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TOM REGAN ^a

^a North Carolina State University , Raleigh

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The Moral Basis of Vegetarianism¹

TOM REGAN, North Carolina State University, Raleigh

The bay was sunlit and filled with boats, many of them just returned from early-dawn trips to the open sea. Fish that a few hours before had been swimming in the water now lay on the boat decks with glassy eyes, wounded mouths, bloodstained scales. The fishermen, well-to-do sportsmen, were weighing the fish and boasting about their catches. As often as Herman had witnessed the slaughter of animals and fish, he always had the same thought: in their behavior toward creatures, all men were Nazis. The smugness with which man could do with other species as he pleased exemplified the most extreme racist theories, the principle that might is right. Herman had repeatedly pledged to become a vegetarian, but Yadviga wouldn't hear of it. They had starved enough in the village and later in the camp. They hadn't come to rich America to starve again. The neighbors had taught her that ritual slaughter and Kashruth were the roots of Judaism. It was meritorious for the hen to be taken to the ritual slaughterer, who had recited a benediction before cutting its throat (from *Enemies, A Love Story*. By Issac Bashevis Singer. (Farrar, Strauss and Giroux: New York, 1971) pp. 256-57).

I trust it is not a moral stigmatism that leads me to see Everyman, or at least every sensitive person, in Singer's Herman. Not that each of us has necessarily made Herman's pledge to become a vegetarian, only to postpone repeatedly giving the pledge life by our deeds. Rather, I cannot help but think that each of us has been struck, at one moment or another, and in varying degrees of

1 The title of this essay comes from Gandhi. (See his *The Moral Basis of Vegetarianism*. Ahmedabad: Navajivan Publishing House, 1959). Though the substance of my essay differs considerably from Gandhi's, it was through a study of his work, made possible by a Summer Stipend from the National Endowment for the Humanities for the summer of 1973, that I first saw the need to think seriously about the moral status of animals. I am indebted to the National Endowment for the opportunity to carry out my research, and to Gandhi for the inspiration of his work and life. I do not think the grounds on which I endeavor to rest the obligation to be vegetarian are the only possible ones. Perhaps a more accurate title of my essay would be "A Moral Basis for Vegetarianism."

intensity, by the ruthlessness, the insensitivity, the (to use Singer's word) smugness with which man inflicts untold pain and deprivation on his fellow animals. It is, I think, a spectacle which resembles, even if it does not duplicate, the vision which Herman calls to mind — that of the Nazi in his treatment of the Jew. "In their behavior toward creatures," he says, "all men (are) Nazis." A harsh saying, this. But one which, on reflection, might well turn out to contain an element of ineradicable truth.

Of course it is possible to suppose that the Hermans of the world suffer from a perverse sentimentality — that they really shouldn't be troubled by the common lot of many animals — that, in short, there are no rational grounds on which to rest their admirable, if lamentably misplaced, emotions. Vegetarianism, in particular, might seem to represent a way of life where an excessive sentimentality has spilled over the edges of rational action. For my own part, I cannot accept such a view. My belief is that a vegetarian way of life can be seen, from the moral point of view, to have a rational foundation. This is what I shall try to show in what follows. At the outset, however, I want to avoid possible misunderstanding. I do not intend to argue, nor do I believe, that it is absolutely or irredeemably wrong to eat meat. What I do intend to show is that we are entitled to presume and required to act as if it is wrong, given that certain conditions are fulfilled. What these conditions are, I shall try to make clear as I proceed. If a title was demanded for the position I shall try to defend, then, it might be called "conditional vegetarianism." But lest this appear to be a preamble to a tedious logical exercise devoid of practical significance, let me say that I think that most of those who should happen to read this essay will be leading lives which, if my argument is sound, ought to be changed in a quite fundamental way. Fundamentally, then, my intentions are practical, not theoretical.

I

A natural place to begin the philosophical defense of any form of vegetarianism is with Descartes. Descartes, as is well known, held the view that animals are like *automata* or machines: they have no mind (or incorporeal soul); they are unable to think; they are altogether lacking in consciousness. Like the motions of machines, animal behavior can be explained in purely mechanical terms. The fact that animals do some things better than we do, says Descartes, "does not prove that they are endowed with mind ... (I)t is nature which acts in them according to the disposition of their organs, just as a clock, which is only composed of wheels and

weights is able to tell the hours and measure the time more correctly than we can do with our wisdom.”²

All this is common knowledge. What perhaps is not so widely known is that Descartes was well aware of the practical implications of his view. On the matter of killing and eating animals, for example, Descartes, in a letter to More, observes that “my opinion is not so much cruel to animals as indulgent to men — at least to those who are not given over to the superstitions of Pythagoras (a vegetarian) — since it absolves them from any suspicion of crime when they eat or kill animals.”³ Second, and relatedly, the view that animals do not feel pain might be expected to erase any moral qualms, any “suspicion of crime” we might have in using animals as subjects in scientific research. Descartes, himself, was an active participant in such research, as may be inferred from his discussion of the circulation of the blood in the *Discourse on Method*, and it is significant that the first champions of his views on the nature of animals, as Lenora Rosenfield has noted⁴, were physiologists. That Descartes was taken literally by these pioneers of science may be seen from a passage describing their work at the Jansenist seminary of Port Royal during the seventeenth century.⁵

There was hardly a *solitaire* who didn't talk of automata ...They administered beatings to dogs with perfect indifference, and made fun of those who pitied the creatures as if they felt pain. They said the animals were clocks; that the cries they emitted when struck, were only the noise of a little spring that had been touched, but that the whole body was without feeling. They nailed poor animals up on boards by their four paws to vivisect them and see the circulation of the blood which was a great subject of controversy.

It is not without good reason, then, that we may suppose that Descartes was familiar with the practical implications of his views on the nature of animals, and though, in this essay, I will confine my attention to defending the “superstitions” of Pythagoras and other vegetarians, I believe that the argument that follows could

2 *The Discourse on Method in The Philosophical Works of Descartes*. Rendered into English by Elizabeth S. Haldane and G. R. T. Ross. Volume I. New York: Dover Publications, Incorporated, 1955, p. 115.

3 From *Descartes: Philosophical Letters*. Translated and edited by Anthony Kenny. Oxford: The Clarendon Press, 1970, p. 245.

4 *From Animal Machine to Beast Machine*. By Leonora Rosenfield. New York: Octagon Books, Incorporated, 1968, pp. 27 ff.

5 Quoted in Rosenfield, *Ibid.*, p. 54.

be applied, with equal force, to the practice of using animals as subjects in "scientific" research.⁶

Now, there can be no doubt that animals' sometimes appear to be in pain. On this point, even Descartes would agree. In order for us to be rationally entitled to abandon the belief that they actually do experience pain, therefore, especially in view of the close physiological resemblances that often exist between them and us, we are in need of some rationally compelling argument that would demonstrate that this belief is erroneous. Descartes' principal argument in this regard fails to present a compelling case for his view. Essentially, it consists in the claim that, since animals cannot speak or use a language, they do not think, and since they do not think, they have no minds; lacking in these respects, therefore, they have no consciousness either. Thus, since a necessary condition of a creature's being able to experience pain is that it be a conscious being, it follows, given Descartes' reasoning, that animals do not experience pain.⁸

There are two ways in which this argument can be challenged. First, one might dispute Descartes' claim that no animals can speak or use a language; second, one might dispute the view that being able to use a language is a necessary condition of being a conscious being. I think the second challenge is the stronger of the two. The first must sooner or later stand on the shifting sands of our concept of language, a topic which, for reasons too evident to

6 On the use of animals as subjects in research, see Richard Ryder's "Experiments on Animals" in *Animals, Men and Morals*. Edited by Stanley and Rosling Godlovitch and John Harris. London: Taplinger, 1973.

7 Unless otherwise indicated, I use the word 'animal' to refer to animals other than human beings. The fact that this is an ordinary use of the word, despite the fact that humans are animals, suggests that this is a fact that we are likely (and perhaps eager) to forget. It may also help to account for our willingness to treat (mere) animals in certain ways that we would not countenance in the case of humans. On this and other points pertaining to how we talk about animals and humans, see, for example, "The Concept of Beastliness," by Mary Midgley, *Philosophy* (1973) and Arthur Schopenhauer's *The Basis of Morality*. Translated with introduction and notes by Arthur Broderick Bullock. London: George Allen and Unwin, Ltd., 1915, pp. 219-221. See also my further comments on my use of the word 'animal' toward the end of this essay.

8 See Descartes' *Discourse*, *op. cit.*, pp. 116-117. But see also his letter to More, alluded to above, where Descartes seems to soften the earlier position of the *Discourse*, stating that "though I regard it as established that we cannot prove that there is any thought in animals, I do not think it is thereby proved that there is not, since the human mind does not reach into their hearts." Descartes then goes on to talk about what is "probable in this matter."

enumerate here, I cannot discuss adequately.⁹ I do not think this constitutes a serious defect, however, since whether man is or is not unique in possessing the capacity to use a language is logically irrelevant to the morally significant questions that arise concerning his treatment of his fellow animals. This is a point I shall seek to make clearer in what follows. First, though, there is the matter of the connection between using language and experiencing pain to be looked into.

Let us ask, then, whether Descartes is correct in holding that only a being who can use a language can experience pain. It seems he is not. Infants, for example, are not able to describe the location and character of their pains; and yet we do not, for all that, suppose that, when they fill the air with their piercing cries, they are not (or, stronger still, cannot possibly be) in pain. True, we can say of infants, what we may not be in a position to say of animals, that they have the *potential* to learn to use a language. But this cannot help the Cartesian. For when the infant screams for all he is worth, and when we find the diaper pin piercing his side, we do not say "My oh my, the lad certainly has a fine potential for feeling pain." We say he really is feeling it. Or imagine a person whose vocal chords have been damaged to such an extent that he no longer has the ability to utter words or even make inarticulate sounds, and whose arms have been paralyzed so that he cannot write, but who, when his tooth abscesses, twists and turns on his bed, grimaces and sobs. We do not say, "Ah, if only he could still speak, we could give him something for his pain. As it is, since he cannot speak, there's nothing we need give him. For he feels no pain." We say he is in pain, despite the fact that he has lost the ability to say so.

Whether or not a person is experiencing pain, in short, does not depend on his being able to perform one or another linguistic feat. Why, then, should it be any different in the case of animals? It would seem to be the height of human arrogance, rather than of Pythagorean "superstition," to erect a double standard here, requiring that animals meet a standard not set for humans. If humans can experience pain without being logically required to be able to say so, or in other ways to use a language, then the same standard should apply to animals as well.

Of course, none of this, by itself, settles the question "Do animals experience pain?" But the foregoing does find a place within this larger debate. Animals, I said earlier, certainly appear at times to be in pain. In order for us to be rationally justified in denying that they ever

9 On the topic of "talking chimpanzees," see, for example, Peter Jenkins' essay, "Ask No Questions," *The Guardian*, (London) Tuesday, July 10, 1973.

are in pain, therefore, we are in need of some rationally compelling argument that demonstrates that, though they may appear to suffer, they never really do so. Descartes' argument does not show this. Granted, animals do not verbally express their state of mind when they are in pain. But to be able to do so, it has been argued, is not a necessary condition of a being's being in pain. Moreover, how animals who are physiologically similar to man behave in certain circumstances — for example, how muskrats behave when they try to free themselves from a trap — provides us with all the evidence we *could* have that they are in pain, given that they are not able to speak; in the case of the muskrats struggling to free themselves, that is, one wants to ask what *more* evidence could be rationally required to show that they are in pain in addition to their cries, their whimpers, the straining of their bodies, the desperate look of their eyes, and so on. For my own part, I do not know what else could be required, and I cannot see how, if a person were of the opinion that this did not constitute enough evidence to show that the muskrats were in pain — I cannot see how any additional evidence would (or could) dissuade him of his scepticism. My position, therefore, is the “naive” one — namely, that animals can and do feel pain, and that, unless or until we are presented with an argument that shows that, all the appearances to the contrary, animals do not experience pain, we are rationally justified in continuing to believe that they do. And a similar line of argument can be given, I think, in support of the view that animals have experiences that are pleasant or enjoyable, experiences which, though they may be of a low level in comparison to, say, the joys of philosophy or the raptures of the beatific vision, are pleasurable nonetheless.

If, then, we are rationally entitled to believe that animals can and do experience both pleasure and pain, we are rationally compelled to regard animals as beings who count for something, when we attempt to determine what we morally ought or ought not to do. Bentham saw this clearly when he observed that the morally relevant question about animals is not “Can they *reason*? or Can they *talk*?” but, “Can they *suffer*?”¹⁰ (although even Bentham fails to mention the pleasure animals may enjoy, a fact which will assume some importance in my argument below). For if it is true that animals can and do experience pain; and if, furthermore, it is true, as I think it is, that pain is an intrinsic evil; then it must be true that the painful experience of an animal is, considered intrinsically, just as much of an evil as a comparable ex-

10 *The Principles of Morals and Legislation*, Ch. XVII, Sec. 1, footnote to paragraph 4.

perience of a human being. As Joel Feinberg has noted,¹¹ “if it is the essential character of pain and suffering themselves that make them evil, and evil not for their consequences but in their own intrinsic natures, then it follows that given magnitudes of pain and suffering are equally evil in themselves whenever and wherever they occur. An intense toothache is an evil in a young man and an old man, a man or a woman, a Caucassian or a Negro, a human being or a lion. A skeptic might deny that a toothache hurts a lion as much as it does a human being, but once one does concede that lion pain and human pain are equally pain — pain in the same sense and the same degree — then there can be no reason for denying that they are equally evil in themselves. All this follows necessarily from the view that pain as such is an intrinsic evil...”

Now, an essential part of any enlightened morality is the principle of non-injury. What this principle declares is that we are not to inflict pain on, or otherwise bring about or contribute to the pain in, any being capable of experiencing it. This principle, moreover, is derivable from the more general principle of non-maleficence, which declares that we are not to do or cause evil, together with the value judgment that pain, considered in itself, is intrinsically evil. It is, I think, possible to hold that it is *always* wrong to cause pain, but the objections raised against this view, from Plato onward, seem to me to be decisive. The parent who causes pain to the child in the course of forcing him to take some essential medicine does cause pain, but does not do wrong; for the pain caused in this case is necessary if greater pain is to be avoided. More reasonable, then, is the view that causing pain is always *prima facie* wrong — that is, wrong in the absence of any other overriding moral consideration. Such a view leaves open the possibility that, in some actual or possible cases, a person can be morally justified in causing pain. At the same time, however, by insisting that to do so is always *prima facie* wrong, it has the important consequence of placing the onus of justification on anyone who is involved in causing pain. In other words, if, as a consequence of my actions, other creatures are made to suffer pain, then I am rationally obliged to show how it is that my failure to observe the principle of non-injury does not constitute any actual wrong doing on my part.

Now, given the intrinsic evil of pain, and assuming further that pleasure is intrinsically good, it is clear that cases can arise in which the evil (pain) caused to animals is not compensated for by the good (pleasure) caused humans. The classical utilitarians — Bentham, Mill and Sidgwick — all were aware of this; nor did Mill, for one, flinch

11 From “Human Duties and Animal Rights,” an unpublished essay under copyright by The Humane Society of America. I wish to express my gratitude to Professor Feinberg for making this paper available to me, and to the Humane Society for permitting me to quote from it here.

from insisting upon the conclusion which he thought utilitarianism required, given such a state of affairs. He writes:¹²

We (the utilitarians) are perfectly willing to stake the whole question on this one issue. Granted that any practice causes more pain to animals than it gives pleasure to 'man': is that practice moral or immoral. And if, exactly in proportion as human beings raise their heads out of the slough of selfishness, they do not with one voice answer "immoral," let the morality of the principle of utility be forever condemned.

I find this argument of Mill's persuasive, as far as it goes. For if, as seems reasonable to assume, animals can experience pain; and if, as seems reasonable to assume, we have a *prima facie* obligation not to cause pain; and if a practice exists like the one Mill describes; and if, finally, (a point which Mill assumes, I think, without explicitly stating), there is no reason to believe that the animals in questions have done anything to deserve the pain inflicted on them; then I think it does follow that the practice is immoral and ought to be discontinued in its present form. Thus, one way of trying to show that animals count for something, from the moral point of view, is along the lines of the utilitarian argument outlined by Mill. Whether the force of his argument would be altered by supposing that the pleasures caused by the practice were of a very high "quality," (a point about which Mill, himself, surprisingly is silent), is a matter I will take up later on.

This argument of Mill's, then, has much to recommend it, and although I will shortly argue that he should have gone further than he does, what Mill does say shows that he is opposed to the view, endorsed by such diverse writers as St. Thomas and Kant, that we have no direct duties to animals.¹³ Recall that Kant, for example, formulates the categorical imperative in such a way that it excludes any reference to non-human animals; we are to act in such a way that we treat humanity, both in our own person and in the person of every other, always as an end, never as a means merely. Significantly, there is no mention of the treatment of animals here. Of course, Kant, who rejected the Cartesian idea that animals lack the capacity even to feel pain, did not regard the matter of man's treatment of animals as one of moral indifference. It is wrong, he thinks, as does Aquinas, to be cruel to animals. But what makes it wrong, according to these thinkers, is not the fact that the animals suffer pain. What makes it wrong is that such

12 "Whewell on Moral Philosophy," from Mill's *Collected Works*, Volume X, p. 187.

13 See Kant's "Duties Toward Animals and Spirits" in his *Lectures on Ethics*. For Aquinas's views, see, for example, *Summa Theologica*, Part II, Question 25, Third Article and Question 64, First and Second Articles.

treatment of animals tends to lead its perpetrators to treat human beings in a similar fashion. Cruelty to animals, in other words, leads to cruelty to humans, and it is the fact that the former leads to the latter that makes the former wrong.

Mill, quite rightly, will have none of this. His argument makes clear that he is sensitive to the implications of the view that pain is an intrinsic evil. For if, as Mill imagines, there be a practice which causes more pain to animals than it gives pleasure to man, then the practice is wrong, not *just* because or *only if* there be a rise in the nastiness of some men toward their fellows; it is wrong because of the unjustified pain felt by the animals. To suppose otherwise would do violence to the conception of pain as an intrinsic evil — an evil, that is, no matter when or where it exists, and no matter who experiences it. Thus, even if it is true that cruelty to animals does lead to cruelty to humans — and whether the former does lead to the latter is an empirical question that stands in need of solid factual backing, not arm chair speculation — even if this is true, this cannot be the only thing that makes cruelty to animals wrong. For there is also the matter of the pain experienced by the animals that needs to be taken into account.

In this respect, then, Mill appears to me to be correct. And yet he does not go as far as he should. Recall that the case he considers is the one where a practice causes more undeserved pain to animals than it gives pleasure to man. This is just one among a number of possible cases of the comparative distribution of pleasure and pain. I will begin by considering three others. These are (1) the case where the amount of undeserved pain caused to animals is equivalent to the amount of pleasure given to man; (2) the case where the amount of undeserved pain caused to animals is slightly exceeded by the amount of pleasure given to man; and (3) the case where the amount of pleasure greatly exceeds the amount of pain. There are other cases that will need to be considered later on.

Let us begin here by first considering a conceivable practice that involves inflicting undeserved pain on human beings. Imagine, then, the following Swiftian possibility. Suppose that a practice develops whereby the severely mentally retarded among us are routinely sent to Human Farms, where they are made to live in incredibly crowded, unsanitary and confining conditions. Except for contact with one another, they have very little human contact. They are kept in stalls or in cages where they are fed by automated devices. Many of them are kept permanently indoors, and among those who are permitted outside, most of them are deprived of the ordinary means they might employ to secure enjoyment. And imagine, further, that the purpose of all this is to raise these human beings as a source of food for other human beings. At the end of a certain period of time, let us say, or after each has attained a certain weight, they are sold at public auction to

the highest bidder and summarily carted off in loathsome vehicles to be “humanely” slaughtered.

Now, given such a practice, let us suppose that the following is true of it: The amount of undeserved pain caused to these human beings is exactly equivalent to the amount of pleasure other human beings secure as a result of the practice. The question is: would we say that this equality of pain and pleasure shows that there are no moral grounds for objecting to the practice in question? I do not think we would. I think we would want to say that this way of treating humans is not morally justified.

Consider, next, the following possibility. Imagine the same practice, only now imagine that the amount of pleasure other humans get from the practice slightly exceeds the amount of undeserved pain experienced by those who suffer. Would we say that, in this case, the practice is morally justified? Once again, I do not think we would. On the contrary, I think we would want to say here, as in the previous case, that the practice is immoral.

Now, if this is true of the two cases just imagined, why would not the same thing be true of cases where the practice imagined involves the treatment of animals? Let us suppose, that is, that there is a practice which involves treating animals in such a way that either (1) the amount of undeserved pain they experience is equal to the amount of pleasure human beings get from the practice or (2) the amount of pleasure humans receive slightly exceeds the amount of undeserved pain the animals suffer. And let us suppose that the pain suffered in either case is comparable to the pain suffered by the humans in the cases previously described. Under either one or both of these hypotheses, why would the practice in question not be just as wrong in this case as in the case of the practice involving human beings? Well, certainly it cannot consistently be said that the intrinsic evil of an animal’s pain counts for less than the intrinsic evil of a comparable human pain, and that that is why the practice involving the treatment of animals can be morally alright while the practice involving humans is not. For it has already been pointed out that the pain an animal feels is just as much pain, and just as much an intrinsic evil, as a comparable pain felt by a human being. So, if there is any rational basis for rendering conflicting judgments about the two practices, it must be looked for in some other direction.

The most likely and, on the face of it, the most plausible direction in which to look is in the direction of rights. “Humans,” this line of reasoning goes, “have certain natural rights which animals lack, and that’s what makes the two practices differ in a morally significant way. For in the case of the practice involving humans, their equal natural right to be spared undeserved pain is being violated, while in the case of the practice involving animals, since animals can have no rights,

their rights are not being ignored. That's what makes the two cases differ. And that's what makes the practice involving humans an immoral one, while the practice involving animals is not."

Natural though this line of argument is, I do not think it goes any way toward justifying the differential treatment of the animals and humans in question. For on what grounds might it be claimed that the humans, but not the animals, have an equal natural right to be spared undeserved pain?¹⁴ Well, it cannot be, as it is sometimes alleged, that all and only human beings have this right because all and only humans reason, make free choices or have a concept of their identity. These grounds will not justify the ascription of rights to all humans because some humans—infants and the severely mentally defective, for example—do not meet these conditions. Moreover, even if these conditions did form the grounds for the possession of rights; and even if it were true that all human beings met them; it still would not follow that *only* human beings have them. For on what grounds, precisely, might it be claimed that no animals can reason, make free choices or form a concept of themselves? What one would want here are detailed analyses of these operative concepts together with rationally compelling empirical data and other arguments which support the view that all non-human animals are deficient in these respects. It would be the height of prejudice merely to assume that man is unique in being able to reason, etc. To the extent that these beliefs are not examined in the light of what we know about animals and animal intelligence, the supposition that *only* human beings have these capacities is just that — a supposition, and one that could hardly bear the moral weight placed upon it by the differential treatment of animals and humans.¹⁵

Nor will it do to argue that all and only human beings can use a language, and that this is why they can have the right in question while animals cannot. For even if it were true that all and only human beings

14 I am especially indebted to my colleague, Donald VanDeVeer, for many helpful conversations on the general topic of rights. I also am indebted to H.J. McCloskey's paper, "Rights," *Philosophical Quarterly* (1965), and to Joel Feinberg's essays "Human Duties and Animals Rights," alluded to above, and "What Kinds of Beings Can Have Rights?" an expanded version of his paper, "The Rights of Animals and Future Generations," published in *Philosophy and Environmental Crisis*, ed. by William Blackstone (Athens, Georgia: University of Georgia Press, 1974). So far as I am aware, the position that only beings who have interests can have rights, and that animals have them, was first set forth by Leonard Nelson in *A System of Ethics*, tr. N. Gutermann. New Haven: Yale University Press, 1956. The relevant portion of Nelson's book has been reprinted in *Animals, Men and Morals*, *op. cit.*

15 For arguments in support of the thesis that at least some non-human animals satisfy these conditions, see, for example, Jane Goodall's *In the Shadow of Man*. New York: Dell Publishing Company, Incorporated, 1971, especially chapter 19.

can use a language, there would be no reason to believe that the possession of this capacity could have anything whatever to do with the possession of this right. For there is neither a logical nor an empirical connection between being able to use a language, on the one hand, and, on the other, being able to experience undeserved pain.

How, then, might we justify the ascription of an equal natural right to be spared undeserved pain to all human beings? This is not easy to say, and all I can do here is indicate what seems to me to be the most plausible line or argument in this regard. A detailed examination of the issues that arise here is beyond the scope of the present essay.

Two things, at least, are reasonably clear. First, if the right in question is a *natural* right, then it cannot be one that is conferred upon one human being by other human beings; in particular, it cannot be a right that the governments or their laws can grant to or, for that matter, withhold from their subjects. Second, if the natural right in question is supposed to be one that belongs *equally* to all human beings, it cannot be a right which some human beings can acquire by doing something that other humans are unable to do; it must be a right, in other words, that all human beings have, to an equal extent, just because they are human beings. It is because of this second requirement that most proposed grounds for the right in question fail. For, given that there are some human beings who cannot, say, reason, or speak, or make free choices, it could not be the case that all humans have an equal right to be spared undeserved pain because all humans can reason, speak or make free choices. Any plausible argument for ascribing this right equally to all human beings, therefore, must invoke a basis that applies equally to all beings who are human.

Now, there is one argument for ascribing this natural right equally to all humans which has a degree of plausibility the others lack. This is the argument that begins with the claim that humans *can* have natural rights because humans *do* have interests.¹⁶ The word 'interests' here is used to cover such items as (to use a list of examples given by Perry¹⁷) liking-disliking, loving-hating, hoping-fearing, desiring-avoiding. As it is used in the present context, 'interests' is used to refer to what Perry calls "a certain class of acts or states which have the common characteristic of *being for or against*."¹⁸ Thus, as Feinberg has pointed

16 See, for example, the essays by McCloskey and Feinberg, *op. cit.*

17 *Realms of Value*. By Ralph Barton Perry. Cambridge, Massachusetts: Harvard University Press, 1954, p. 7.

18 *Ibid.*

out,¹⁹ although we may speak of a car as “needing some gas,” we do not think that the car can have a right to the gas; and we do not think this because cars are not the kind of being that can have interests — that can *feel* the need to have gas or *desire* to have it. In the case of human beings, however, we do experience desires and needs; we do have a connative life that includes the “acts or states” mentioned above; and it would seem to be because we do have such interests that we are the kind of being that can have rights.

A critic might object to this by saying that not all human beings have interests, from which it would follow that not all human beings can have rights, if a necessary condition of having rights is that one have interests. I do not find this criticism very persuasive. For it does seem to be the case that, when we are confronted with individuals who never have and never will manifest any interests whatsoever — where, that is, there is no reason to believe that they experience needs or wants, affection or aversion, hopes or fears, as in the case of those individuals who “vegetate” — then I think we have good reason to withhold the rubric “human being,” despite the fact that they are the off-spring of human parents. To be a subject of interests, in short, does appear to be a necessary condition of being human.

Of course, even if this much is true, it does not follow that we have any rights; all that follows is that we *can* have them. So the question is, “Assuming that we can have rights, do we have any? In particular, do we all have the equal natural right to be spared undeserved pain?” The most plausible basis for supposing that we do would, I think, have to show the following.

First, it would have to show that, in the absence of any wrong doing on the part of any individual human being, A, in terms of which it might be judged that A deserves to be punished — that is, that A deserves to be made to suffer pain — no one human being is any more deserving of being made to experience pain than is any other. Thus, to cause an innocent human being undeserved pain, on this account, will be to treat him *unjustly*; it is to cause a human being to suffer an evil, in the form of pain, which he does not deserve.

Second, the most plausible argument here would have to show that there is a necessary connection between injustice and rights, such that, if it is true that a person has been treated unjustly, it follows that one of his rights has been violated. At least for a sub-set of our duties, in other words, a correlation between duties and rights would have to be established, so that, though it will not always follow from the fact that I have a duty to do something (say, act benevolently) that someone has a corresponding right to demand that I act in this way toward him, this entailment will hold true in some cases; from the fact,

19 Feinberg, “What Kinds of Beings Can Have Rights?”, *op. cit.*

that is, that I have a duty to act justly, it will follow that specific individuals are entitled to demand that I act justly toward them.

Thus, assuming that all human beings are the kind of being that can have rights; and assuming that to cause any human being undeserved pain is to treat him unjustly; and assuming, finally, that anytime we treat a person unjustly we violate one of his rights; then it could be inferred that to cause a human being undeserved pain is to violate his natural right to be spared undeserved pain. And it could also be argued that this is a right which all human beings have, to an equal extent, just because they are human beings.

I am not sure what to say about this argument. In some respects, at least, it represents an improvement over the others. In particular, it does not presuppose that all human beings have to be able to exercise certain high-grade capacities, such as making free choices, in order to be human beings. Humans may have vastly different interests, and still it could remain true that the having of some interest is a necessary condition of being human. And, too, this argument does not commit us to the dubious position that the concept of a right is just the other side of a duty — that, in other words, one person may be said to have a right to demand *x* if another person can be said to have a duty to *x*.

On this basis, then, it might be argued that all human beings have an equal right to be spared undeserved pain. Whether such an argument would succeed, I cannot say. All that I can say is, first, that it has a degree of plausibility that the other arguments lack, and, second, that precisely the same line of reasoning can be used in support of the contention that animals have an equal natural right to be spared undeserved pain. For animals, too, are the kind of being who have interests; we have no reason to believe, that is, that the contents of their conscious life are matters of uniform indifference to them; on the contrary, we have every reason to believe that there are many things toward which they are, in Perry's terms, "for or against"; unlike cars, they have needs, for example, which we have every reason to believe that they experience the desire to fulfill. Moreover, if it is unjust to cause a human being undeserved pain, (and if what makes this unjust is the fact that the pain is evil and the human is innocent and thus does not deserve the evil he receives), then it must also be unjust to cause an innocent animal undeserved pain. If it be objected that it is not possible to act unjustly toward animals, though it is possible to do so toward humans, then, once again, what we should demand is some justification of this contention; what we should want to know is just what there is that is characteristic of all human beings, and is absent from all other animals, that makes it possible to treat the former, but not the latter, unjustly. In the absence of such an explanation, I think we have every reason to suppose that restricting the concepts of just and unjust treatment to human beings is a prejudice.

If, then, the most plausible basis for attributing an equal natural right to be spared undeserved pain to all human beings turns on the idea that it is unjust to cause pain to an undeserving human being, then, given that it is unjust to do this to an innocent animal, it likewise would follow that animals have an equal natural right to be spared undeserved pain.

A critic will respond that all that this argument could show is that, among themselves, each animal has an equal natural right to be spared undeserved pain. What this argument could not show, this critic will contend, is that any animal could have a right that is equal to the right that any human being has to be spared undeserved pain. I do not think this criticism is justified. For assuming that the grounds for ascribing the right in question are the same for humans and animals, I do not understand how it can be logically inferred that humans possess this right to a greater extent than do animals. Unless or until we are given some morally relevant difference that characterizes all humans, but no animals, — a difference, that is, on the basis of which we could justifiably allege that our right to be spared undeserved pain is greater than the right that belongs to animals, — unless or until we are given such a difference I think reason compels us to aver that, if humans have this right, to an equal extent; for the reasons given, then animals have this right also, and have it to an extent that is equal to that in which humans possess it.

Now, none of this, even if its correct, establishes that animals (or humans) have an equal natural right to be spared undeserved pain. For my arguments in the preceding are arguments *about* arguments for and against the ascription or withholding of this right to humans and animals; they are not intended to show that humans or animals do or do not have this right. What I have argued, however, provides a sufficient basis to respond to the thesis that it is because human beings have an equal natural right to be spared undeserved pain, while animals do not, that we can be justified in treating them differently. What I have argued is that, at least in view of the arguments considered here, there is no good reason to believe this. For the grounds that might be invoked for denying that animals have this right — for example, that they cannot reason or make free choices — would also show that some humans do not have this right either, whereas what appear to be the most plausible grounds on which to rest the claim that all humans have this right are grounds which would equally well support the claim that animals do too. If I am correct, therefore, none of these arguments provides us with a good reason for believing that it would be wrong to treat, say, mentally defective human beings in the way I described earlier, but morally permissible to treat animals in a similar way, because such a practice would violate a right which all humans have but which all animals lack.

Two objections should be addressed before proceeding. Both involve difficulties that are supposed to attend the attribution of rights to animals. The first declares that animals cannot have rights because they lack the capacity to *claim* them.²⁰ Now, this objection seems to be a variant of the view that animals cannot have rights because they cannot speak, and, like this more general view, this one too will not withstand a moment's serious reflection. For there are many human beings who cannot speak or claim their rights — tiny infants, for example — and yet who would not be denied the right in question, assuming, as we are, that it is supposed to be a right possessed by *all* human beings. Thus, if a human being can possess this (or any other right) without being able to demand it, it cannot be reasonable to require that animals be able to do so, if they are to possess this (or any other) right. The second objection is different. It declares that the attribution of rights to animals leads to absurdity.²¹ For if, say, a lamb has the natural right to be spared undeserved pain, then the wolf, who devours it unmercifully, without the benefit of anaesthetic, should be said to violate the lamb's right. This, it is alleged, is absurd, and so, then, is the attribution of rights to animals. Well, absurd it may be to say that the wolf violates the lamb's right. But even supposing that it is, nothing said here implies that such deeds on the part of the wolf violate the lamb's rights. For the lamb can have rights only against those beings who are capable of taking the interests of the lamb into account and trying to determine, on the basis of its interests, as well as other relevant considerations, what, morally speaking, ought to be done. In other words, the only kind of being against which another being can have rights is a being that can be held to be morally responsible for its actions. Thus, the lamb can have rights against, say, most adult human beings. But a wolf, I think it would be agreed, is not capable of making decisions from the moral point of view; nor is a wolf the kind of being that can be held morally responsible; neither, then, can it make sense to say that the lamb has any rights against the wolf. This situation has its counterpart in human affairs. The severely mentally feeble, for example, lack the requisite powers to act morally; thus, they cannot be expected to recognize our rights, nor can they be said to violate our rights, even if, for example, they should happen to cause us undeserved pain. For as they are not the kind of being that can be held responsible for what they do, neither can they be said to violate anyone's rights by what they do.

Of course, even if it is true that animals and humans have an equal natural right to be spared undeserved pain, it would not follow that it is

20 *Ibid.*

21 See, for example, D. G. Ritchie's *Natural Rights*. London: George Allen: Unwin, 1889.

always wrong to cause them undeserved pain. For a right may always be overridden by more stringent moral demands. Thus, even if we assume that both human beings and animals have an equal natural right to be spared undeserved pain, questions can arise concerning when we would be justified in engaging in or supporting practices that cause undeserved pain to either humans or animals. Now, I have already suggested that we would not approve of engaging in or supporting practices which cause undeserved pain to some human beings merely on the grounds that these practices bring about an amount of pleasure equal to or slightly in excess of the amount of pain these humans are made to suffer. And I think that, if someone believes that human beings have an equal natural right to be spared undeserved pain, one of the reasons he would give for disapproving of these practices is that they would violate this right of their's. For to cause a human being pain simply on the basis that it will give others an equivalent amount of pleasure, or an amount of pleasure slightly in excess of the amount of pain involved, is not to show that he deserves to suffer anymore than anyone else, and it is not to go any way toward justifying, therefore, overriding his equal right not to suffer undeserved pain, assuming that all humans have this right. However, I have also observed that what appears to be the most plausible argument in support of the view that all human beings have an equal natural right to be spared undeserved pain would provide an equally compelling basis for ascribing this right to animals also. Accordingly, if we would object to the practice in question, when it involves the treatment of human beings, on the grounds that this right of their's is being violated, and assuming that we are unable to cite any grounds that would justify the claim that all humans but no animals have this right, then we must, if we are to be consistent, condemn any similar practice, for the same reasons, when it involves the treatment of animals.

But there is, of course, a third type of case to be considered. This is the case where the amount of undeserved pain caused by a practice is greatly exceeded by the amount of pleasure the practice brings about. And the question we must ask is whether, under these circumstances, the practice could be morally justified. And here, I think, a case might be made for the position that such a practice could be justified, if the undeserved pain involved is of a very trivial variety. Imagine, that is, that the world was such that, by inflicting a very slight, momentary, undeserved pain on animals, the human population, or a large segment of it, would experience an incredible amount of long lasting pleasure. Then, I think, we might submit that, though it might be better if the world allowed us to get this incredible pleasure without causing the animals the pain in question, still, the pain they experience is so slight and lasts for such a very short time that, despite the fact that it is undeserved, the vast amount of good that is brought about more than

compensates for their very modest suffering. We might argue, in other words, that, even if animals do have a right to be spared undeserved pain, their right would be justifiably overridden in a situation such as this.

Now, I am not sure whether even this use of animals would be justified. But assuming that it is, there are two points I want to make. The first is that, if such a practice is justified in the case where those who suffer are animals and those who secure the pleasure are humans, then, given the soundness of my argument up to now, and assuming that no one is able to show that there is a morally relevant difference between all humans and all animals, the same would be true of a practice where *both* those who suffer *and* those who secure the pleasure are humans. And, of course, the same thing would be true, given the conditions I have just stated, of a practice where those who receive the pain are humans and those who secure the pleasure are *animals!*²²

But the second thing I would say here is that, although this is true, it is not particularly relevant to defending conditional vegetarianism. And this is because the undeserved pain that animal experience, in the course of being raised and slaughtered as a source of food, frequently is not of the “trivial” variety. I shall have more to say on this score shortly. What is highly relevant to the conditional vegetarian’s defense, then, is the case where the undeserved pain we are talking about is not trivial — where beings are made to suffer intense or long lasting pain, both physical and psychological. Imagine, then, that we have a practice that causes a given amount of non-trivial and undeserved pain for some human beings; and imagine, further, that this practice brings about an amount of pleasure greatly in excess of the pain these humans are made to suffer. Would we suppose that this practice was justified, simply on the ground that the pleasure greatly exceeded the pain? I do not think we would. For even if we happen to be of the opinion that inflicting undeserved, trivial pain might be justified in this way, I do not think we would be inclined to suppose that causing undeserved, non-trivial pain can be. I think we would be inclined to submit here, as in the earlier cases, that the equal right of humans not to suffer undeserved pain, assuming we have this right, is being unjustifiably overridden. But I also think that, if this is our considered opinion in this case, then, in the absence of any morally relevant difference that exists between the humans and animals in question, we could not consistently render a different judgment if the practice in question caused non-trivial, undeserved pain to the animals. Certainly none of the arguments considered earlier succeeds in providing us with a credible basis on which to rest the belief that

22 Nelson, *op. cit.*, makes a similar point.

humans have a greater claim to an equal right to be spared undeserved pain than do animals.

I can anticipate a number of objections that might be raised here. The first does not pass muster. The others raise more serious problems that I will try to answer.

First, then, it might be alleged that I have overlooked altogether the fact that pleasures can differ qualitatively, and not just quantitatively, and that it is human beings who are so endowed by nature that they can experience the higher quality pleasures. Then, it might be alleged, we could justify practices which cause undeserved, non-trivial pain to animals on the grounds that they bring about an amount of high quality pleasure that is equal to, or slightly or greatly exceeds, the amount of pain the animals experience.

Well, I do not think this criticism will stand up under even the briefest reflection. For even if we assume, what is debatable, that pleasures can differ qualitatively one from another, this objection must, I think, offend a moral principle to which we would all subscribe. This is the principle that no practice which causes undeserved, non-trivial pain can be justified *solely* on the grounds of the amount of pleasure it brings about for others, no matter how “high” the quality of the pleasure might be supposed to be. To test this contention we need merely to ask whether we would approve of a practice which causes some humans to suffer non-trivial, undeserved pain but which brings about, say, high intellectual pleasures for other human beings; more particularly, we need to ask whether we would approve of such a practice *simply* on the grounds that it produces this kind of pleasure in whatever amount might be hypothesized. My belief is that we would not approve of it. My belief is that the pain is not justified by these higher pleasures — that the pain is, therefore, gratuitous and that the natural right to be spared undeserved pain, assuming that humans have this right, is being violated.

But, now, if this is true in the case of human (sentient) beings, then, in the absence of any morally relevant difference, it must also be true in the case where the sentient beings involved are non-human animals. For the pain that an animal might feel would be just as much pain and just as much an evil as any comparable pain felt by a human being; and since animals appear to have as much claim to the natural right to be spared undeserved pain as do humans, it would be inconsistent to deny that their rights are being violated, if the rights of humans are being violated by a similar practice.

The second criticism is more difficult to answer. This is the objection that we need to take intrinsic values other than pleasure into account, and that, if we do, then it could easily be the case that a practice which causes some undeserved, non-trivial pain to animals could be justified, not because of the amount of pleasure it brings about for we

humans, but, rather, because of the amount of pleasure *and other* intrinsic goods we humans reap as a result of it.

But can such practices be justified in this way? I do not think they can. At least I do not think they can so long as the prevention, reduction or elimination of evil are not considered to be intrinsic goods. And I do not think they are. To begin with, I think those philosophers are right who maintain that it is only certain states of consciousness, certain experiences that can be intrinsically good or evil. So far as the *prevention* of evil is concerned, therefore, though an act or practice which does prevent evil would be a good thing, it would not, I think, be something that is intrinsically good. For preventing evil is a property of certain actions or practices; it is not itself a state of consciousness; neither, then, can it be an intrinsically valuable state of consciousness.

The status of reducing or eliminating evil is more controversial. Since pain, for example, cannot be reduced or eliminated unless it exists, and since it cannot exist unless someone is conscious of it, it certainly seems to be possible to speak of people *experiencing* its reduction or elimination, as when, for example, we say that our headache is “going away” or “is gone.” Our question is, then, whether these experiences, these states of consciousness, are intrinsically good. I do not think they are. For, first, though it is true that the value such experiences have is not contingent upon what their *future* consequences happen to be, the value which they have does not seem to reside just in themselves either. Rather, they seem to have the value they have because they provide us with this or that degree of *relief* from the states of consciousness we have had to endure in the past. Take away all considerations about the pain that has gone before, as we must, if we are to ask whether these states of consciousness are *intrinsically* good, and I think we see that they are not desired for their own sake, but for the sake of the relief they bring from the painful experiences that preceded them.

Second, if we were to suppose that such experiences — the experiences of the diminution or elimination of pain — were intrinsically good; and if, further, we were to agree, as seems reasonable, that we have a *prima facie* obligation to bring intrinsically good states of affairs into the world; and if, finally, it is the case, as surely it is, that we could not experience the reduction or elimination of pain unless some pain exists; then it would seem to follow that we have a *prima facie* obligation to make sure that some pain exists so that we can bring about the allegedly intrinsically good experiences that are supposed to attend its reduction or elimination. And this, I think, is a consequence that runs counter to our most basic moral convictions. And since a similar consequence would follow if we took evils other than pain into account, I think we are justified in denying that the reduction or elimination of any evil is, in itself, intrinsically good.

If, then, the foregoing is correct, the question we have before us is not “Might we conceivably justify a practice that causes animals undeserved, non-trivial pain if, by doing so, we could thereby prevent, reduce or eliminate evil — for example, evil in the form of pain?”, to which the answer is “yes.” I will have more to say on this matter shortly. Our question is, rather, “Might we be able to justify such a practice *solely* on the grounds of the amount or variety of intrinsically good experiences it brought into being?” And here, I think, the answer is “no.” At least this must be our answer if (1) we agree, as I think we would, that no practice that brought these intrinsic goods into being would be justified, on that account alone, if the recipients of the undeserved, non-trivial pain were *human* beings, and if (2) we are unable to show that there is a morally relevant difference that exists between all those animals who are human and all those others who are not.

How, then, might we justify a practice of the kind in question? I have already indicated what seems to be the general direction in which such a justification would have to proceed. In general, what one would have to show is that such a practice would prevent, reduce or eliminate evil — for example, pain. But more than this surely would be required. For imagine a practice where the recipients of the non-trivial, undeserved pain are humans. And suppose that the evil the practice prevents, reduces or eliminates is equal to or only slightly exceeds the amount of pain these humans are made to suffer. Then I think we would say that the practice was not morally justified — that the natural right to be spared undeserved pain, which belongs to these human beings if it belongs to all human beings, is being violated. For it is only if the amount of evil prevented, reduced or eliminated would be *considerably* (perhaps *vastly*) more than the amount of pain caused the human recipients — it is only then, if at all, I think, that we would seriously consider approving the practice. But even more than this would have to be the case, if we were to be tempted to approve it. For I think we would want to be convinced, by rational means, that, realistically speaking, it was *only* by having such a practice that we could bring about these consequences, *and* that we have *very good* reason to believe that these consequences will obtain. Only then, I think, would we seriously consider approving and supporting the practice. And so it is that, in the absence of any morally relevant difference between all humans and other animals, and in view of the argument of the preceding pages, we must, if we are to be consistent, insist that these same conditions must be met, if a practice which causes undeserved, non-trivial pain to animals ought seriously to be considered worthy of our approval.

Now the preceding does, I think, contribute to our understanding of the obligation to be vegetarian. To make this clearer, let us first take note of the fact that animals who are raised to be eaten by human

beings very often are made to suffer. Nor is it simply that they suffer only when they are being shipped to the slaughter house or actually being slaughtered. For what is happening is this: The human appetite for meat has become so great that new methods of raising animals have come into being. Called intensive rearing methods, these methods seek to insure that the largest amount of meat can be produced in the shortest amount of time with the least possible expense.²³ In ever increasing numbers, animals are being subjected to the rigors of these methods. Many are being forced to live in incredibly crowded conditions. Moreover, as a result of these methods, the natural desires of many animals often are being frustrated. In short, both in terms of the physical pain these animals must endure, and in terms of the psychological pain that attends the frustration of their natural inclinations, there can be no reasonable doubt that animals who are raised according to intensive rearing methods experience much non-trivial, undeserved pain. Add to this the gruesome realities of “humane” slaughter and we have, I think, an amount and intensity of suffering that can, with propriety, be called “great.”

To the extent, therefore, that we eat the flesh of animals that have been raised under such circumstances, we help create the demand for meat that farmers who use intensive rearing methods endeavor to satisfy. Thus, to the extent that it is a known fact that such methods will bring about much undeserved, non-trivial pain, on the part of the animals raised according to these methods, anyone who purchases meat that is a product of these methods — (and almost everyone who buys meat at a typical supermarket or restaurant does this) — is causally implicated in a practice which causes pain that is both non-trivial and undeserved for the animals in question. On this point too, I think there can be no doubt.

It is on these grounds that the conditional vegetarian can base at least part of his moral opposition to eating meat. First, he can point out that the onus of justification is always on anyone who supports a practice that is known to inflict non-trivial, undeserved pain on a sentient creature to show that, in doing so, he is not doing anything wrong. And he can point out, furthermore, that the onus of justification is always on those who support a practice that causes a sentient creature non-trivial, undeserved pain to show that, in doing so, the sentient creature’s right to be spared this pain is not being violated, (assuming that sentient creatures have this right). The conditional vegetarian, in short, is in a position where he can rationally demand that those who lead a life contrary to his show how it is that *their* way of life can be

23 See, for example, Ruth Harrison’s *Animal Machines*. London: Vincent Stuart Publishers, Ltd., 1964.

morally justified, just as we are all rationally entitled to demand that those who are causally implicated in a practice that causes non-trivial, undeserved pain to human beings must show how it is that the practice, and their role in it, is not immoral. Contrary to the habit of thought which supposes that it is the vegetarian who is on the defensive and who must labor to show how his "eccentric" way of life can even remotely be defended by rational means, it is the non-vegetarian whose way of life stands in need of rational justification. Indeed, the vegetarian can, if I am right, make an even stronger claim than this. For if the previous argument is sound, he can maintain that unless or until someone does succeed in showing how the undeserved, non-trivial pain animals experience as a result of intensive rearing methods is not gratuitous and does not violate the rights of the animals in question, then he (the vegetarian) is justified in believing that, and acting as if, it is wrong to eat meat, if by doing so we contribute to the intensive rearing of animals and, with this, to the great pain they must inevitably suffer. And the basis on which he can take this stand is the same one that vegetarians and non-vegetarians alike can and should take in the case of a practice that caused great undeserved pain to human beings — namely, that we are justified in believing that, and acting as if, such a practice is immoral unless or until it can be shown that it is not.

And there is another thing the vegetarian can aver, if I am right. He can point out that though those who contribute to the suffering of animals by purchasing meat in the usual way might conceivably be able to justify their buying and eating habits, they cannot do this by arguing that the non-trivial, undeserved pain these animals experience is a small price to pay for the variety and amount of human pleasure or other intrinsic goods brought into being by treating animals as we do. Such a 'justification' will not work, if my preceding argument is sound, anymore than will the 'justification' that it is alright to cause non-trivial, undeserved pain to human beings so long as other human beings are able thereby to secure an abundant crop of pleasures or other intrinsic goods from the garden of earthly delights.

Now, there are, as I mentioned earlier, two further objections that might be raised, both of which, I think, uncover important limitations in the argument of the present section. The first is that a meat eater might be able to escape the thrust of my argument by the simple expedient of buying meat from farms where the animals are not raised according to intensive rearing methods, a difficult, but not impossible task, at the present time. For despite the widespread use of these methods, it remains true that there are farms where animals are raised in clean, comfortable quarters, and where the pain they experience is the natural result of the exigencies of animal existence rather than, to use an expression of Hume's, of "human art and contrivance." Or one might secure one's meat by hunting. And it is true, I think, that, judg-

ing from what some vegetarians have said,²⁴ such expedients would escape the net of their moral condemnation, provided the animals were killed “humanely” — that is, as painlessly as possible. For my own part, however, I think that a vegetarian, if he were to concede this much, would be conceding more than he should. For it is not merely considerations about the pain that an animal may feel that should form the moral basis of vegetarianism. It is also the fact that animals are routinely killed, whether “humanely” or not. Of course, nothing that I have said in the present section goes anyway toward justifying this contention of mine, which is why I think my argument up to this point is deficient in an important respect. This is a deficiency I hope to remedy in the following section.

My response to the second objection also must be deferred to the section that follows. This is the objection that reads thus: “Granted, the amount of pain animals experience in intensive rearing units is deplorable and ought to be eliminated as far as is possible; still, it does not follow that we ought to give up meat altogether or to go to the trouble of hunting or buying it from other farmers. After all, all we need do is get rid of the pain and our moral worries will be over. So, what we should do is this: we should try to figure out how to *desensitize* animals so that they don’t feel any pain, even in the most barbarous surroundings. Then, if this could be worked out, there wouldn’t be any grounds for worrying about the ‘morality’ of eating meat. Remove the animals’ capacity for feeling pain and you thereby remove the possibility of their experiencing any pain that is gratuitous.”

Now, I think it is obvious that nothing that I have said thus far can form a basis for responding to this objection, and though I think there are alternative ways in which one might try to respond to it, the case I will try to make against it will evolve out of my response to the first objection; I will try to show, in other words, that an adequate response to this objection can be based upon the thesis that it is the killing of animals, and not just their pain, that matters morally.

Before turning to this matter, however, there is one final thing I want to say about the argument of the present section. This is that, despite the deficiencies I have just alluded to, it would, if sound, make a strong case for altering the purchasing habits of many of us. If sound, it would show that we cannot suppose that it is a matter of moral in-

24 One gets this impression, sometimes, when reading Salt’s work. See his *The Humanities of Diet*. Manchester: The Vegetarian Society, 1914. I have received the same impression from some things said and written by Peter Singer. See his “Animal Liberation”; *The New York Review of Books*, Volume XX, Number 5, April 5, 1973, pp. 17-21. I am uncertain whether Salt or Singer actually hold this view, however.

difference where we buy our meat or from whom. If sound, it would show that we are justified in believing that, in the absence of any compelling argument to the contrary, it is wrong to buy meat from sources who rely on farms that use intensive rearing methods. And this, though it may not be the final, would at least be a first step in the direction of “animal liberation.”²⁵

II

My argument in this section turns on considerations about the natural “right to life” that we humans are sometimes said uniquely to possess, and to possess to an equal degree. My strategy here will be similar to my strategy in the previous section. What I will try to show is that arguments that might be used in defense of the claim that all human beings have this natural right, to an equal extent, would also show that animals are possessors of it, whereas arguments that might be used to show that animals do not have this right would also show that not all human beings do either. Just as in the preceding section, however, so here too, a disclaimer to completeness is in order. I have not been able to consider all the arguments that might be advanced in this context; all that I have been able to do is consider what I think are the most important ones.

Let us begin, then, with the idea that all humans possess an equal natural right to life. And let us notice, once again, that it is an *equal natural* right that we are speaking of, one that we cannot acquire or have granted to us, and one that we all are supposed to have just because we are human beings. On what basis, then, might it be alleged that all and only human beings possess this right to an equal extent? Well, a number of familiar possibilities come immediately to mind. It might be argued that all and only human beings have an equal right to life because either (a) all and only human beings have the capacity to reason, or (b) all and only human beings have the capacity to make free choices, or (c) all and only human beings have a concept of “self,” or (d) all and only human beings have all or some combination of the previously mentioned capacities. And it is easy to imagine how someone might argue that, since animals do not have any of these capacities, *they* do not possess a right to life, least of all one that is equal to the one possessed by humans.

I have already touched upon some of the difficulties such views must inevitably encounter. Briefly, it is not clear, first, that no non-human animals satisfy any one (or all) of these conditions, and, second,

25 An expression first given currency by Peter Singer, *op. cit.*

it is reasonably clear that not all human beings satisfy them. The severely mentally feeble, for example, fail to satisfy them. Accordingly, *if* we want to insist that they have a right to life, then we cannot also maintain that they have it because they satisfy one or another of these conditions. Thus, *if* we want to insist that they have an equal right to life, despite their failure to satisfy these conditions, we cannot consistently maintain that animals, because they fail to satisfy these conditions, therefore lack this right.

Another possible ground is that of sentience, by which I understand the capacity to experience pleasure and pain. But this view, too, must encounter a familiar difficulty — namely, that it could not justify restricting the right *only* to human beings.

What clearly is needed, then, if we are to present any plausible argument for the view that all and only human beings have an equal natural right to life, is a basis for this right that is invariant and equal in the case of all human beings and only in their case. It is against this backdrop, I think, that the following view naturally arises.²⁶ This is the view that the life of every human being has “intrinsic worth” — that, in Kant’s terms, each of us exists as “an end in himself” — *and* that this intrinsic worth which belongs *only* to human beings, is shared *equally* by all. “Thus,” it might be alleged, “it is because of the equal intrinsic worth of all human beings that we all have an equal right to life.”

This view, I think, has a degree of plausibility which those previously discussed lack. For by saying that the worth that is supposed to attach to a being just because he or she is human is intrinsic, and that it is because of this that we all have an equal natural right to life, this view rules out the possibility that one human being might give this right to or withhold it from another. It would appear, therefore, that this view could make sense of the alleged *naturalness* of the right in question. Moreover, by resting the equal right to life on the idea of the equal intrinsic worth of all human beings, this view may succeed, where the others have failed, in accounting for the alleged *equality* of this right.

Despite these apparent advantages, however, the view under consideration must face certain difficulties. One difficulty lies in specifying just what it is supposed to mean to say that the life of every human being is “intrinsically worthwhile.”²⁷ Now, it cannot mean that “each and every human being has a natural right to life.” For the idea that the

26 For an example of this kind of argument, see Gregory Vlastos’ “Justice and Equality” in *Social Justice*. Edited by Richard B. Brandt. Englewood Cliffs, New Jersey: Prentice-Hall, Incorporated, 1962.

27 This is a point that first became clear to me in discussion with Donald VanDeVeer.

life of each and every human being has intrinsic worth was introduced in the first place to provide a basis for saying that each and every human being has an equal right to life. Accordingly, if, say, "Jones' life is intrinsically worthwhile" ends up meaning "Jones has an equal right to life," then the claim that the life of each and every individual is equally worthwhile, judged intrinsically, cannot be construed as a basis for saying that each and every human being has an equal right to life. For the two claims would mean the same thing, and one claim can never be construed as being the basis for another, if they both mean the same.

But a second and, for our purposes, more important difficulty is this: On what grounds is it being alleged that each and every human being, and only human beings, are intrinsically worthwhile? Just what is there, in other words, about being human, and only about being human, that underlies this ascription of unique worth? Well, one possible answer here is that there isn't "anything" that underlies this worth. The worth in question, in short, just belongs to anyone who is human, and only to those who are. It is a worth that we simply recognize or intuit, whenever we carefully examine that complex of ideas we have before our minds when we think of the idea, "human being." I find this view unsatisfactory, both because it would seem to commit us to an ontology of value that is very difficult to defend, and because I, for one, even after the most scrupulous examination I can manage, fail to intuit the unique worth in question. I do not know how to prove that the view in question is mistaken in a few swift strokes, however. All I can do is point out the historic precedents of certain groups of human beings who have claimed to "intuit" a special worth belonging to their group and not to others within the human family, and say that it is good to remember that alluding to a special, intuitive way of "knowing" such things could only serve the purpose of giving an air of intellectual respectability to unreasoned prejudices. And, further, I can only register here my own suspicion that the same is true in this case, though to a much wider extent. For I think that falling into talk about the "intuition of the unique intrinsic worth of being human" would be the last recourse of men who, having found no good reason to believe that human beings have an unique intrinsic worth, would go on believing that they do anyhow.

Short of having recourse to intuition, then, we can expect those who believe that human beings uniquely possess intrinsic worth to tell us what there is about being human, in virtue of which this worth is possessed. The difficulty here, however, as can be anticipated, is that some familiar problems are going to raise their tiresome heads. For shall we say that it is the fact that humans can speak, or reason, or make free choices, or form a concept of their own identity that underlies this worth? These suggestions will not work here, anymore than they have

before. For there are some beings who are human who cannot do these things, and there very well may be some beings who are not human who can. None of these capacities, therefore, could do the job of providing the basis for a kind of worth that all humans and only humans are supposed to possess.

But suppose we try to unpack this notion of intrinsic worth in a slightly different way.²⁸ Suppose we say that the reasons we have for saying that all and only human beings exist as ends in themselves are, first, that every human being has various positive interests, such as desires, goals, hopes, preferences and the like, the satisfaction or realization of which brings intrinsic value to their lives, in the form of intrinsically valuable experiences; and, second, that the intrinsic value brought to the life of any one man, by the satisfaction of his desires or the realization of his goals, is just as good, judged in itself, as the intrinsic value brought to the life of any other man by the satisfaction or realization of those comparable desires and goals he happens to have. In this sense, then, all men are equal, and it is because of this equality among all men, it might be alleged, that each man has as much right as any other to seek to satisfy his desires and realize his goals, so long, at least, that, in doing so, he does not violate the rights of any other human being. "Now, since," this line of argument continues, "no one can seek to satisfy his desires or realize his goals if he is dead, and in view of the fact that every man has as much right as any other to seek to satisfy his desires and realize his goals, then to take the life of any human being will always be *prima facie* to violate a right which he shares equally with all other human beings — namely, his right to life."

What shall we make of this argument? I am uncertain whether it can withstand careful scrutiny. Whether it can or not, however, is not a matter I feel compelled to try to decide here. What I do want to point out is that, of the arguments considered here, this one has a degree of plausibility the others lack, not only because, as I have already remarked, it addresses itself both to the alleged naturalness and the alleged equality of the right in question, but also because it rests on what I take to be a necessary condition of being human — namely, that a being must have interests. For these reasons, then, I do not think I can be accused of "straw-man" tactics by choosing this as the most plausible among a cluster of possible arguments that might be urged in support of the contention that all human beings have an equal natural right to life. At the same time, however, as can be anticipated, I believe that, whatever plausibility this argument might have in this connection, it would also have in connection with the claim that animals, too, have an equal natural right to life.

28 Vlastos, *op. cit.*

For even if it is true that this argument provides us with adequate grounds for ascribing a natural right to life equally to all human beings, there is nothing in it that could tend to show that this is a right that belongs *only* to those beings who are human. On the contrary, the argument in question would equally well support the claim that any being who has positive interests which, when satisfied, bring about experiences that are just as intrinsically valuable as the satisfaction of the comparable interests of any other individual, would have an equal right to life. In particular, then, it would support the view that animals have an equal right to life, if they meet the conditions in question. And a case can be made for the view that they do. For, once again, it seems clear that animals have positive interests, the satisfaction or realization of which would appear to be just as intrinsically worthwhile, judged in themselves, as the satisfaction or realization of any comparable interest a human being might have. True, the interests animals have may be of a comparatively low-grade, when we compare them to, say, the contemplative interests of Aristotle's virtuous man. But the same is true of many human beings: their interests may be largely restricted to food and drink, with occasional bursts of sympathy for a few. Yet we would not say that such a man has less of a right to life than another, assuming that all men have an equal right to life. Neither, then, can we say that animals, because of their "base" interests, have any less of a right to life.

One way to avoid this conclusion and, at the same time, to challenge part of the argument in Section I, is to deny that animals have interests.²⁹ But on what basis might this denial rest? A by now familiar basis is that animals cannot speak; they cannot use words to formulate or express anything; thus, they cannot have an interest in anything. But this objection obviously assumes that only those beings who are able to use words to formulate or express something can have interests, and this, even ignoring the possibility that at least some animals might be able to do this, seems implausible. For we do not suppose that infants, for example, have to learn to use a language before they can have any interests. Moreover, the behavior of animals certainly seems to attest to the fact that they not only can, but that they actually do have interests. Their behavior presents us with many cases of preferential choice and goal directed action, in the face of which, and in the absence of any rationally compelling argument to the contrary, it seems both arbitrary and prejudicial to deny the presence of interests in them.

²⁹ See, for example, the essay by McCloskey, *op. cit.* McCloskey denies that animals have interests, but does not, so far as I can see, give any reason for believing that this is so.

The most plausible argument for the view that humans have an equal natural right to life, therefore, seems to provide an equally plausible justification for the view that animals have this right also. But just as in saying that men and animals have an equal right to be spared undeserved pain, so here, too, we would not imply that the right in question can never be overridden. For there may arise circumstances in which an individual's right to life could be outweighed by other, more pressing moral demands, and where, therefore, we would be justified in taking the life of the individual in question. But even a moment's reflection will reveal that we would not condone a practice which involved the routine slaughter of human beings simply on the grounds that it brought about this or that amount of pleasure, or this or that amount of intrinsically good experiences for others, no matter how great the amount of good hypothesized. For to take the lives of individuals, for this reason, is manifestly not to recognize that their life is just as worthwhile as anybody else's, or that they have just as much right to life as others do. Nor need any of this involve considerations about the amount of pain that is caused the persons whose lives are taken. Let us suppose that these persons are killed painlessly; that still would not alter the fact that they have been treated wrongly and that the practice in question is immoral.

If, then, the argument in the present section is sound; and assuming that no other basis is forthcoming which would support the view that humans do, but animals do not, have an equal right to life; then the same is true of any practice involving the slaughter of animals, and we have, therefore, grounds for responding to the two objections raised, but not answered, at the end of the first section. These objections were, first, that since the only thing wrong with the way animals are treated in the course of being raised and slaughtered is that they are caused a lot of undeserved pain, the thing to do is to desensitize them so that they don't feel anything. What we can see now, however, is that the undeserved pain animals feel is not the only morally relevant consideration; it is also the fact that they are killed that must be taken into account.

Similarly, to attempt to avoid the force of my argument for conditional vegetarianism by buying meat from farms that do not practice intensive rearing methods or by hunting and killing animals oneself — expedients that formed the basis of the second objection at the end of Section I — these expedients will not meet the total challenge vegetarians can place before their meat eating friends. For the animals slaughtered on even the most otherwise idyllic farms, as well as those shot in the wild, are just as much killed, and just as much dead, as the animals slaughtered under the most ruthless of conditions.

Unless or until, then, we are given a rationally compelling argument that shows that all and only human beings have an equal right to

life; and so long as any plausible argument that might be advanced to support the view that all human beings have this right can be shown to support, to the same extent, the view that animals have this right also; and so long as we believe we are rationally justified in ascribing this right to humans and to make reference to it in the course of justifying our judgment that it is wrong to kill a given number of human beings simply for the sake of bringing about this or that amount of good for this or that number of people; given all these conditions, then I believe we are equally committed to the view that we cannot be justified in killing any one or any number of animals for the intrinsic good their deaths may bring to us. I do not say that there are no possible circumstances in which we would be justified in killing them. What I do say is that we cannot justify doing so in their case, anymore than we can in the case of the slaughter of human beings, by arguing that such a practice brings about intrinsically valuable experiences for others.

Once again, therefore, the onus of justification lies, not on the shoulders of those who are vegetarians, but on the shoulders of those who are not. If the argument of the present section is sound, it is the non-vegetarian who must show us how he can be justified in eating meat, when he knows that, in order to do so, an animal has had to be killed. It is the non-vegetarian who must show us how his manner of life does not contribute to practices which systematically ignore the right to life which animals possess, if humans are supposed to possess it on the basis of the most plausible argument considered here. And it is the non-vegetarian who must do all this while being fully cognizant of the fact that he cannot defend his way of life merely by summing up the intrinsic goods — the delicious taste of meat, for example — that come into being as a result of the slaughter of animals.

This is not to say that practices that involve taking the lives of animals cannot possibly be justified. In some cases, perhaps, they can be, and the grounds on which we might rest such a justification would, I think, parallel those outlined in the preceding section in connection with the discussion of when we might be morally justified in approving a practice that caused animals non-trivial, undeserved pain. What we would have to show in the present case, I think, in order seriously to consider approving of such a practice, is (1) that such a practice would prevent, reduce or eliminate a much greater amount of evil, including the evil that attaches to the taking of the life of a being who has as much claim as any other to an equal natural right to life; (2) that, realistically speaking, there is no other way to bring about these consequences; and (3) that we have very good reason to believe that these consequences will, in fact, obtain. Now, perhaps there are some cases in which these conditions are satisfied. For example, perhaps they are

satisfied in the case of the eskimo's killing of animals and in the case of having a restricted hunting season for such animals as deer. But to say that this is (or may be) true of *some* cases is not to say that it is true of *all*, and it will remain the task of the non-vegetarian to show that what is true in these cases, assuming that it is true, is also true of any practice that involves killing animals which, by his actions, he supports.

Two final objections deserve to be considered before ending. The first is that, even assuming that what I have said is true of *some* non-human animals, it does not follow that it is true of *all* of them. For the arguments given have turned on the thesis that it is only beings who have interests who can have rights, and it is quite possible that, though some animals have interests, not all of them do. I think this objection is both relevant and very difficult to answer adequately. The problem it raises is how we can know when a given being has interests. The assumption I have made throughout is that this is an empirical question, to be answered on the basis of reasoning by analogy — that, roughly speaking, beings who are very similar to us, both in terms of physiology and in terms of non-verbal behavior, are, like us, beings who have interests. The difficulty lies in knowing how far this analogy can be pushed. Certain animals, I think, present us with paradigms for the application of this reasoning — the primates, for example. In the case of others, however, the situation is less clear, and in the case of some, such as the protozoa, it is very grey indeed. There are, I think, at least two possible ways of responding to this difficulty. The first is to concede that there are some beings who are ordinarily classified as animals who do not have interests and who cannot, therefore, possess rights. The second is to insist that all those beings who are ordinarily classified as animals do have interests and can have rights. I am inclined to think that the former of these two alternatives is the correct one, though I cannot defend this judgment here. And thus I think that the arguments I have presented do not, by themselves, justify the thesis that *all* animals have interests and can, therefore, possess rights. But this exaggeration has been perpetrated in the interests of style, and does not, I think, detract from the force of my argument, when it is taken in context. For the cases where we would, with good reason, doubt whether an animal has interests — for example, whether protozoa do — are cases which are, I think, irrelevant to the moral status of vegetarianism. The question of the obligatoriness of vegetarianism, in other words, can arise only if and when the animals we eat are the kind of beings who have interests. Whatever reasonable doubts we may have about which animals do and which do not have interests do not apply, I think, to those animals that are raised according to intensive rearing methods or are routinely killed, painlessly or not, preparatory to our eating them. Thus, to have it pointed out that there are or may be some animals who do not have interests does not

in any way modify the obligation not to support practices that cause death or non-trivial, undeserved pain to those animals that do.

Finally, a critic will object that there are no natural rights, not even natural rights possessed by humans. "Thus," he will conclude, "no animals have natural rights either and the backbone of your argument is broken." This objection raises problems too large for me to consider here, and I must content myself, in closing, with the following two remarks. First, I have not argued that either human beings or animals do have natural rights; what I have argued, rather, is that what seem to me to be the most plausible arguments for the view that all humans possess the natural rights I have discussed can be used to show that animals possess these rights also. Thus, if it should turn out that there is no good reason to believe that we humans have any natural rights, it certainly would follow that my argument would lose some of its force. Even so, however, this would not alter the principal logical points I have endeavored to make.

But, second, even if it should turn out that there are no natural rights, that would not put an end to many of the problems discussed here. For even if we do not possess natural rights, we would still object to practices that caused non-trivial, undeserved pain for some human beings if their 'justification' was that they brought about this or that amount of pleasure or other forms of intrinsic good for this or that number of people; and we would still object to any practice that involved the killing of human beings, even if killed painlessly, if the practice was supposed to be justified in the same way. But this being so, what clearly would be needed, if we cease to invoke the idea of rights, is some explanation of why practices which are not right, when they involve the treatment of people, can be right (or at least permissible) when they involve the treatment of animals. What clearly would be needed, in short, is what we have found to be needed and wanting all along — namely, the specification of some morally relevant feature of being human which is possessed by *all* human beings and *only* by those beings who are human. Unless or until some such feature can be pointed out, I do not see how the differential treatment of humans and animals can be rationally defended, natural rights or no. And to dis-

30 I want to thank my colleagues, W. R. Carter, Robert Hoffman and Donald VanDeVeer for their helpful criticisms of an earlier draft of this paper. I am also much indebted to Peter Singer for bringing to my attention much of the literature and many of the problems discussed here.

Lastly, John Rodman of the Political Science Department at Pitzer College put me onto some dimensions of the debate over Descartes' views that I was unaware of. See his "The Dolphin Papers," *The North American Review*, Vol. 259, No. 1, Spring 1974, pp. 13-26.

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miss, out of hand, the need to justify this matter, or the seriousness of doing so, would be to be a party to the 'Nazism' that Singer's Herman attributes to us all.³⁰ (For footnote ³⁰, see previous page).

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