



Animal Rights and the Duty to Harm

When to be a Harm Causing Deontologist

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Abstract An adequate theory of rights ought to forbid the harming of animals (human or nonhuman) to promote trivial interests of humans, as is often done in the animal-user industries. But what should the rights view say about situations in which harming some animals is necessary to prevent *intolerable injustices* to other animals? I develop an account of respectful treatment on which, under certain conditions, it's justified to intentionally harm some individuals to prevent serious harm to others. This can be compatible with recognizing the inherent value of the ones who are harmed. My theory has important implications for contemporary moral issues in nonhuman animal ethics, such as the development of cultured meat and animal research.

Keywords Animal ethics · deontology · harming · rights

1 Introduction

After its release in 2016, the plant-based Impossible Burger is now available in over 3,000 restaurants in the U.S. and Hong Kong, and it's expected to be available in grocery stores by the end of 2019. This burger is made for meat lovers; it replicates the taste, texture, and look of meat due to its “groundbreaking ingredient”: heme. Notably, heme makes the burger “bleed,” just like animal-based patties. In the past year, the plant-based foods category grew 8.1%, hitting \$3.1 billion in sales (Nielsen Company 2018). Impossible Foods plans to produce 2.5 million pounds of Impossible Burgers per month by the end of the year (Shieber 2018). Surely, the Impossible Burger will, if it hasn't already, prevent serious harm to factory farmed animals by

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sharply reducing the amount of factory farmed meat purchases, thereby reducing the number of animals raised and killed on factory farms.¹

A fair assumption is that there would be widespread support for the Impossible Burger in the animal rights community. And there was, until it was discovered that Impossible Foods tested heme on 188 rats.² Following this discovery, some animal rights activists were quick to condemn Impossible Foods. People for the Ethical Treatment of Animals (PETA 2018), for instance, published a critical review of the Impossible Burger, recommending that vegans “do animals a favor” by eating food produced by a company that “does not, has not, and will not ever test on animals.” Presumably, on PETA’s view, it’s impermissible to perform research on 188 animals, even if doing so drastically reduces the number of animals raised and killed on factory farms.³

Some might dismiss PETA’s remarks as extreme and not representative of a defensible animal liberation ethic. Yet, their position seems to be philosophically grounded in, or at least consistent with, the animal rights approach developed by the father of animal rights theory, Tom Regan, in *The Case for Animal Rights*. Regan, too, opposes research on animals, insisting that the commitments of rights theory are *abolitionist* in nature and *uncompromising* (Regan 2003, 96). As he argues:

Even granting that we face greater prima facie harm than laboratory animals presently endure if future harmful research on these animals is stopped, and even granting that the number of humans and other animals who stand to benefit from allowing this practice to continue exceeds the number of animals used in it, this practice remains wrong because [it’s] unjust. (1983, 389)

Calling for the total abolition of the use of animals in science, Regan (2003, 97) advises that “[t]he best we can do when it comes to using animals in science is not to use them.” Even if we could prevent serious harm to many humans or *animals* through animal research, it still would be wrong.

But by resisting Impossible Foods-type efforts to combat the problem of factory farming, we likely condemn billions of farmed animals to miserable lives on factory farms. PETA’s “quixotic crusade,” as Bernard Rollin (1995, ix) might call it, fails to acknowledge the unfortunate reality that causing harm is often an inevitable aspect of combatting the greatest injustices. This sentiment is shared by the CEO of Impossible Foods, who opposes the exploitation of animals in the food system

¹ Essentially, I am concerned with this theoretical question: *If product X will prevent or significantly reduce serious harm to farmed animals and X must be tested on animals, is it ever permissible, on the rights view, to test product X on animals?*

² According to Impossible Foods (2018), the Food and Drug Administration (FDA) required that heme be tested on rats before the Impossible Burger could receive Generally Recognized as Safe (GRAS) status. GRAS status allegedly is required for Impossible Foods to sell their burgers in larger restaurants and grocery stores.

³ I am concerned primarily with the duty to prevent factory farmed animals from coming into existence (or the duty to reduce the number of factory farmed animals that come into existence), and not with preventing harm to currently existing animals. I assume that intensively raised farmed animals, if they came into existence, would not have lives worth living, and thus preventing factory farmed animals from coming into existence prevents serious harm.

and in research, but nevertheless defends his company's decision to test heme on rats, explaining that "without the rat testing, our mission and the future of billions of animals whose future depends on its success was thwarted. We chose the least objectionable of the two choices available to us" (Impossible Foods 2018). The basic idea is that even if animals have rights, it is, under some conditions, permissible to seriously harm a comparably small number of animals to drastically reduce the number of animals raised and killed on factory farms.

But how, or can we, explain the intuitions of those who believe both that (1) animals have the basic rights to life, physical integrity, and autonomy, and (2) the Impossible Foods research is justified? In answering this question, I return to the foundation of rights theory to determine whether harming animals in this kind of situation is antithetical to animal rights theory. In doing so, I develop Regan's animal rights theory, demonstrating how a plausible theory of rights implies that it's sometimes justified to intentionally harm (even seriously) some to benefit others.⁴ As I will argue, testing heme on rats wasn't necessarily impermissible. It may have even been obligatory.

2 Rights Theory

Perhaps one thing that is universally agreed upon by rights theorists is that bearers of moral rights have basic rights *because* they have inherent value. To say that someone has inherent value is to say that they are valuable independently of their usefulness to others and irrespectively of whether anyone recognizes them as valuable (Regan 1985; 1983). On the other hand, inanimate objects have *mere* instrumental value; they are valuable *only if* they are useful to someone. For instance, when a computer breaks, it's perfectly fine to dispose of it in a dumpster. But it would be terrible to throw an elderly, disabled woman in the dumpster, simply because she is no longer "useful" or because she is a "burden" to others. The wrongness of this act can best be explained in terms of the woman's *inherent value*; she has value in herself, independently of her usefulness to others. Because it's wrong to treat a being with inherent value *as if it lacked inherent value*, it's wrong to treat an elderly, disabled woman just as one might treat a broken computer. The fundamental moral principle of rights theory, then, is the Respect Principle—a justice-based principle that declares that there exists an *absolute duty* to treat individuals with inherent value in *ways that respect their inherent value* (Regan 1983). Moreover, individuals with inherent value⁵ have an *absolute right* to respectful treatment (Regan 1983).

There are two moral principles that are derivative from the Respect Principle. First, there is the Harm Principle, which declares that there exists a *prima facie* duty not to harm individuals (Regan 1983). Individuals, then, have a *prima facie*

⁴ David Boonin (2003) argues that Regan's theory ought to be "curtailed" such that it can explain why it's justified to impose relatively minor harms on some to produce great benefits for others. In my development of animal rights theory, I don't "curtail" Regan's view; rather, I show how there are resources within Regan's rights view, just as it is, that can be used to get this result.

⁵ When I use the word "individuals," I refer to *individuals with inherent value*.



right not to be harmed. Second, there is the Assistance Principle, which declares that there exists a *prima facie* duty to assist those who are treated unjustly (Regan 1983). Because there is a *justice-based* duty to assist victims of injustice, victims of injustice must have a *prima facie* right to assistance.⁶

While rights theorists generally agree that there is a justice-based duty to assist victims of injustice, there is debate about what grounds this duty. Some argue that we have a special duty to assist victims of injustice when we *benefit from* the injustices they endure (Butt 2007; Thomson 1986; Goodin and Barry 2014), while David Miller (2001) argues that we have a special duty to assist victims of injustice when we *contribute to or cause* the injustices. Richard Arneson (1989), G.A. Cohen (1989), and Carl Knight (2009) argue that “good brute luck” gives rise to special obligations to assist those who face harm. On this view, there is as much reason to save the victims of a “natural” disaster as there is to assist those who are subject to genocide. Arguably, each view implies that we have a duty to assist animals who are treated unjustly. In virtue of being human, we have “brute good luck” in comparison to the terrible “luck” of the animals we exploit. Moreover, in a society infested with speciesism, we, at some point in our lives, both benefit from and contribute to the injustices done to nonhuman animals.

There are thus both positive and negative duties that corresponds to the basic right to respectful treatment. If I have a right to respectful treatment, then you not only have a duty not to treat me as a tool or mere receptacle, but you also have a duty to assist me when you *or someone else* treats me disrespectfully (Regan 1983). And the duty to assist victims of injustice isn’t merely beneficent-based. Because it’s something that is *owed* to victims and can be rightly claimed as their due, it’s an imperative of *justice* (Regan 1983).

While it’s commonly assumed that only humans have inherent value, animal rights theorists insist that what grounds inherent value is something other than one’s species membership. Regan, for instance, argues that being an “experiencing-subject-of-a-life” (ESOL) is what grounds inherent value, and since some nonhuman animals are ESOL, these animals, like most human beings, have equal inherent value.⁷ Because my project is largely a response to animal rights controversies, I will assume, for the sake of argument, that animals have (1) equal inherent value, (2) the basic right to respectful treatment, (3) the derivative *prima facie* right not to be harmed, and (4) the derivative *prima facie* right to be assisted when treated unjustly. And now I ask: given this general framework of rights, when, if ever, is it permissible to harm an animal (human or nonhuman) to benefit another?⁸

⁶ There is a sense in which the rights view agrees with Jamie Mayerfeld (1999) that the prevention of suffering is more important than the promotion of happiness, as the rights view doesn’t recognize a justice-based duty to promote happiness. But it does recognize a justice-based duty to prevent the suffering of those who are treated unjustly.

⁷ Gary Steiner (2008), Corey Wrenn (2016), and Alasdair Cochrane (2007) argue that animals have rights because they are sentient. Kenneth Goodpaster (1978) and Paul Taylor (1986) argue that all living organisms, animals included, have inherent value simply because they are alive. I assume that a sufficient condition for having inherent value is being an ESOL, which includes at least mammals and birds. So, throughout this paper, when I say ‘animals,’ I refer specifically to mammals and birds.

⁸ I am concerned only with harm that is caused *intentionally*.



3 Non-Absolutist Rights Theorists

While the duty to respect others is *absolute*, the duty not to harm others is *prima facie*, which means that it can be, under certain conditions, overridden (Regan 1983).⁹ It's widely accepted by rights theorists that this duty can be overridden for *therapeutic reasons*. For instance, while it's wrong to inflict pain upon an animal (and thereby harm the animal) for no good reason, it's justified to inflict pain upon an animal (and thereby harm the animal) in the course of benefiting that animal, such as when doctors and veterinarians inflict pain upon animals during important medical procedures in order to benefit the subjects of these procedures (Regan 2012). After all, when we inflict pain upon an animal in order to all-things-considered benefit the animal, we harm the animal in order to further important interests of that animal. To harm an animal *in order to further that animal's important interests* is to cause harm in a way that respects the inherent value of the one who is harmed.

Although it's surely permissible to harm an animal to all-things-considered benefit that animal, rights theorists claim that it's usually wrong to harm an individual *to benefit another*. That is, it's usually wrong to cause *nontherapeutic* harm. On this view, harming someone to benefit another, in most cases, fails to treat the one who is harmed in a way that respects her inherent value. The basic idea is that the life and body of an animal belong to *that* animal. *They aren't ours to take*.¹⁰

On the rights view, killing someone to prevent one billion headaches is impermissible.¹¹ And that seems right. But there are at least some situations in which harming one to benefit another is obviously justified. As rights theorist Judith Jarvis Thomson (1990, 151) argues, if you can save four lives (only) by kicking someone in the shins, you ought to do so. Or, consider the case of Mary's Vial:

Mary is in possession of a vial of medicine that can save one hundred lives. Say she obtained the vial without stealing it. Because Mary is severely cognitively disabled, she doesn't understand the importance of the medication. As she begins to dump the medicine down the drain, Sam tackles Mary, as this is the only way he can pry the medication from her hands.

Surely, it's permissible to tackle Mary, thereby harming her, if this is necessary to save one hundred lives. I refer to rights theorists who agree with this claim as *non-absolutist rights theorists*. Since harming in Mary's Vial is justified according to non-

⁹ I take harm to be either the infliction of some unpleasant state (such as pain or suffering) or the loss of opportunities for satisfaction. To be in a state of pain is to be harmed, even if the pain is instrumental to achieving some better state. One is *all-things-considered harmed* if the bad state causes her to be worse-off than she otherwise would have been had she not been in this state. One is *all-things-considered benefitted* if the bad state causes her to be better-off than she otherwise would have been had she not been in this state. So, a child who receives a painful injection *is* harmed, but she is *all-things-considered benefitted* by this harm (assuming the injection makes her better off than she would have been had she not received it).

¹⁰ Rights bearers can waive and forfeit certain rights. Thus, the rights view can explain why it's permissible to kill a culpable threat in self-defense, despite that this is a case of "harming one to benefit another." Relatedly, some argue that animals can be killed if doing so is necessary for humans to eat. See Demetriou and Fischer (2018), Hanna (2016), and Rowlands (2002) for important discussions about the implications of the rights view for subsistence hunting.

¹¹ The headaches example was inspired by Alastair Norcross's paper (1997).



absolutist rights theorists (NARTs), they must accept one of the following claims: (1) the harming in Mary's Vial constitutes disrespectful treatment, but it's not always wrong to fail to treat individuals with respect, or (2) the harming in Mary's Vial doesn't constitute disrespectful treatment, thus it's not always disrespectful to harm one to benefit another. As stated earlier, the rights view is fundamentally committed to the Respect Principle, so if self-identified „rights theorists“ were to endorse the former claim, they wouldn't be rights theorists at all. This means that NARTs are committed to the view that harming one to benefit another is, at least in some circumstances, compatible with the Respect Principle. Call this the Compatibility Claim. One task in this paper is figuring out how, or if, the Compatibility Claim can be justified on the rights view.

The Compatibility Claim view isn't controversial. I suspect that, at the end of the day, most rights theorists agree that it's at least *sometimes* justified to harm one to prevent harm to another, such as in the case of Mary's Vial. What is controversial is this question: *Under what conditions is harming someone to benefit another permissible (and moreover obligatory)?* Surely, it's not *always* justified to harm one to benefit another. Thus, rights theorists who accept the Compatibility Claim must provide an account of when it's permissible, and moreover obligatory, to harm some to benefit others. Relatedly, they must explain why it's permissible to harm some to benefit others in some situations, but not others.

4 Lifeboat Ethics

Some argue that, on the rights view, it's permissible to intentionally harm one to benefit another *only* in situations in which we must override someone's rights, or else *everyone* will be harmed (Nobis 2018). For instance, Regan endorses two moral principles, the worse-off and miniride principles, that explain how it can be justified, in *exceptional cases*, to intentionally harm one to prevent harm to another(s). But he insists that these principles apply only to what he calls “prevention cases” – scenarios in which, no matter what we do, and even if we do nothing, everyone involved will be harmed (Regan 1983, xxviii).

Regan is clear that the context of animal research doesn't constitute a prevention case. After all, if we do nothing, i.e., if we refuse to harm “lab” animals, it's not the case that everyone “involved” will be harmed. The animals who might be used in the research will do quite well. So, by bringing rats into the research lab and forcing them to ingest a substance like heme, they are subject to risks they otherwise wouldn't have faced (Regan 1985*). As Regan (1985*) explains:

In the case of the harmful use of animals in science, animals are coercively placed at risk of harm, risks they would not otherwise run, so that others might benefit...it is wrong—categorically wrong—coercively to put an animal at risk of harm, when the animal would not otherwise run this risk, so that others might benefit.

To better understand what kind of scenario constitutes a prevention case, consider Regan's hypothetical Lifeboat:

Four people and a dog are on a lifeboat that will sink if one creature isn't thrown overboard. If the lifeboat sinks, *everyone* on the lifeboat will die. There are only two choices: (1) do nothing, and all five die, or (2) throw one creature overboard, and one individual dies, while four live. So, the dog is thrown overboard.

Mary's Vial and Lifeboat are relevantly different. Because Lifeboat is a case in which no matter what we do, even if we do nothing, *everyone* "involved" will be harmed, it, unlike Mary's Vial, is truly a prevention case. Relatedly, the bad state the dog is in after he is thrown overboard doesn't necessarily make him worse-off than he otherwise would have been had he not been thrown overboard. After all, if no one is thrown overboard, the lifeboat would sink and everyone, including the dog, would die. So, whether the dog is thrown overboard or not, his fate is death. But tackling Mary *does* result in an all-things-considered harm to Mary. After all, if Mary isn't tackled, she will go on to enjoy a tackle-free day.

Moreover, in Mary's Vial, the choice is between overriding someone's (Mary's) right not to be harmed or letting others be harmed seriously by "nature." The choice, then, isn't between overriding person A's rights or overriding person B's rights, as is the choice in Lifeboat. For one, no one has a right against nature not to be harmed by "natural" events, such as disease. Moreover, the one hundred sick people don't have a right against Mary to her vial, as no one can have a right against Mary to anything. Having a right against someone presupposes that person has an obligation, but in virtue of being a non-moral agent, Mary has no obligations. Since plausible rights views agree that Mary still ought to be tackled, they aren't committed to the view that it is permissible to harm some to prevent harm to others *only* in lifeboat scenarios. Consequently, this leaves open whether the Impossible Foods research was justified, *even though it doesn't constitute a prevention case*.

5 Respect and Resources

Because it's obviously justified to cause harm in Mary's Vial, a plausible theory of rights should accept the Compatibility Claim: *harming someone to benefit others, even in non-prevention cases, is compatible with respecting the one who is harmed*. But under what conditions is harming someone to benefit (an)other(s) permissible (and moreover obligatory)? To answer this question, we must consider what it means to *fail* to treat someone with respect. And to properly do this, we should identify situations in which harming someone to benefit (an)other(s) is obviously disrespectful and then ask *why* the harm-causing acts are fundamentally wrong. We must ask: what are the wrong-making features of these acts, and do some instances of harming lack these features?

Consider modern forms of intensive farming, also known as factory farming. On factory farms, the most basic interests of animals are altogether ignored, as factory farmed animals are essentially treated like "biological machines" (Regan 2004, 93).



In order to remain profitable in the competitive marketplace, meat producers aim at minimizing costs while maximizing production, and cutting costs inevitably increases animal suffering. For instance, farmed animals live contrary to their natures, confined to overcrowded facilities, cages, or crates, simply because this maximizes productivity at low cost. Because farmed animals are viewed and treated as commodities, “pain and deprivation are heaped upon them in amounts beyond human calculation” (Regan 2004, 94). These animals “languish terribly”; the conditions of confinement are so intensive that, as David DeGrazia (2011) puts it, “they render the animals’ lives not worth living” (757).¹² Or consider the use of animals in research. Despite that some animal research is regulated by the Animal Welfare Act (AWA), animals used in research are often neglected and abused, and their basic interests are thwarted unnecessarily (Pound and Nicol 2018).¹³ Some researchers report that the callous infliction of pain and suffering upon animals is widespread in laboratories; for instance, mice and rats are sometimes killed by having their heads dashed on the side of workbenches (Rollin 2006, 204).¹⁴ A recent complaint against Rockland Inc. reports that Rockland researchers often beat, punch, kick, stomp on, and smack the faces of animals (Animal Welfare Complaint E13-119, 2013). As Singer notes, the animals used in research are frequently treated as “items of equipment, laboratory tools rather than living, suffering creatures” (Singer 1975, 69). On grant applications, they are labelled as “supplies,” right along with test tubes and other physical equipment.

With both factory farming and some kinds of animal research, the terrible suffering of animals is viewed as having *no direct moral significance*. The animals are subject to callous treatment because they are, like inanimate objects, viewed as lacking their own ends and interests; they are treated like resources, tools, instruments, or commodities. And to treat animals like commodities is the paradigm way to deny their inherent value and thereby violate the Respect Principle.

But treating individuals like resources isn’t the only way to violate the Respect Principle. Consider the case of Headaches:

One billion people suffer from small headaches. We can kill Sarah to eliminate the one billion headache harms. Say, if we kill Sarah, we will generate 200,000 units of harm (deprivation of her life happiness), but we will alleviate one billion units of harm. We consider seriously the possible harm to Sarah, but decide that the harm is, unfortunately, outweighed by the sum of the one billion headache harms. So, with great regret, we decide to kill Sarah. But since we recognize the moral importance of Sarah’s interest in not suffering, we ensure that she’s killed painlessly.

¹² For a more thorough description of what animals endure on factory farms, see Rachels (2011).

¹³ The AWA, which is the only federal law that regulates the use of animals in research, denies that mice, rats, and birds are animals under the AWA. Mice, rats, and birds make up over 90% of animals used in research.

¹⁴ Although animal-abusing behavior doesn’t occur in every animal research facility, violations of the AWA are frequently reported, and such violations are paradigmatic instances of treating animals like resources.

The harming in Headaches and the harming of factory farmed animals differ in a morally relevant way. When factory farmed animals are harmed, their interests aren't even, *for their own sake*, considered in moral decision making.¹⁵ But Sarah's interests are, *for her own sake*, considered in Headaches. So, Sarah isn't treated like a mere resource, as are factory farmed animals. But, still, even non-absolutist rights theorists would not condone harming Sarah in Headaches. And we can understand why this is by considering the rights-based critique of a consequentialist view that sanctions the killing of Sarah.

6 Consequentialism and Receptacles

The Minimize Harm Principle is a consequentialist principle that says when we are in a situation that presents us with options that all produce some amount of harm to innocent others, we ought to choose the option that produces the least total sum of harm (Regan 1983, 302). According to this principle, the harm done to Sarah is allegedly compensated for by the avoidance of the sum of the one billion headache harms. But, as Regan compellingly argues, this is *unfair*. The quality of Sarah's life would be in "shambles" if we chose that option, while the welfare of others would only be modestly diminished if we opted for harming them (Regan 1983, 302). After all, *there isn't some other individual, the composite of the "sum" of one billion, who endures the sum of the small headache harms* (Regan 1983, 306). There is only the harm that death would be for Sarah compared with the harm that having a headache would be for each of the billion. None of the billion would be harmed as seriously as Sarah would be, as the harm of death is greater than a headache harm. What we ought to do, then, according to the rights view, is spare Sarah the ultimate harm and allow one billion people to each suffer a small headache (Regan 1983, 302).

The fundamental wrong-making feature of harming in Headaches isn't that Sarah is treated like a mere resource, but that she is treated like a *mere receptacle of value*. When we treat someone like a mere receptacle of value, we directly consider her goods and her harms in moral deliberation, but we deem it justified to harm her *in order to produce the best aggregate consequences* (Regan 1983, 344-345). As Thomas Scanlon notes, this approach to morality implies that "in principle ... imposing high costs on a few could always be justified by the fact that this brought benefits to others, no matter how small these benefits may be, so long as the recipients are sufficiently numerous" (1998, 230).

The fundamental problem with the Minimize Harm Principle, then, is that it relies on an aggregative method, which involves summing different individuals'

¹⁵ Perhaps some factory farmers do, to some extent, consider the interests of the animals they farm, but they just radically discount these interests. For instance, perhaps farmers assign some weight to the *basic* interests of animals, but they assign even greater weight to the *trivial* interests of humans. In such cases, the animals certainly are victims of disrespect, but they are treated more like mere receptacles than resources. There are thus two ways to treat animals like mere receptacles: (1) by giving equal consideration to the interests of animals, but allowing their interests to be trumped by the aggregate good, and (2) by giving some, but unequal, consideration to the interests of animals, for instance, by allowing the trivial interests of humans to trump the basic interests of animals.



satisfactions or frustrations and then adopting the course of action that maximizes net satisfaction (Regan 1983, 249). And the fundamental wrong of aggregation ethics is that it sanctions *the causing of harm of a very great magnitude in order to prevent some number of comparably trivial harms (or to produce some aggregate of trivial benefits)*. Aggregation ethics essentially treats morality like a mathematical equation—a mathematical equation that prioritizes “the aggregate” over individual welfare. Rights theory, though, prioritizes *individuals* over the “aggregate,” because “the aggregate” isn’t an individual, and thus “the aggregate” cannot be harmed or benefited.

Aggregation Ethics, then, is antithetical to rights theory simply because it violates what I call the *Equality of Harms Principle* (EHP). This principle says that we ought to: (1) treat equal harms equally, and (2) treat unequal harms unequally, *in the right way*. A plausible rights view acknowledges that respect is fundamentally about adhering to the EHP and its implications; it holds that, in order to show respect for the equality of individuals, we must treat the equal harms of individuals equally and the unequal harms of individuals unequally, *in the right way*.

When we treat harms of a vastly great magnitude as weightier than much smaller harms, we treat unequal harms unequally, *in the right way*. So, when we cause *trivial* harm to prevent a harm of a *vastly great magnitude*, we act in accordance with the EHP. The EHP, then, is what grounds the Compatibility Claim and it explains our intuitions about Mary’s Vial and Headaches. In Mary’s Vial, harms of a very great magnitude are treated as greater than the trivial harm done to Mary, which is what makes harming Mary justified. In Headaches, the harm of death, which is a harm of a very great magnitude, is treated as less than the aggregate of trivial headache harms, and this is what makes harming Sarah wrong. It’s problematic to treat the great harm done to Sarah as less than the aggregate of trivial harms because there isn’t some other individual, the composite of the “sum” of the one billion people who endures the sum of the small headache harms. It’s thus the *magnitude* of the harm done to Sarah compared to the *magnitude* of the harm endured by each of the billion, and not the *sum* of Sarah’s harm compared with the *sum* of the harms endured by the billion, that we should consider in moral deliberation (Regan 1983). Insofar as aggregation ethics permits causing a harm of a very great magnitude to prevent an aggregate of comparably trivial harms, it violates the EHP.

7 The Weak Harming Principles

Mary’s Vial involves the choice to cause a comparably slight harm to Mary in order to prevent 100 others from each enduring a *vastly greater harm*. Perhaps, then, while it’s justified to cause a comparably slight harm to one in order to prevent a *vastly* greater harm to another, it’s not *always* permissible to cause lesser harm to one in order to prevent a greater harm to another. Arguably, for it to be justified to cause a lesser harm to one to prevent greater harm to another, the difference between the magnitude of the two harms must be *substantial*. This thought is captured by what I call the Weak Harming Principle, which is derivative from the EHP: *we ought not to treat a harm of a comparably small magnitude (or any sum of comparably*



small harms) as equal to or greater than a harm of a vastly greater magnitude. This principle forbids causing a harm of great magnitude to one in order to prevent *any number* of harms of a much smaller magnitude to others, even if the sum of these smaller harms vastly “outweigh” the serious harm done to the one. To make sense of the Weak Harming Principle, we must distinguish between harms of different magnitudes: basic harms and non-basic harms, which can be serious or trivial. But to understand what is meant by these distinct notions of harm, we must consider first the distinction between *basic interests* and *non-basic interests*.

8 Basic and Nonbasic Interests

To help resolve human-nonhuman “conflicts,” animal and environmental ethicists often appeal to a hierarchy of interests. While the distinction between basic and nonbasic interests are key to developing such hierarchies, there are varying conceptions of what constitutes “basic” and “nonbasic” interests. For instance, Singer develops a narrow account of basic interests, suggesting that food, shelter, medical care, and minimal education are basic interests, while all other interests are nonbasic.¹⁶ Bernard Williams (1981), though, draws attention to the special importance of what he calls “ground projects,” which refer to projects that provide meaning to our lives and thus constitute a significant part of who a person is as an individual. I take “ground projects” to include both meaningful relationships and important projects and commitments. There is thus a question of how to categorize these “ground projects.” Are they basic or nonbasic interests? If they are nonbasic, how do we distinguish them from trivial, nonbasic interests? And if they are nonbasic interests, do they ever trump basic interests?

Samuel Scheffler (1992) insists that our interests in pursuing important projects and developing meaningful relationships are *basic* interests. The thought is that these interests must be satisfied for further interests to be satisfied. Although Gary Varner (1998) classifies interests related to projects that give meaning to our lives as nonbasic, he nevertheless insists that they often trump the basic interests of animals. Paul Taylor, too, believes that, in some cases, the nonbasic interests of humans, such as those that are tied to highly valuable ends, can outweigh the basic interests of animals. But even if (1) the interest in pursuing what Williams (1981) refers to as “ground projects” turns out to be nonbasic, and (2) nonbasic interests never outweigh basic interests, we still can and ought to draw a distinction between nonbasic interests that are tied to highly valuable ends and nonbasic interests that are tied to trivial ends. In what follows, I develop a hierarchy of interests that, to some extent, draws on the aforementioned theories.¹⁷

¹⁶ Singer’s account of interests is criticized for being oversimplified and for failing to account for the special importance of human relationships and meaningful projects (Emmerman 2019; Slicer 1991).

¹⁷ Although I focus on only three categories of interests, I acknowledge that there surely are others. Because the fundamental moral problem taken up in this article can be sufficiently addressed by drawing distinctions between just three different kinds of interests, I don’t develop my account further.



On my view, when one's *basic interests* are thwarted, one is rendered unable to function in a minimally adequate way.¹⁸ And there are two ways one can be prevented from functioning in a minimally adequate way. First, one cannot function in a minimally adequate way if one's life isn't worth living. And one's life isn't worth living when one's life is made *intolerable*, which occurs when one's future, at the point of the thwarting of basic interests, involves significantly more suffering than pleasure. For instance, if one is permanently confined to *barren conditions* and, as a result, experiences unrelenting, acute psychological suffering, one's future, if it were to continue in this manner, would be intolerable and thus not worth living. This also holds true in cases of acute, unrelenting physical pain.

The second way one can be prevented from functioning in a minimally adequate way is when one is rendered incapable of pursuing *any* meaningful projects or activities. And what counts as a meaningful project or activity is *species-specific*. For humans to pursue meaningful projects and activities, their *personhood* must be developed. So, if your rational capacities are permanently impaired, you would be rendered incapable of functioning in a minimally adequate way, relative to your species norm, *even if your life is tolerable*. After all, the loss of your rational capacities prevents you from engaging in a variety of meaningful *human* projects. To engage in meaningful projects and activities, animals must have, at the very least, the opportunity to engage in at least some basic species-normal behavior, and without rationality, humans are unable to do this.

Animals (human and nonhuman) thus have at least these three basic interests: (1) the interest in survival (when their futures include opportunities to pursue meaningful projects), (2) the interest in not enduring unrelenting, excruciating pain or suffering, and (3) the interest in not being permanently confined to barren conditions. So, there are at least three *basic harms*: (1) death (when one's future includes an opportunity to pursue meaningful projects), (2) the infliction of unrelenting, excruciating pain/suffering, and (3) permanent confinement, especially in barren conditions. When animals are subject to unrelenting, excruciating pain/suffering, their lives become intolerable. When animals are permanently confined in barren conditions, they are unable to pursue meaningful projects, and, moreover, their lives are likely made intolerable due to overwhelming boredom, loneliness, and frustration. And, other things equal, when animals are killed, their opportunity to pursue meaningful projects is frustrated.

When *non-basic* interests are thwarted, one can still function in a minimally adequate way, insofar as (1) one's life isn't made intolerable, and (2) one is still able to pursue at least *some* meaningful projects. Although the satisfaction of *non-basic* interests isn't required for minimally adequate functioning, when these interests are satisfied, creatures are benefitted in some way. Because some benefits are small, and others are great, non-basic interests can be trivial or *serious*.¹⁹

¹⁸ I borrow this terminology from VanDeVeer (1979), while providing a distinct account of what it means to function in a minimally adequate way.

¹⁹ VanDeVeer (1979) likewise draws a distinction between two nonbasic interests: serious interests and peripheral interests.

Serious, non-basic interests are those that are not basic, but not frivolous either. Serious interests are tied to highly valuable ends or meaningful projects, but some highly valuable ends and meaningful projects are not required for minimally adequate functioning. For instance, in most cases, the loss of a limb thwarts at least some interests that are tied to highly valuable ends, but the loss of a limb doesn't prevent one from functioning in a minimally adequate way; even without a leg, one can still go to school, maintain a job, develop meaningful relationships with others, and so forth. So, even though some non-basic interests are serious, basic interests are *much* weightier than non-basic interests.

Trivial, non-basic interests refer to interests that, if satisfied, would add an inconsequential life "bonus." These interests, then, are not tied to highly valuable ends. Consider, for instance, my interest in having a cupcake. If this interest is satisfied, I, as a fan of cupcakes, will be quite pleased. But if I don't get a cupcake, I am not rendered incapable of pursuing any meaningful project. For the sake of simplicity, I refer to harms that thwart trivial interest as "trivial harms." Moreover, I refer to harms that thwart basic interests as "basic harms" and harms that thwart non-basic interests as "non-basic harms." Serious harms refer to harms that thwart serious, non-basic interests *or* basic interests.

Now that we have distinguished between harms of different magnitudes, let us return to the Weak Harming Principle. This principle tells us what harm we should not cause: *we ought not to cause harm of a vastly great magnitude to prevent a harm of a comparably small magnitude (or any sum of comparably small harms)*. But the Weak Harming Principle also tells us what kind of harm we *ought* to cause. Consider the *positive* component of the Weak Harming Principle:

When we must decide to either harm A (an innocent individual or group), thereby preventing harm from befalling B (an innocent individual or group), or allowing B to be harmed, and the harm that B (or each member of B) faces is of a *vastly greater magnitude* than the harms that A (or each member of A) faces, we ought to harm A (even if A and B are groups and there are more people in group A than there are in group B).

From the positive component of the Weak Harming Principle we can derive two sub-principles:

Weak Harming Principle A: We ought to cause trivial harm to (an) individual(s) when doing so is necessary to prevent a serious (basic or non-basic) harm to (an)other(s).

Weak Harming Principle B: We ought to cause non-basic harm to (an) individual(s) when doing so is necessary to prevent a basic harm to (an)other (s).

The Weak Harming Principle A explains why it's permissible to trip or tackle someone to save another's life *or* to prevent another from losing a limb. This principle isn't controversial, and I expect widespread acceptance of it, even by traditional rights theorists. But the Weak Harming Principle B is certainly controversial. After all, it entails that it's permissible to chop off someone's leg in order to save a life. Yet, if we take seriously the EHP, we are committed to *both* Weak Harming Principles.



One worry, though, is that the Weak Harming Principles may be vulnerable to the Borderline Cases Objection. As the objection goes, there is a “greatest trivial harm” and a “least serious, serious non-basic harm,” and the “greatest trivial harm” likely isn’t much different than the “least serious, serious non-basic harm.” Since the Weak Harming Principle A implies that we ought to cause 100 “greatest trivial harms” if doing so is necessary to prevent one “least serious, serious harm,” this may be a strike against it. Likewise, there is a “least great, basic harm,” and a “greatest non-basic harm,” and the “least great, basic harm” likely isn’t much different than the “greatest non-basic harm.” And since the Weak Harming Principle B implies that we ought to cause 100 “greatest non-basic harms” if doing so is necessary to prevent one person from suffering the “least great, basic harm,” this may be a strike against it.

This objection contends that some serious, non-basic harms and basic harms may be of comparable magnitude and that some trivial harms and serious, non-basic harms may be of comparable magnitude. But there are sharp lines to be drawn between trivial interests, serious non-basic interests, and basic interests. Thus the “greatest trivial harm” *isn’t* comparable to the “least serious, serious harm” and the “greatest serious, non-basic harm” *isn’t* comparable to the “least serious, basic harm.” First, consider serious, nonbasic interests, which are the interests one has in pursuing those projects and commitments that one finds deeply valuable or important, such as a law student’s project of practicing law. Trivial interests are those that, if fulfilled, would add a “bonus” to one’s life, but they are not connected to the ends one deems *highly valuable*. Given the substantial difference in magnitude between trivial and serious, non-basic interests, I am willing to grant that morality *does* demand that we cause 100 “greatest trivial harms” when doing so is necessary to prevent one “least serious, serious harm.” Likewise, given the substantial difference in magnitude between basic interests and serious, non-basic interests, I am willing to grant that morality *does* demand that we cause 100 “greatest non-basic harms” when doing so is necessary to prevent one “least serious basic harm.”²⁰

One might further object that the “greatest” non-basic harm might actually be *greater* than the “least great basic harm.” One might raise this objection because it seems that, in some cases, the harm of thwarting one’s non-basic interest(s) is of greater magnitude than the harm of thwarting another’s basic interest(s). For instance, suppose that you must choose between killing a rat prematurely or amputating the leg of a child. Say that if the rat isn’t killed prematurely, he will go on to live for just one more day, and say that if the child’s leg is amputated, he will

²⁰ Drawing a distinction between basic harms, serious nonbasic harms, and trivial nonbasic harms guards against Alastair Norcross’s (2002) objection to Thomas Scanlon’s (1998) account of limited aggregation, which has features in common with my theory. Scanlon employs the notion of moral relevance in his account in order to argue that because trivial harms are not relevant to serious harms, it’s never permissible to cause serious harm in order to prevent any number of trivial harms. Norcross (2002, 307) argues that the notion of moral relevance cannot obey strict transitivity, insofar as “[t]ransitivity and continuity together entail that the most trivial harm is relevant to the most serious harm, precisely the result that the notion of moral relevance is intended to avoid.” By drawing sharp lines between three distinct kinds of harms, I present a break in the scale between two harms, thereby rejecting continuity, which is what is needed to avoid Norcross’s transitivity objection.

endure significant obstacles throughout his long life, as having both legs is important for fulfilling certain projects that would give meaning to his life. But, still, the boy would be able to function in a minimally adequate way.

It's plausible that, although the rat's interest in survival seems to be basic and the child's interest in his leg is certainly non-basic, the magnitude of harm the child faces is greater than the magnitude of harm the rat would suffer. If we ought not to amputate the child's leg to save the rat's life, then it's not *always* justified to cause non-basic harm(s) to prevent basic harm, and thus there must be something wrong with the EHP.

This objection mistakenly assumes that killing a rat *who has only one more day left to live* is a basic harm. Not all instances of killing constitute basic harm, as not all instances of killing deprive the one who is killed of opportunities to function in a minimally adequate way. For instance, when animals who suffer acute and unrelenting pain are euthanized, their deaths don't deprive them of opportunities for minimally adequate functioning. After all, if they remained alive, the suffering they would endure would make their lives intolerable.

But killing *those who have a decent future ahead of themselves* thwarts their opportunities to function in a minimally adequate way, insofar as death thwarts their opportunities to pursue meaningful projects. I thus contend that in order to function in a minimally adequate way, animals (humans and rats included) need to have a certain kind of future ahead of them. This future must not contain intolerable conditions *and* it must also be long enough such that it contains opportunities to engage in a wide-variety of species-normal behavior. What this length is for rats, we cannot be sure. But the number likely isn't one day. After all, if a rat only has one more day left to live, chances are, the rat won't have the opportunity to engage in a variety of species-normal behavior.²¹

9 Applying the Weak Harming Principle

The preceding discussion illustrates that respect for individuals requires equal concern for the equal harms they face. The respect principle thus forbids treating unequal harms equally, and it forbids treating equal harms unequally. This explains why it's obligatory to cause a non-basic harm, or several non-basic harms, in order to prevent another from enduring a basic harm; by failing to do so, we treat the basic harm of one, which is vastly greater than any non-basic harm, as if it's less important than the basic harm(s) of (an)other(s). And this also explains why it's obligatory to cause a trivial harm, or several trivial harms, in order to prevent another from enduring a serious harm; by failing to do so, we treat the serious harm of one, which is vastly greater than any trivial harm, as if it's less important than the trivial harm(s) of (an)other(s).

Essentially, there are both bad and good reasons for harming. The rights view holds that a wrong reason for harming animals is this: *harming will bring about*

²¹ Despite that not every instance of killing constitutes a basic harm, we should still act as though most instances of killing do. Usually, we simply don't know the length of another's future.



“the best” aggregate consequences for all those affected by the outcome. And, as argued, two acceptable justifications for causing harm are: (1) *the harm is non-basic and causing it will prevent another from enduring a basic harm*, or (2) *the harm is trivial and causing it will prevent another from enduring a serious harm*. While we should not appeal to the aggregate of harm to justify harm imposition, we ought to appeal to the *magnitude of harm* (Regan 1983, 389–390). What it means to respect someone is to weigh one’s harms equally with the harms of others, and sometimes this requires that we cause non-basic harm to some in the name of preventing serious harm to another. The Weak Harming Principles, then, explain why it’s sometimes *obligatory* to harm animals in the production of factory-farmed food alternatives, even if animals have rights. Consider the following two cases:

Cultured Meat 1: A cultured meat company harvests cells from living animals in order to produce cultured meat. This causes mild pain to the animals. However, this is the only way to produce cultured meat, and something like the production of cultured meat is necessary to prevent basic harm to many animals.²²

Testing 1: A plant-based food company uses ingredient X in its products, which isn’t yet FDA approved. However, ingredient X is essential to persuading consumers to buy the product, and consumers will buy this product only if ingredient X is FDA approved. Assume that selling something like these products is necessary for the company to prevent serious harm to many animals. Ingredient X is thus tested on animals for FDA approval; however, the animals are not killed, as the researchers study the excrement of the animals, and not their internal organs. The animals are thus simply fed large quantities of ingredient X for a few days, which causes temporary suffering, and then they are released or rehomed.

Of course, there are some radical animal rights advocates who insist that it’s wrong to intentionally cause harm in these two situations. But by disavowing these harm-causing solutions, we essentially treat the basic harms of factory farmed animals as less than the non-basic harms that the animals in Cultured Meat 1 and Testing 1 situations face, and this is a failure to treat farmed animals with the respect they are due. Surely, if the most promising chance at combatting factory farming requires us to cause non-basic harm to some animals in the production of plant-based alternatives or cultured meat, we ought to do so. Of course, when we cause such harm to animals, we owe compensation to them. And we should do what we can to prevent such moral dilemmas from occurring in the future. For instance, Impossible

²² And as G. Owen Schaefer and Julian Savulescu (2014) note, cultured meat avoids the environmental problems associated with animal agriculture.

Foods ought to campaign against the FDA requirements that require food producers to harm animals, so that other start-up companies don't face such painful conflicts.²³

10 The Strong Harming Principle

While the Weak Harming Principle governs circumstances in which we face the choice to cause non-basic harm to some in order to prevent basic harm to another, there are other situations that present the choice to cause basic harm to some number of animals in order to prevent basic harm to a *greater number* of animals. Consider variations of the cases just described:

Cultured Meat 2: A cultured meat company kills a small number of animals to harvest their blood in order to grow cultured meat. Something like the production of cultured meat is necessary for the company to prevent serious harm to many animals, and growing this meat requires animal blood.

Testing 2: A plant-based meat company uses ingredient Y in its products, which isn't a FDA approved ingredient, thus it must be tested on a small number of animals for FDA approval. Ingredient Y is essential for persuading customers to buy the products, and selling something like these products is necessary for the company to prevent serious harm to many animals. If ingredient Y is tested on animals, the animals will endure periods of forced consumption of ingredient Y, and then they will be killed so that their spleens may be examined, as this is required for FDA approval.

What should the rights view say about these cases, which present the choice to cause basic harm to a few in order to prevent basic harm to the many? Some rights theorists, such as Thomson (1990), argue that although it's permissible to cause minor harm to prevent serious harm, there are "maximally stringent claims" that cannot be infringed upon, even if doing so prevents many basic harms. But there is good reason for rights theorists to reject this view. After all, there is a further moral principle that is derivative from the EHP: The Strong Harming Principle

We ought not to treat the basic harm of one as equal to or greater than the basic harms of two or more individuals.

Like the Weak Harming Principle, there are both positive and negative components to the Strong Harming Principle.

Negative Component: We ought not to cause basic harm to some large number of individuals to prevent basic harm to some smaller number of individuals.

²³ When I claim that producing the Impossible Burger and Cultured Meat is necessary to prevent great harm to farmed animals, I mean this: given that people won't switch to meat without an excellent alternative to animal flesh, something like the Impossible Burger or Cultured Meat is necessary to reduce great harm to farmed animals now (or in the very near future). Although one might argue that it's not necessary to produce Impossible Burgers to prevent harm to farmed animals because we could instead outlaw factory farming, we must be mindful that the goal of outlawing factory farming is unlikely to be realized in the near future.



Positive component:²⁴ We ought to cause basic harm to an individual when doing so is necessary to prevent basic harm from befalling two or more individuals.

When we must cause serious harm to *one* in order to prevent equally serious harm to *two or more* individuals who are innocent, the harms that everyone in this situation face are *prima facie* comparable. And because “each is to count for one, no one for more than one” (Regan 1983, 305), showing equal respect for everyone requires that we cause serious harm to the one rather than allow the two to endure equally serious harm. To do nothing, and allow harm to befall the two in order to avoid harming the one, would be to count the harm that the one faces as two times more important than the harm faced by the two, and this isn’t consistent with showing equal respect for the individuals involved.²⁵

11 Limiting the Strong Harming Principle

The Positive Strong Harming Principle is certainly controversial. After all, it implies that if we can kill one person and harvest her organs to save two or more lives, we have an obligation to do so. But one reason why deontological-minded people find utilitarianism to be so problematic is that utilitarianism endorses this kind of behavior. So, one might reasonably question whether the Strong Harming Principle is compatible with a plausible rights view.

Surely, though, the Strong Harming Principle isn’t so controversial in contexts of *injustice*. Recall that plausible justice-based moral theories impose upon moral agents a duty, on the grounds of *justice*, to assist victims of injustice, i.e., those who have had their rights violated (Regan 1983, 249). It’s thus a requirement of *justice* to assist victims of injustice. After all, just acts are those that are “not only right to do, and wrong not to do, but which some individual person can claim from us as his moral right” (Mill 2001, 50). Because assisting victims of injustice is a demand of *justice*, and not merely beneficent, an individual whose rights have been violated can claim from us assistance *as his moral right*.

In both versions of the “Cultured Meat” and “Testing” scenarios, there are conflicts between two *justice-based* duties: the duty not to harm rats and the duty to assist farmed animals, who are victims of injustice. Moreover, there is a conflict between two valid claims: the claim that victims of injustice have against us to our assistance and the claim that animals have against us not to be harmed. Consider the case of Testing 2. There is a conflict between the duty to save the lives of billions of farmed animals, who are victims of injustice, and the duty not to take the lives

²⁴ The EHP also entails that Strong Harming Principle 2: We ought to cause serious, nonbasic harm to an individual when doing so is necessary to prevent serious, nonbasic harm from befalling two or more individuals.

²⁵ One might wonder whether this account of rights entails that we ought to cause one trivial harm to prevent ten trivial harms. I leave this an open question. My intuition is that morality isn’t concerned with the prevention of trivial harms. And perhaps, as Voorhoeve (2014) proposes, while larger harms aggregate, small harms are non-aggregative.

of some small number of rats. In each case, if we fail to perform our duty, someone with a valid claim to justice dies. Regrettably, we often cannot fulfill our duty to assist victims of injustice without harming others, thus we need valid moral principles to govern these circumstances. These principles are the Weak Harming and Strong Harming Principles. When there is a conflict between our duty not to cause non-basic harm to others and the duty to assist those whose face basic harms due to injustice, we ought to use the Weak Harming Principles to adjudicate between these claims. And when there is a conflict between our duty not to cause basic harm to others and the duty to assist those who face equally serious harm due to injustice, we should use the Strong Harming Principle. Or, at the very least, we should use the *Limited* Strong Harming Principle to reconcile this conflict.

We ought to cause basic harm to an individual only when doing so is necessary to prevent basic harms from befalling two or more *victims of injustice*.

At the very least, it's justified to cause a comparably small number of basic harms when doing so is necessary to prevent a larger number of basic harms from befalling *victims of injustice*. So, the Impossible Foods research is justified, even on the rights view. Indeed, some version of the Strong Harming Principle is the most appropriate principle for resolving the conflicts between the valid claims of rats not to be harmed and the valid claims of factory farmed animals to be assisted.

But perhaps it isn't permissible to cause a comparably small number of basic harms when doing so is necessary to prevent a larger number of basic harms from befalling victims of "natural" events. Indeed, one might argue that because one doesn't have a claim against nature not to be harmed, there is no justice-based duty to assist those harmed by "natural events." If there is such a duty, it's beneficence-based, and perhaps the justice-based duty not to kill trumps the beneficence-based duty to rescue.

Due to space constraints, I cannot sufficiently explore whether the Strong Harming Principle ought to be used to reconcile conflicts between victims of "natural" events. I do, though, have serious reservations about limiting the Strong Harming Principle to contexts of injustice, insofar as we are willing to use the Weak Harming Principle A in contexts that don't involve victims of injustice, such as in Mary's Vial. And if it's right to use the Weak Harming Principle A in such contexts, it seems that we should also be willing to use the Strong Harming Principle in contexts that don't involve victims of injustice. If not, then we must identify a difference between the cases that explains why it's permissible to intentionally cause non-basic harm in any context, but permissible to intentionally cause basic harm *only* in contexts that involve victims of injustice. This, though, is a topic for another article. At the end of the day, we often find ourselves called upon to avert harm to other animals because we, as a species, have treated nonhumans so unjustly. We certainly have our hands full with restoring justice to the world, and perhaps after this is done, we can turn our attention to "natural harms."

12 Conclusion

The account of rights developed in this article challenges the widely accepted claim that we ought not to harm some in order to benefit others. Yet my theory isn't just another kind of "modern deontology" or what Saul Smilansky (2003) refers to as a "half-and-half position," as it doesn't imply that deontological constraints can be overridden in "extreme emergencies." Those who claim that deontological constraints can be overridden are not really rights theorists at all. After all, rights theorists who make exceptions in "emergencies" seem to believe that (1) it's disrespectful to cause serious harm to one to prevent serious harm to two others, *and* (2) in emergency cases, it's permissible to cause serious harm to one to prevent a great evil occurring. Together, these judgements entail that *it's sometimes permissible to treat individuals disrespectfully*. A more promising rights-based explanation why it's permissible to cause harm in "emergency cases" is that there are no deontological constraints on causing a comparably small number of basic harms to prevent many basic harms in the first place, at least in situations involving victims of injustice. To respect victims of injustice is to consider their equal harms equally and to minimize the greatest number of basic injustices, even if this means causing serious harm.

Animal rights advocates thus shouldn't condemn companies that turn to harm-based solutions, such as Impossible Foods, when these solutions are the most promising way to prevent a great number of basic harms to animals who are treated unjustly. To refrain from or condemn such harm-causing acts in the hopes that, through abolitionist activism and education, we will one day live in a vegan utopia that happily embraces our current selection of plant-based food options is a failure to respect the billions of farmed animals who are in dire need of, and have valid claims to, our assistance right now. It's a tragic reality that we simply cannot keep our hands clean as we wait for the unlikely realization of the anti-speciesist utopia. The longer we wait, the longer billions of farmed animals will endure terrible pain and suffering. And that is certainly unjust.

Acknowledgements The author thanks David Boonin, David DeGrazia, Iskra Fileva, Michael Huemer, Alastair Norcross, Geoff Sayre-McCord, Danny Shahar, and the graduate students at the University of North Carolina, Chapel Hill for their instructive feedback on a previous draft of this paper. She is also grateful to two anonymous reviewers from the *Journal of Ethics and Moral Philosophy* for their helpful recommendations.

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