

BETWEEN THE SPECIES

Just Meat: Chicken-Pain, Intergenerational Justice, and the American Diet

ABSTRACT

Peter Singer's arguments against the morality of the typical American diet focus on the pain of animals, and lead to the conclusion that we must become committed vegans. His approach ignores the impact that different psychological capacities can legitimately have on our moral appraisal of the interests of beings. Although we ought to eat less meat because of the externalized environmental costs that factory farming inflicts upon future people, an ideal diet may contain some environmentally sustainably raised meat. Finally, the perception of ethical puritanism in committed vegans may be an obstacle to achieving the real reductions in animal suffering that they advocate.

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Singer and Speciesism

Just one of the reasons we all ought to thank Peter Singer is for his arguments popularizing the concept of “speciesism” (Singer 1975, 22). For the great majority of the history of ethics, ethics has been anthropocentric. Except for Bentham and Mill, all of the major ethical theories in the West have been centered on asking questions about the relations of humans to one another. Since humans were taken to be the only beings capable of moral agency, they were posited as the only beings deserving of moral consideration.

But Peter Singer attacks that presupposition. He argues that granting moral considerability to all and only human beings is speciesist and that it is wrong for the same reasons that racism or sexism are wrong. The speciesist faces the same problem in environmental ethics as the racist and sexist face in social ethics; the problem of arbitrary distinction. Each of these views draws a boundary around a particular group of beings and claims that the interests of those inside the boundary count for more than the interests of those outside, but each fails to provide a principled reason for granting greater moral weight to the interests of their preferred group. If one asks the speciesist why all and only human beings deserve moral consideration, he cannot say that it is because they are all moral agents; they aren't. A newborn human infant is not yet a moral agent. And aged humans suffering from severe dementia, or humans who have experienced higher-brain death but who are still, technically, alive are no longer moral agents. Such non-paradigmatic humans (NPH's) can also include humans who never were and never will be moral agents, for example, infants born with anencephaly who will die shortly after birth. So what is the speciesist to say in attempting to justify his claim that all and only human beings deserve moral consideration? He cannot

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point to intelligence or rationality as the criterion that morally separates humans from nonhuman animals. Many human beings are less intelligent than a normal adult chimpanzee. When it comes to such objections, all the speciesist has left to say is that we deserve moral consideration *just because we are human beings*. But here the arbitrary nature of the speciesist position shows itself quite clearly. Racist and sexist views are wrong because they attempt to justify the oppression of one group by appealing to features that are irrelevant from a moral point of view. Singer points out that speciesists are guilty of the same error. He therefore wants to extend moral considerability to all sentient creatures (all creatures capable of feeling pain). And I agree with this claim (and would even extend it somewhat): all beings with interests deserve to have their interests counted in our moral deliberations.

But Singer believes that the recognition of the concept of speciesism ought to lead us to accept the “Principle of Equal Consideration of Interests” (PECI):

The interests of every being that has interests are to be taken into account and treated equally with the like interests of any other being...if a being suffers, there can be no moral justification for refusing to take that suffering into consideration, and indeed, to count it equally with the like suffering (if rough comparisons can be made) of any other being (Singer 1975; 5, 8).

Here I believe Singer goes too far. He argues that because pain is pain whether it is human-pain or chicken-pain and pain is always bad, we ought to consider the pain of chickens *equally* with the pain of persons in making our moral decisions. But the PECI does not follow from the rejection of speciesism. Al-

though the speciesist is irrational to assign differing degrees of moral weight to the interests of beings based on species membership, which is morally irrelevant, it seems just as irrational to assign equal moral status to the interests of all sentient beings, ignoring morally relevant differences in psychological capacities between them. Singer allows that the PECEI does not imply that it is just as wrong to kill a normal adult chicken as it is to kill a normal adult human being. He says that the interests that beings have in continuing to live will vary according to the psychological capacities they have (Singer 1975, 19). So he recognizes a difference in the value of the *lives* of beings with different psychological capacities, but he refuses to grant any distinction between the moral importance of the *non-vital interests* of beings with differing psychological capacities.

Anthropocentrism vs. Logocentrism: Kant was no Speciesist, but...

Speciesists assign moral weight to the fact that a particular being is human. But there are good philosophical reasons for us to distinguish between being human and being a person. Logocentrists assign moral weight not to species membership, but to the possession of psychological capacities, particularly those marking off the class of “persons”. In the interests of brevity, I must skip over an enormous amount of philosophical work on the boundaries of the concept of personhood. Suffice it to say that although I disagree with Michael Tooley’s claim that infanticide is morally permissible, my own views roughly follow his “self-consciousness requirement” (Tooley 1972, 62). Hence, I will focus on two criteria that seem to offer us some promise of drawing a coherent (if somewhat fuzzy) boundary around the concept: potential rationality and self-consciousness.

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In his *Groundwork for the Metaphysics of Morals*, Immanuel Kant tells us that every rational being exists as an end in herself, and that in contrast to things, which have a price and are to be used, rational beings (which he refers to as ‘persons’) have dignity and ought to be treated with respect. Hence, we get the second formulation of the Categorical Imperative: “So act as to treat humanity, whether in your own person or in that of any other, in every case at the same time as an end, never as a means only” (Kant 1785, 88). Now personally, I wish that Kant had not used the word ‘humanity’ here, but in any case, I think it is very clear from what Kant says elsewhere that he meant to refer to the moral status established by a psychological capacity to guide one’s life according to the Moral Law (to be a lawgiver unto oneself), rather than to biological membership in a species. That is, he meant to focus on personhood, not on the particular natural bodies of human organisms. In *The Metaphysical Elements of Ethics*, Kant says, “The power of proposing to ourselves an end is the characteristic of humanity (as distinguished from the brutes)” (Kant 1780, 27). This capacity to set an end for oneself beyond the promptings of instinct or inclination is the characteristic that sets persons apart for Kant, not membership in a biological species.

Finally, in the *Groundwork for the Metaphysics of Morals*, Kant says:

...unless we deny that the notion of morality has any truth or reference to any possible object, we must admit that its law must be valid, not merely for human beings but for all rational beings as such...we must not allow ourselves to think of deducing the reality of this principle from the *particular attributes of human nature*. For duty is to be a practical, unconditional ne-

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cessity of action; it must therefore hold for all rational beings (to whom an imperative can apply at all), and *for this reason only* be also a law for all human wills (Kant 1785; 68, 84).

Hence, for Kantians at least, there is a distinction to be drawn between humans and persons; Kant was no speciesist.

But even though Kant did not assign moral weight to species membership alone, he did ignore the psychological capacity for sentience in assigning moral status to beings and to their interests. According to Kant, beings that are not persons are merely things, entirely lacking in moral status in their own right. Other than his directives against animal cruelty (which are meant to protect our own character, not any animal's interests), (Kant 1780b, 240) Kant allows that every being that is not a person may be used as a means only (Kant 1785, 87).

On one side of the moral divide, Kant grants the highest moral status (indeed, infinite worth) to rational beings capable of guiding their lives according to the moral law. And on the other side, zero moral status attaches to everything else indiscriminately. Although I am in disagreement with much of what Peter Singer says, here he has something to teach Kant: sentience matters in terms of moral status. To conceive of dolphins, puppies, oysters, trees, and stones as equal in moral status is to ignore what are obviously important and morally relevant differences between these beings. Yes, full broad rationality (or the capacity for moral agency) counts morally, but so do potential rationality, and self-consciousness, and sentience, and, I would suggest, so does simply being a living being (or having interests in the broadest sense). And even if we are justified in assigning greater moral status to persons, it does

not necessarily follow that we have to assign zero moral status to all nonpersons. Just as Singer is wrong to ignore the moral relevance of psychological capacities above sentience, so Kant is wrong to ignore the moral relevance of psychological capacities below full broad rationality (his criterion for personhood).

Persons vs. Nonpersons: Fuzzy Boundaries, Levels of Value, and Ambivalence

My own thinking about the concept of personhood leads me to two conclusions. The first is that we are not able to provide a precise set of necessary and sufficient conditions for personhood that is both precise enough to yield a determinate answer about whether something is a person in every case, and in complete agreement with our fundamental moral intuitions (English 1975, 235). If we define rationality as the capacity to solve complex conceptual problems and to guide one's life according to principle, and define self-consciousness as an awareness of oneself as a continuing subject of experiences, the question of just *how much* actual or potential capacity or awareness is required in order to be a person seems not to be answerable in a way that is both precise and principled. The concept of a person is a family-resemblance concept, and our intuitions about whether something is a person flow from a rough comparison between paradigmatic examples of persons (e.g., adult competent human beings) and beings that lie nearer to the periphery, or in the penumbra, of the concept. There may be some beings that we can clearly say are persons (everyone reading this, for example), some beings that we can clearly say are not persons (a normal adult chicken), and some beings about which we are not exactly sure what to say (normal adult chimpanzees, humans who have experienced significant higher brain injuries, and other "near persons" (Varner 2012, 134)).

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The question of *how much* actual or potential rationality or self-consciousness is required for personhood leads directly into my second conclusion: that personhood stands at one pole of a continuum of levels of both psychological capacity and moral status. It's not as if there is a bright line separating persons from non-persons and absolute moral status should be accorded to beings on one side and zero moral status should be accorded to beings on the other. Rather, just as the psychological capacities that paradigmatically signal personhood can be found in greater and lesser degrees, so our ascription of moral value ought to admit of degrees as well. That is, even if there is a threshold above which we should say that every being ought to be treated as an end in herself, it does not follow that we ought to simply ignore the interests of beings lying below such a threshold. The continuum of levels of psychological capacities displayed by creatures in the natural world should track alongside a continuum of levels of moral status that we ought to attribute to them until they reach the threshold of personhood, after which they ought to be accorded (the highest) equal moral status.

Nearly every moral theorist admits that psychological capacities matter morally. For Singer, sentience confers greater moral weight to the interests of mice over the interests of oysters or trees. For Kant, full broad rationality (or the capacity for moral agency) confers greater moral weight to the interests of persons over the interests of things. And other ethicists have argued that we can assign greater moral weight to the interests of potentially rational beings over the interests of being that are not potentially rational (Stone 1987, 815), or to the interests of self-conscious beings over the interests of non-self-conscious beings (Tooley 1972, 62). I want to assert (following Degrazia 2008, 192) that there is a continuum of degrees of moral status

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corresponding to the continuum of levels of psychological capacities that we observe in the natural world. And if one being has greater moral status than a second being, a harm to the first being matters more morally than a comparable harm to the second being. Hence, we are justified in according unequal levels of consideration to both the vital and the non-vital interests of beings with significantly different psychological capacities (up to the threshold of personhood, above which everyone is morally equal). On this view, Chicken-pain is not morally equal to the pain of persons reading this: Singer is ignoring morally relevant factors in weighing the moral importance of the non-vital interests of different types of sentient beings. Whether my assertion of this “sliding scale” view of the moral status (and, hence, the moral weight of the interests) of various nonpersons should be accepted will depend on whether it can successfully allow us to explain, predict, and reliably guide our considered moral judgments about a multitude of cases. Although I find that it tracks my own intuitions and can explain, for example, why people are so upset about the shooting of a gorilla in the Cincinnati Zoo, yet not very upset at all about eating a chicken quesadilla for lunch, I leave it to the reader to decide whether it accords with his/her own considered judgments.

Even if we are permitted to give greater moral weight to the interests of persons, the sacrifice of the interests of nonpersons ought not to be accomplished without what I want to call ‘ambivalence’. What I mean by this is that since some nonpersons approach closer than others to the highest level on a scale of psychological capacities, we ought to consider them as closer to us in terms of moral status as well. Because we ought to do so, our sacrifice of their interests should not be accomplished lightly or cavalierly. It ought to be attended with an appreciation of the value being destroyed, not with regret but with

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a kind of recognition that one is being morally ‘pulled both ways’, hence, ambivalence. Hence, this logocentric view does allow nonspeciesists to give some greater weight to the interests of persons over those of nonpersons, provided we don’t simply ignore the value that is being sacrificed. How, then, can we sort out the relative weights that ought to attach to the interests of the beings that lie along the moral continuum?

First, we need to distinguish between various levels of interests that beings have. (VanDeVeer 1998, 116) Vital interests will be those necessary for the survival of the being. For example, my interest in breathing is a vital interest. Serious interests will be not absolutely vital, but not merely trivial. For example, my interest in continuing my career, or in maintaining my love-relationships, or my lifestyle are serious interests. Trivial interests will be those that are merely a matter of my preferred tastes. For example, my interest in eating mint chocolate chip ice cream rather than vanilla will be a trivial interest. Now, regarding conflicts between various interests, we might lay out the following weighting principles: strong logocentrism will say that the interests of persons always trump the interests of nonpersons; moderate logocentrism will say that the vital interests of nonpersons cannot be trumped by the trivial interests of persons, but only by their serious interests; weak logocentrism will say that the vital interests of nonpersons can only be trumped by the vital interests of persons, and differential logocentrism will adopt the view that whether the trivial interests of persons trump the vital interests of nonpersons depends on the degree of difference between the psychological capacities of the beings involved. All of these weighting principles would allow for eating meat in some cases. Strong logocentrism allows for eating meat even if it only fulfills a person’s trivial interest. Moderate logocentrism allows for eating meat only if

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it fulfills a person's serious interest. Weak logocentrism allows for eating meat only if it is required for a person's survival. And differential logocentrism may allow for eating mollusks, shrimp, fish, and (perhaps) birds to fulfill trivial interests of persons, but only allow for eating mammals to fulfill serious interests of persons. Assuming that we are prepared to give some greater moral weight to the interests of persons over non-persons, which of these views should we adopt?

Some argue that strong logocentrism would allow for recreational puppy cooking (cooking live puppies in a microwave just for the fun of seeing them squirm), and that it is therefore unacceptable as a moral theory (VanDeVeer 1998, 112). I think that there are other reasons why we would judge recreational puppy-cooking to be wrong: it causes gratuitous and unnecessary suffering. And it displays something wrong with the person who enjoys it (a character defect). We could judge it to be wrong even if we would think it acceptable to humanely kill and eat puppies for the (trivial) reason that they taste good. Hence, although I would agree that any view that permitted recreational puppy-cooking would thereby disqualify itself as a viable moral theory, I'm not sure that the strong logocentrist would have to permit it. Although any of these logocentric positions may be acceptable, I believe that the differential version aligns best with our most fundamental considered moral intuitions and judgments. Weak logocentrism seems to give too much weight to the lives of many nonpersons, requiring, for example, that we resist the urge to swat a mosquito even while it is biting us, and that we forego a scientific experiment that would kill one mouse even if it could save millions of people from blindness. Differential logocentrism, on the other hand, allows that we may sacrifice the basic interests of a normal rabbit for the sake of scientific experiments that promise to

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uncover a cure for Alzheimer's disease, yet prohibits recreational puppy cooking. It recognizes the moral relevance and importance of both sentience and personhood. And it tracks the continua (of psychological capacities and moral status) that I discussed earlier.

Singer and others also suggest that, in order to avoid speciesism, we must always be willing to treat Non-Paradigmatic Humans (NPH's) in the same ways that we treat nonhuman nonpersons (Singer 1975, 14-15; Nobis 2008, 8). Nobis claims that:

Animals seem to be due the respect due to, at least, comparably-minded humans. Since this respect requires not raising and killing these humans for the mere pleasures of eating them, rational consistency requires the same treatment for chickens, cows, pigs and other animals who often have far richer mental lives than many humans (Nobis 2008, 8).

I think Singer and Nobis go too far in these claims. There may be other legitimate reasons (besides differences in psychological capacities) why we don't treat all nonpersons equally. For example, if a person loves a nonperson, or the nonperson stands in a "social relationship" (Kittay 2005, 111) with persons (e.g., being a member of a family), we have reason not to use the nonperson for scientific experimentation. We may even be justified in treating such nonpersons as if they were persons, granting them a sort of "honorary personhood" (Cushing 2003, 564), both morally and even legally. This is true whether the nonperson is human or not. There may be other moral reasons (besides differences in the psychological capacities/moral status of two beings) why we might be justified in treating them differently. For example, treating NPH's in some ways that we

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find it acceptable to treat cognitively similar nonhumans might (simply because of their similarity in physical appearance to human persons) inure us to the possibility of treating persons in those ways (thus harming our character).

If we do accept differential logocentrism, we next have to ask: “What kind of interest is my interest in eating meat?” Singer claims that it is absolutely trivial. He might ask, “What difference does it really make to you whether you have a steak or a salad for lunch today?” And when the question is put this way, it does seem to be asking about a trivial preference. But others see their interest in eating meat as more serious. They say that eating meat is one of the things that make life valuable for them. And they would insist that the question should not be put in terms of my decision to have a steak or salad for lunch today; rather we should ask, “What difference does it really make to you if you become a strict vegan for the rest of your life?” Here it becomes clear that there is a substantial change in my lifestyle at stake (not just my lunch preference today). I could survive without meat, just as I could survive without leisure time, or with only the minimum calories required to avoid starvation. And it isn’t a big deal for me to do any of these things for one day. If my boss tells me that I have to work on the weekend and I’m forced to sacrifice my leisure time for a couple of days, it isn’t a big deal. But if my boss tells me that keeping my job will require that I work all of my waking hours for the rest of my life, this would require the sacrifice of serious interests on my part. The question of whether my interest in eating meat is a trivial or serious interest appears to have an analogous structure: it seems like a small thing for a day, but gets much more serious if we are required to sacrifice it over a lifetime. Hence, if we adopt either weak or differential logocentrism, it seems that we have established some philosophi-

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cally defensible space for the ethical permissibility of eating meat.

This does not, of course, mean that we have justified factory farming. Indeed, even the staunchest philosophical proponent of eating meat would never try to justify the treatment of many animals on factory farms and in slaughterhouses. Such treatment could never be described as displaying ambivalence, or as respecting the (lesser, but nonzero) inherent values that are being destroyed. Hence, there are humanitarian reasons for ending factory farming, even if we don't have to stop eating meat altogether. But let us look at another kind of argument against the typical American diet: one based on intergenerational environmental justice.

Intergenerational Logocentrism and the Need for a Political Movement to Eat Less Meat

It is virtually certain that there will be people who inhabit this planet after every currently living person is dead, and that they will have roughly similar biological needs as we do. And assuming that such beings will exist, I think it is clear that we have current moral obligations toward them. Temporal distance does not lessen our responsibilities to persons any more than spatial distance does. From a Rawlsian perspective, intergenerational justice requires that we adopt environmental policies based upon what we would choose from within an intergenerational Rawlsian Original Position, e.g., that each generation use up no more of the earth's renewable resources than can be replaced, and use up no more of the earth's nonrenewable resources than it can find technological substitutes for. If future people are to have a right to life, they must, by implication, have a right to a livable environment; I believe that eating

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a small amount of environmentally sustainably produced meat does not violate this duty.

But the American diet is not environmentally sustainable. First of all, it requires factory farming. The average American consumes about 200 pounds of meat and fish per year, about 60 pounds above average annual consumption in the 1950s. That requires the production and slaughter of about 100 million pigs, 100 million cows, and 9 billion chickens, annually. Between 90 and 95% of these animals are raised on factory farms. A typical non-factory farm allocates about 700 times as much space per animal as a factory farm (without antibiotics or hormones). Hence, we could not satisfy current U.S. demand for meat without factory farming (Singer and Mason 2006, 21). And factory farming is hugely environmentally destructive. Indeed, as World Watch Magazine puts it,

As environmental science has advanced, it has become apparent that the human appetite for animal flesh is a driving force behind virtually every major category of environmental damage now threatening the human future – deforestation, erosion, fresh water scarcity, air and water pollution, climate change, biodiversity loss, social injustice, the destabilization of communities and the spread of disease (Singer and Mason 2006, 240).

Jeremy Rifkin has documented some of the deforestation that results from our appetite for meat, and that this deforestation is a leading cause of loss of biodiversity (Rifkin 1995, 445). Given present levels of deforestation in Latin America, Asia and Africa, we can expect the loss of biodiversity to continue at a similar level (about 1000 times higher than the pre-human background rate) (De Vos et al. 2015, 9). The meat-rich

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American diet is even a greater cause of global warming than our beloved automobiles (Walsh 2008).

Hence, we must eat less meat. The typical American diet is destroying the world our descendants will inherit; we are violating our duties to future people by eating so much meat that we are destroying the planet. It would seem ethically incumbent upon us to try to generate a political movement to reduce the amount of meat in the American diet.

Ethical Puritanism and Political Consensus

In *The Ethics of What we Eat*, Peter Singer and Jim Mason argue that we all ought to move toward a vegan lifestyle, eliminating animal products from our diets completely. Although I am sympathetic to the idea that we should all consume less animal products, I'm not convinced that the radical elimination of animal products should be promoted as an ethical requirement. Although simple intergenerational justice requires that we take steps to prevent the destruction of the planet, complete abstention from the use of animal products is not (as some have claimed) "the single most effective thing you can do to reduce your carbon footprint." (PETA 2012) Abstention from reproductive sex would be a far more effective measure, as it would eliminate the consumption of all of my children and their descendants. And suicide would be the best thing we could do for future people (eliminating not just the consumption of all of the future people who could be produced by me and my descendants, but eliminating my own consumption entirely as well). I think we all sincerely hope that our duties to the future don't require that we kill ourselves. But that is the sort of ethical Puritanism that I think may be standing in the way of the kind of political movement I am advocating. When vegetarians and vegans point an accusing finger at the tiniest breach of their

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ethical convictions, they turn the rest of us off. For instance, look at some of the rhetoric Singer uses in his work:

Our decision to cease [eating meat] may be difficult, but it is no more difficult than it would have been for a white Southerner to...free his slaves. If we do not change our dietary habits, how can we censure those slaveholders who would not change their own way of living? (Singer 2011, 51)

The typical consumer's mixture of ignorance, reluctance to find out the truth, and vague belief that nothing really bad could be allowed seems analogous to the attitudes of "decent" Germans to the death camps. (Singer 1998, 101)

Many people believe that eating some (environmentally sustainably raised) meat is not wrong. If we insist that what they are doing is wrong because it causes chicken-pain, and we compare their level of evil to Nazis and slaveholders, what prospects do we have for building a political consensus with such people? Perhaps one to three percent of the U.S. population is vegetarian or vegan. Even if the ethical purists about meat were to convince another three to nine million people that eating meat is always wrong, they would thereby reduce the consumption of meat in America by about one to three percent. But if 150 million people would be open to an argument that they ought to eat less meat (and environmentally sustainably raised meat) in order to protect the environment for future persons, and could be convinced to reduce their meat consumption by 50%, we could thereby reduce the consumption of meat in America by about 25% (and simultaneously provide an incentive for more humane and sustainable animal agriculture practices). If Sing-

er and others continue to push the view that chicken-pain is morally equivalent to the pain of persons, they will be unlikely to achieve political consensus, and unlikely to achieve the reductions in animal suffering that could be achieved if we were all to pull together in a political movement to eat less meat (and environmentally sustainably produced meat) under the banner of intergenerational responsibility. Thus, ethical puritanism about meat may actually be harming the effort to reach a political consensus that could save the planet for future people.

As a consumer, I usually want to get the most nutritious, best tasting, most convenient and cheapest food I can get. But I am not simply a consumer. I am also a moral person. And I recognize that my duties to the future require that we place restrictions on ourselves (as producers and consumers). Our ethical duties to the future require that we eat less meat and that we place restrictions on its production, which ultimately mean we have to pay more for it. Even if eating some (small) amount of environmentally sustainably raised meat is ethically permissible, we ought not to be willing to destroy our descendants' world for cheap hamburgers.

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