circumstances, the harm principle, at best, implies that it's *permissible* to eat roadkill. Moreover, there is a compelling argument for vegetarianism that doesn't rely on the harm principle, and this argument implies that consuming roadkill is indeed wrong. Consequently, not all vegetarians are committed to consuming roadkill. Although Bruckner's argument is deeply flawed, it serves as an important reminder that some plant-based diets cause serious harm, and thus even the hands of vegetarians may have blood on them. All humans, including vegetarians, have a moral obligation to reduce the amount of harm we

¹⁹ Bruckner addresses a similar, but different concern in his paper. He considers this objection: eating roadkill will lead us to desire to eat more meat, and this desire will motivate us to buy and consume meat from the grocery store. But my concern is that whenever we consume the corpses of animals, we express the belief that “animals are consumables,” and this might make ourselves and others more likely to participate in animal exploitation, which causes extensive *felt harms*.

cause through our consumption choices, and we ought to refrain from purchasing plant-based products that are known to be especially harmful, such as palm oil. And as some animal ethicists suggest, we should consider reducing the amount of plants that we eat by consuming possibly insentient animals, such as insects or bivalves (Fischer 2016; Meyers 2012). But we are under no obligation to consume roadkill.

References

- Bruckner, D. (2015). Strict vegetarianism is immoral. In B. Bramble & B. Fischer (Eds.), *The moral complexities of eating meat* (pp. 30–47). Oxford: Oxford University Press.
- Carolina Tiger Rescue. (2018). Frequently asked questions. Retrieved October 26. <https://carolinatigerrescue.org/about/frequently-asked-questions/>.
- Davis, S. (2003). 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(4), 387–394.
- DeGrazia, D. (2002). *Animal rights: A very short introduction*. Oxford: Oxford University Press.
- DeGrazia, D. (2019). Sentience and consciousness as bases for interests and moral status: Considering the evidence and speculating about possibilities. In S. Johnson, A. Fenton, & A. Shriver (Eds.), *Neuroethics and nonhuman animals*. New York: Springer.
- Demetriou, D., & Fischer, B. (2018). Dignitarian hunting: A rights-based defense. *Social Theory and Practice*, 44(1), 49–73.
- Donaldson, S., & Kymlicka, W. (2013). *Zoopolis: A political theory of animal rights*. Oxford: Oxford University Press.
- Fischer, B. (2016). Bugging the strict vegan. *Journal of Agricultural and Environmental Ethics*, 29, 255–263.
- Fischer, B. (2018). Arguments for consuming animal products. In A. Barnhill, M. Budolfson, & T. Doggett (Eds.), *The oxford handbook of food ethics*. Oxford: Oxford University Press.
- Klein, C., & Barron, A. (2016). What insects can tell us about the origins of consciousness. *PNAS*, 113, 4900–4908.
- McMahan, J. (2008). Eating animals the nice way. *Daedalus*, Winter, 1–11.
- Meyers, C. (2012). Why it is morally good to eat (Certain Kinds of) meat: The case for entomophagy. *Southwest Philosophy Review*, 29(1), 119–126.
- Milburn, J. (2017). Animal rights and food: Beyond regan, beyond vegan”. In M. Rawlinson & C. Ward (Eds.), *The Routledge handbook of food ethics* (pp. 284–293). London: Routledge.
- Rachels, S. (2011). Vegetarianism. In R. G. Frey & T. L. Beauchamp (Eds.), *The oxford handbook of animal ethics* (pp. 877–905). Oxford: Oxford University Press.
- Regan, T. (1983). *The case for animal rights*. Berkeley: University of California.
- Shriver, A. (2009). Knocking out pain in livestock: Can technology succeed where morality has stalled? *Neuroethics*, 2(3), 115–124.
- Singer, P. (1975). *Animal liberation*. New York: Avon Books.
- Singer, P. (1979). Killing humans and killing animals. *Inquiry*, 22, 145–156.
- Wild Animal Sanctuary. (2013). Frequently asked questions. Retrieved October 26, 2018, from <http://www.wildanimalsanctuary.org/sanctuary/faq.html>.

Publisher’s Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.