

BETWEEN THE SPECIES

Extending the Impairment Argument to Sentient Non-Human Animals

ABSTRACT

This paper offers a new argument against raising and killing sentient non-human animals for food. It is immoral to non-lethally impair sentient non-human animals for pleasure, and since raising and killing sentient animals for gustatory pleasure impairs them to a much greater degree, it also is wrong. This is because of the impairment principle: if it is immoral to impair an organism to some degree, then, *ceteris paribus*, it is immoral to impair it to a higher degree. This argument is structurally analogous to Perry Hendricks's impairment argument for the immorality of abortion. However, the argument is more defensible applied to the raising and killing of sentient non-human animals for food because of the sentience of the non-human animals involved. I explain how the argument is distinct from other pro-vegan, pro-vegetarian arguments.

CHRISTOPHER A. BOBIER
St. Mary's at University of Minnesota

Volume 25, Issue 1

Winter 2022

<http://digitalcommons.calpoly.edu/bts/>

CHRISTOPHER A. BOBIER

Perry Hendricks (2019a, 2019b), along with Bruce Blackshaw (2020, 2021), defends the *impairment argument for the immorality of abortion*. It relies on two seemingly straightforward premises. The first is the claim that to knowingly impair a fetus with fetal alcohol syndrome (FAS) is immoral, and the second is the impairment principle: if impairing an organism to some degree is immoral, then, *ceteris paribus*, impairing it to a higher degree is also immoral. Given the plausibility of the first claim, and the further claim that abortion more severely impairs a fetus than FAS, it follows that abortion is immoral. Objections and responses have been offered, most centering on the impairment principle's *ceteris paribus* clause. In this paper, I set these issues about abortion aside and instead defend an impairment argument for the immorality of raising and killing non-human animals for food. After setting out the anti-abortion impairment argument, I motivate an *impairment argument for the immorality of raising and killing animals for food*. I then argue that the objections to anti-abortion impairment argument can be satisfactorily responded to when considering the extended argument to sentient non-human animals. With the argument defended, I explain how it differs from other anti-meat eating arguments. The result of this paper is a new argument against raising and killing animals for gustatory pleasure.

The Anti-Abortion Impairment Argument

An upshot of the impairment argument for the immorality of abortion is that it shies away from claims to fetal personhood, fetal rights or other well-trodden, contentious claims. Following Hendricks (2019a), the argument can be set out as follows:

1. It is immoral to impair a fetus by knowingly causing fetal alcohol syndrome (FAS).

CHRISTOPHER A. BOBIER

2. If it is immoral to impair an organism to some degree, then, *ceteris paribus*, it is immoral to impair it to a higher degree.

3. Abortion impairs a fetus more than FAS.

4. Thus, abortion is immoral.

Premises 1 and 3 are relatively strong. Few would deny that knowingly causing FAS is wrong. To cause FAS one has to engage in excessive, sustained drinking, resulting in mild to severe physical or mental impairment. To knowingly cause FAS is wrong, in part, because of its effects on the fetus, namely, FAS impairs the developing fetus by inhibiting its ability to function properly. If knowingly causing FAS is immoral because of its effect on the fetus's ability to function, then clearly abortion impairs a fetus more than FAS: life is a necessary condition to normal function, so death eliminates all of a fetus's abilities, not just some. To abort a fetus, Hendricks explains, "is to completely limit all of her abilities, whereas to give her FAS is to limit only some of her abilities" (Hendricks 2019a, 247).

Much of the literature focuses on the impairment principle in premise 2. To impair a creature is to inhibit its ability to properly function. Examples of impairment include cutting off someone's arm, blinding someone, or injecting someone with a drug that impairs her normal functioning. Of course, not all impairment is morally wrong. Injecting a child with a vaccine that causes mild nausea, thereby impairing her ability to function for a time, is justified by the good that results from being vaccinated. The impairment principle thus contains a crucial *ceteris paribus* clause. Three clarifications are in order. First,

CHRISTOPHER A. BOBIER

the impairments have to be similar in kind, as Hendricks explains:

let us take the *ceteris paribus* clause to be met only if the relevant details surrounding the impairment in the antecedent are sufficiently similar to the relevant details surrounding the impairment in the consequent. (Hendricks 2019a, 247)

Abortion is a greater impairment because it impairs fetal physical and mental function to a higher degree than FAS does—both impair physical and mental capacities. Second, it has to be the case that there is not a sufficiently good reason that justifies the greater impairment but not the lesser impairment. For instance, if there is a “uniquely valuable good” attainable by the severe impairment but not the less-severe impairment, then the severe impairment can be justified while the less-severe impairment is not (Hendricks 2019a, 247). Third, to determine whether a reason justifies the greater impairment, Blackshaw and Hendricks (2021) offer a test: if the proposed reason for the greater impairment does not justify the slighter impairment, then it is not a sufficient justifying reason. This is plausible, for it is difficult to see how a reason can justify a greater impairment but not a lesser impairment.

The Argument Extended to Sentient Non-Human Animals

Responses to the impairment argument for the immorality of abortion have been offered, and it is not my goal to defend or criticize the anti-abortion argument; rather, my goal is to defend the argument as it applies to raising and killing sentient non-human animals for food. Joonas Räsänen observes that the argument can be applied to animals, but thinks this very fact

reveals “the problem of the impairment principle” (Räsänen 2020, 863). By contrast, I do not think the fact that a structurally similar argument can apply to animals is a problem, nor do I think Räsänen’s criticism—discussed below—is compelling. In this section, I set out the argument and motivate the premises.

A strength of the argument defended here is that it does not rely on a claim of animal rights or moral considerability; rather, it relies on an observation of the wrongness of causing sentient non-human animal impairment for pleasure and application of the impairment principle to raising and killing sentient non-human animals for gustatory pleasure. The argument is formalized as follows:

1*. It is immoral to cause non-life ending impairment to sentient non-human animals for pleasure.

2*. If it is immoral to impair a sentient creature to some degree, then, *ceteris paribus*, it is immoral to impair it to a higher degree.

3*. Raising and killing sentient non-human animals for gustatory pleasure impairs them more than causing non-life ending impairment for pleasure.

4*. Thus, raising and killing sentient non-human animals for gustatory pleasure is immoral.

The premises are defensible. Premise 2* limits the impairment principle to sentient creatures, not organisms as in premise 2, for the simple reason that farm animals are sentient, i.e., experience pain and pleasure, and have desires and intentions. Because premise 2* is a slightly modified version of the origi-

CHRISTOPHER A. BOBIER

nal principle, I will not discuss it further. (More will be said in defense of it applied to sentient non-human animals below.) Support for premise 1* can be drawn from our collective revulsion to dog fighting or cock fighting, events that involve animals in mutual mutilation resulting in immense pain and subsequent suffering, not to mention the pain and suffering involved in training them to fight. Sometimes animal fighting results in death, but this need not be the case. The victorious animal may live to fight another day, albeit with injuries (e.g., broken bones, gapping wounds, fear, depression, and other impairments). Other examples of impairing animals for pleasure, not necessity, are easy to come by: kicking a puppy, burning a cat, blinding a horse, and other forms of animal abuse. If public outcry over instances of animal abuse are an indication, such activities are morally wrong, and they are wrong, in part, because of their effects on the abused animals and the lack of a justifying reason for these effects. Animal abuse results in physical and emotional impairments not conducive to the proper functioning of the sentient animal, and their ensuing suffering is not justified by the fact that someone enjoys abusing them. I am aware of no ethicist who denies premise 1*, as that would be to court a moral callousness few are willing to accept.

Premise 3* observes that the raising and killing of sentient non-human animals for gustatory pleasure impairs animals more than non-life-threatening animal abuse impairs animals. The premise is limited to situations where people do not need to eat animal flesh to live a flourishing, healthy life but do so for reasons of taste or convenience. The premise is plausible for two reasons. First, while blinding a chicken impairs the chicken's ability to function properly, killing the chicken more severely impairs its ability to function—the chicken can no longer see, touch, feel, taste, and so on. Death eliminates its ability

CHRISTOPHER A. BOBIER

to function altogether, as living is a necessary prerequisite to proper functioning. So, if kicking a pig and breaking its leg is wrong, in part, because of the ensuing physical impairment, then killing a pig is worse because of the ensuing elimination of all of its abilities. Second, premise 3* is more plausible than premise 3 in the anti-abortion argument because 3* is not limited to the act of killing only—it also includes the process of raising animals on farms. The process of raising and killing animals for food, especially animals involved in industrialized farming, which produces the overwhelming majority of meat consumed, involves these animals in a lifetime of impairment resulting in misery and suffering. David DeGrazia offers the following example of a typical hen:

Hen X begins life in a crowded incubator. After moving to a shed, where she stays until mature enough to lay eggs, she is taken to a battery cage made entirely of wire, where she lives most of her life. (Lacking commercial value, male chicks are ground up alive, gassed, or suffocated.) Hen X's cage is so crowded that she cannot fully stretch her wings. Although important for feeding, exploring, and preening, her beak has been partly cut off, through sensitive tissue, in order to limit the damage caused by pecking cage mates—a behavior induced by overcrowding. For several hours before laying an egg, Hen X paces nervously, instinctively seeking a nest she will not find. At egg laying time, she stands on a sloped, uncomfortable wire floor. Lack of exercise, unnatural conditions, and demands for extreme productivity—she lays 250 eggs per year—weakens her bones. ... When considered spent at age two, she is jammed into a crate and transported in a truck—without food, water, or protection from the el-

CHRISTOPHER A. BOBIER

ements—to a slaughterhouse, where handling is rough. At her destination, Hen X is shackled upside down on a conveyor belt before an automated knife slices her throat. Because the Humane Slaughter Act does not apply to poultry, she is fully conscious throughout this process. (DeGrazia 2009, 151)

As DeGrazia’s description makes clear, raising hens on modern industrialized farms impairs their normal functions, from inhibiting natural behaviors to stunting their physical growth and promoting stress. Descriptions and other examples such as this one are easy to come by and well-documented; few dispute the reality of factory farming. It is also noteworthy that more “humane” farming involves practices that impair animals: cramped living conditions, dehorning, castration, ear clipping, unsafe travel to slaughterhouse, and so on (Solis 2021; DeGrazia 2016; Engel Jr. 2016; Foer 2009). Accordingly, raising animals for gustatory pleasure impairs them as much as, if not more than, other kinds of animal abuse.

Premises 1* through 3* collectively show that raising and killing sentient non-human animals for gustatory pleasure is immoral. Just as animal abuse is wrong because of its effects on the animal, so raising and killing animals is wrong because of its effects on animals: both impair their ability to function, raising and killing them for food more so. This conclusion has far reaching ramifications, for not only does it show that factory farming is immoral, it shows that humane farming is immoral as well. Moreover, since the vast majority of meat available in the supermarket is from sentient farm animals (e.g., pigs, chickens, cows), a practical implication of the impairment argument is that those of us who are financially and practically able to ought to refrain from consuming meat on the grounds that we

CHRISTOPHER A. BOBIER

should not support immoral practices. Just as it is wrong to pay to watch someone else orchestrate a dog fighting ring, so it is wrong to pay for someone else to raise and slaughter an animal when one does not have to. The following premise, articulated and defended by DeGrazia (2009) and Engel Jr. (2016), appears to be plausible:

5. We should not support immoral practices when there are other readily-available options.

Since many of us in affluent societies have ready access to cheap, nutritionally adequate plant-based foods, we should not financially support the immoral practice of raising and killing animals for food. Premises 1* through 5 show that we should not consume animals raised and slaughtered for gustatory pleasure.

Defending the Anti-Meat Eating Argument

Objections to the impairment argument for the immorality of abortion are numerous. As noted above, most focus on the impairment principle, arguing that there is a significant difference between FAS and abortion. My goal in this section is to show that these objections to the anti-abortion argument are not compelling against the argument presented in defense of non-human animals. I respond to six objections.

a. Particularly Valuable Goods

Hendricks explains that the *ceteris paribus* clause is satisfied when the greater impairment but not the minor impairment results in “a particularly valuable good” (Hendricks 2019a, 247). Räsänen (2020) and Pickard (2020) argue that there are goods of abortion that are not procurable by FAS, including a lack

CHRISTOPHER A. BOBIER

of pain for the future person, not being a parent, one less person on the planet, and so on. Applied to non-human animals, it might be argued that there are goods available only through the raising and killing of farm animals that are not available by non-lethally impairing them. Räsänen (2020) proposes that raising and killing an animal for gustatory pleasure results in the valuable good of edible meat, and this may be taken to justify the practice.

The problem, of course, is that meat is not a uniquely valuable good, for there are numerous other sources of food that are just as delicious and nutritious. People do not need to consume animals to live a healthy, enjoyable life. After describing many successful competitive vegan athletes, Mylan Engel Jr. explains the scholarly consensus:

studies have led the American Dietetic Association (ADA) and the Dietitians of Canada (DoC), the two leading nutritional organizations in North America, to conclude that appropriately planned vegetarian diets are “healthful, nutritionally adequate, and provide health benefits in the prevention and treatment of certain diseases.” The ADA and DoC further observe that well-planned vegan and vegetarian diets “are appropriate for all stages of the life cycle, including during pregnancy, lactation, infancy, childhood, and adolescence (Engel Jr. 2016, 15).

There is a general consensus among dietitians based on cumulative research that eating meat, which is something people in affluent societies tend to do in excess, is inimical to our well-being: meat consumption may contribute to the impairment of our proper functioning. To take but one example, Engel Jr. dis-

CHRISTOPHER A. BOBIER

cusses a Loma Linda study that found that male meat-eaters have a 50% chance of having a heart attack compared to a 7.5% chance among vegans (Engel Jr. 2016, 15). Not only is a plant-based diet conducive to health, it can be just as convenient as a meat-based diet. Most, if not all, restaurants in affluent societies have plant-based dishes available, and preparing a plant-based dish can take as long as, if not less time than, a meat-based dish. In addition to plant and grain-based foods, there are plant-based meat alternatives (e.g., Impossible Burger) readily available and there will likely be in vitro meat, meat that does not require the raising and killing of animals, readily available in the near future. People in affluent societies with access to cost-comparable plant-based alternatives evidently continue to consume meat for reasons of gustatory pleasure, not convenience or necessity, and gustatory pleasure is not a valuable good that is available only by raising and killing sentient non-human animals.

b. Different Motivations

Another objection to the anti-abortion argument is that the *ceteris paribus* clause is not met because women's reasons for getting an abortion differ from reasons for drinking during pregnancy: women might continue to drink for addiction-related reasons, while they might pursue an abortion for financial- and physical-related reasons (Pickard 2019). These other reasons might justify abortion but not FAS. Applied to animals, it might be objected that people who cause non-lethal impairments to animals have different motivations than people who raise and kill non-human animals for food: participants in dog fighting, say, do so for entertainment, while farmers are trying to make a living. Financial reasons might therefore justify raising and killing animals for food.

CHRISTOPHER A. BOBIER

This objection is not compelling because the argument can be reformulated. Imagine a person, Lulu, who runs a secretive, selective animal abuse organization for the rich and wealthy. People who want to anonymously abuse animals pay Lulu to arrange the opportunity to do so. She brings the desired animal-victim to a secret place and is able to ensure anonymity for the abuser. Let us stipulate further that Lulu has no other source of income. Despite financially relying on this business, it seems pretty clear that Lulu's treatment of animals is immoral, and that financial gain does not justify creating opportunities for animal abuse. In other words, the following restatement of the first premise is plausibly true:

1**. It is immoral to cause non-life ending impairment to sentient non-human animals for financial gain.

Support for this is drawn from the effects of the impairments involved (e.g., bodily mutilation, pain, and stress) and recognition that financial motivations do not justify such impairments: Lulu's life does not depend on her treatment of animals, for she could get another job. Lulu's actions are in stark contrast to a veterinarian who may also cause non-life ending impairments to animals for financial gain. The difference is that the veterinarian's actions also are in the animal's or society's interests, whereas Lulu's is not. No animal has an interest in being abused whereas all animals have an interest in being vaccinated or a collective interest in being spade or neutered. There are justifying reasons for veterinarian-caused impairments that are lacking in Lulu's case. Applying 1** to the argument creates the relevant symmetry behind the motivations, thereby not allowing for the *ceteris paribus* clause to apply. Since Lulu's actions are immoral, it follows that so are the actions of those who raise and kill animals for food.

CHRISTOPHER A. BOBIER

c. Financial Considerations

Dustin Crummett (2020) argues that the *ceteris paribus* clause is not met because pregnancy is much more demanding than not drinking: pregnancy takes an immense physical, emotional, and even financial toll on a woman, whereas refraining from excessive, continuous drinking does not. This burden creates a reason that justifies abortion but not FAS. Applied to animals, it cannot plausibly be maintained that transitioning to a plant-based diet is especially burdensome, for it is not: plant-based alternatives are readily available in affluent societies, cost-comparable, if not cheaper, and just as easy to prepare; moreover, adopting a plant-based diet promotes health better than a meat-based diet. Still, it might be argued that it would be much more burdensome for farmers to refrain from raising and killing animals for food than for someone to refrain from abusing an animal.

However, we can easily imagine Lulu's situation to be similar—she has been involved in her secretive animal abuse organization for a long time, and “getting out” of the business would be a drastic and burdensome change for her. Still, this does not thereby show that her role in impairing animals is justified. To make the point even more salient, slavery impairs people and is immoral, in part, for that reason: slaves are unable to live a normal functioning life. To claim, as some did in the past, that slavery is justified because of the economic value of the practice for slave owners does not justify the impairment that slavery resulted in for countless people. To impair a person requires *good* reason, not just any reason. This is what the *ceteris paribus* clause indicates—some impairments are justified, others are not. Since Lulu's impairing of animals for reasons of financial burden is unjustified, then so is the raising and

killing animals for reasons of financial burden. After all, if it is immoral to abuse animals for financial considerations, then it is also immoral to raise and kill them for financial considerations.

d. Deny Impairments

Some have objected to the claim that abortion impairs a fetus: it is unclear how a non-existent creature is impaired by non-existence and, assuming it is impaired, it is not evidently impaired in the same way that FAS impairs a fetus (Blackshaw 2019). To bolster the claim that abortion impairs a fetus, Hendricks (2019b) and then Hendricks and Blackshaw (2021) appeal to the “future-like-ours” account of Don Marquis to explain why abortion and FAS might be thought to impair a fetus: killing a fetus as well as causing FAS impairs it by limiting its future like ours. Alex Gilham, in turn, argues that “fetuses that will not be born have no chance of having an FLO in the first place” (Gilham 2021, Abstract). Applied to animals, it might be argued that death does not count as an impairment to farm animals because they have no future once they die and there is nothing “there” that is impaired. Animals that have been abused live with the impairments.

There are important differences between abortion and non-human animals. First, farm animals are of a mature age when they are killed, while a fetus is not. Sentient farm animals have an interest in remaining alive, as evidenced by their apparent distress, fear, stress, and nervousness on farms and in slaughterhouses, while it is unclear whether fetuses do. Just as killing a mature human being might be wrong, in part, because it eliminates their future like ours, so also killing a mature non-human animal might be wrong, in part, because it eliminates their future. Dan Hooley and Nathan Nobis argue that, “we se-

CHRISTOPHER A. BOBIER

riously harm these animals by depriving them of the possibility of enjoyable and valuable future experiences.” (Hooley 2016, 96). Second, the process of raising animals for food impairs them to a significant degree while they are alive, and killing them for food is rarely instantaneous or quick—often it happens that the animals are conscious during the final stages of death. Jonathan Safran Foer describes cattle slaughter methods:

Sometimes the bolt only dazes the animal, which either remains conscious or later wakes up as it is being “processed.” The effectiveness of the knocking gun depends on its manufacture and maintenance, and the skill of its application—a small hose leak or firing the gun before pressure sufficiently builds up can reduce the force with which the bolt is released and leave animals grotesquely punctured but painfully conscious... [S]ome plants deliberately choose less-effective knocking methods. The side effect is that a higher percentage of animals require multiple knocks, remain conscious, or wake up in processing. (Foer 2009, 229-230)

Even if farm animals are not impaired after death, they are certainly impaired leading up to it. Finally, to cause an impairment is to be distinguished from the effects of the impairment. To impair a creature is to hinder its ability to function properly, so death maximally impairs a creature in virtue of eliminating its existence. Accordingly, to cause the death of a creature is to impair it, even though the effect is that the creature ceases to exist. If someone breaks a pig’s leg, they impair the pig even if the pig dies shortly thereafter for an unrelated reason; the pig is impaired when her leg is broken. The argument defended here posits that farm animals are impaired by death (and leading up

to it, of course) even though they no longer experience impairment post-death.

e. Begging the Question

Another objection is that the argument begs the question. Blackshaw (2019), Cummett (2020), and Pickard (2020) argue that the anti-abortion argument assumes that a fetus is a person with moral standing. To appreciate the motivation, consider that the impairment principle applies to creatures but not, say, cars. If I impair my car by kicking the door, I do not do something immoral. Why it is immoral to impair a creature but not a car is that creatures but not cars have moral status, and of course, if creatures have moral status, then it is wrong to impair them without good reason. The problem is that Hendricks assumes that fetuses are among those creatures with moral status, something that defenders of abortion deny. Applied to animals, it might be argued that I assume all along that animals have moral standing, which is precisely the claim at issue in debates over eating animals.

I do not find this objection to be convincing because the anti-meat eating argument is not wedded to a particular account of the moral status of animals. Rather, the argument is wedded to the immorality of animal abuse—something all agree to—and the plausibility of the following principle:

Impairment Rationale: To impair a sentient creature requires a good reason.

The Impairment Rationale principle captures our intuitions about impairing human beings: it is unjustified to amputate a foot because doing so would be fun, while the amputation would be justified to save that person's life. The Impairment

CHRISTOPHER A. BOBIER

Rationale principle also captures our intuitions about impairing sentient non-human animals: breaking a cat's leg for fun is unjustified, while breaking a cat's leg to save its life from an oncoming train is justified. Part of the reason why animal abuse is immoral is because it impairs a sentient creature for no good reason. There are many possible reasons why the Impairment Rationale principle is true: impairment involves pain, and pain is morally considerable; sentience makes one morally considerable; sentience generates rights; and so on. What makes the principle true is distinct from the claim that it is true. To deny the principle is to court a moral callousness that few are willing to court, as evidenced by a lack of defenders of animal abuse, and the principle is acceptable to all ethical theories so far as I can tell.

f. Deny Animal Moral Status

A final objection might be offered from a pro-meat eating position, namely, what makes sentient non-human animal abuse wrong has nothing to do with its effects on the animal; rather, according to Carl Cohen (2001) and Timothy Hsiao (2015, 2017), what makes animal abuse immoral is that it reflects cruelty in the person who is abusing the animals—people who abuse animals for sadistic pleasure are cruel individuals. This reveals that impairing an animal is wrong only if the person who causes the impairment acts cruelly. However, a farmer who raises and kills animals need not be manifesting a cruel behavior. They can do this for all kinds of reasons, reasons that do not manifest cruelty.

Two things can be said in response. First, this objection relies on the contentious position that sentient non-human animals do not have *any* moral considerability. To posit that the

CHRISTOPHER A. BOBIER

immorality of torturing a puppy for no good reason has absolutely nothing to do with the puppy strikes many people as obviously wrong and in need of a strong defense. Torturing a puppy is wrong, in part, because of the puppy's experience, for there is a profound difference between cutting open a rock and cutting open a puppy. Cohen and Hsiao's position thus leads to counter-intuitive results. Imagine a person mutilates a cat because she is curious about cat biology, not because of some sadistic desire. Since this person does not manifest cruelty, Cohen and Hsiao are committed to the view that this person does nothing morally wrong. Cohen and Hsiao might argue that the person does do something wrong because she causes needless suffering. Cohen explains that "we humans surely ought cause no pain to them that cannot be justified... we, as moral human beings, have the duty not to be cruel" (Cohen 2001, 46). This leads to the second point, namely, since pain and impairments are integrally related in sentient non-human animals, as will be discussed below, it would seem that Cohen would agree to the Impairment Rationale principle. If Cohen— and presumably Hsiao also—accept the Impairment Rationale principle and agree that animal abuse for pleasure is immoral, then their only recourse is to deny that the impairment principle applies to raising and slaughtering animals for gustatory pleasure. Stated differently, they must insist that food justifies the raising and slaughtering of animals. The point of disagreement is whether gustatory pleasure, which is not unique to meat, justifies the impairments farm animals suffer. Because pleasure and financial need does not justify animal abuse, I am inclined to think that pleasure and financial need does not justify raising and killing animals. Although beyond the scope of this paper, the environmental costs of intensive animal farming, the detrimental health impact of high-meat diets, and the exploitation of low-wage workers in slaughterhouses lend further support to

my contention that neither pleasure nor financial justifies intensive animal farming.

A New Argument?

The preceding shows that the anti-meat eating impairment argument is defensible. It does not rely on an account of animal rights or claims of animal personhood. It thus avoids well-trodden deontological and utilitarian grounds, and is not wedded to a particular ethical theory. Still, it bears similarity to a common kind of anti-meat eating argument, which is referred to as “The Basic Argument for Vegetarianism” (Rachels, 2011). In this section, I explain how the impairment argument against raising and killing animals (hereafter, impairment argument) is distinguished from two versions of the basic argument for vegetarianism (hereafter, the basic argument).

One version of the basic argument begins by noting that instances of inflicted pain and suffering require moral justification. The next step in the basic argument is to observe that factory farms cause an immense amount of pain and suffering to animals, ranging from physical pain to psychological stress. Since people do not need to eat factory farm animals, we need to look elsewhere in order to justify factory farming, and it seems that people eat factory farm animals for preference, taste, or convenience. The issue is whether these reasons are significant enough to justify the inflicted pain and suffering, and it certainly appears that the answer is no, as Stuart Rachels observes: “The pleasure we get from eating meat is not good enough, especially since we can enjoy eating other things.” (Rachels 2011, 884). Therefore, factory farming is morally wrong, and we should not financially support it. Practically speaking, since most all of the available meat is from a factory farm, we should be vegetarian.

CHRISTOPHER A. BOBIER

Another version of the basic argument appeals to moral consistency. The argument begins by noting, once again, that instances of inflicted pain and suffering require moral justification. The next step is to highlight that instances of animal abuse lack justification: that an animal abuser enjoys harming animals does not justify their behavior. The suffering is “wholly unnecessary” and is therefore wrong (Francione and Charlton 2015). But, the argument continues, industrialized farming of animals for food results in a lot of inflicted pain and suffering. Since, exceptionally rare cases aside, no one need to consume animal flesh to live, the suffering of farm animals is wholly unnecessary and therefore wrong. “So how exactly is our consumption of animal products any different from Michael Vick’s dogfighting?” Gary Francione and Anna Charlton ask; “The answer: it isn’t” (Francione 2015, 16). Since animal abuse is wrong, so also is raising and killing animals for food. We should not therefore contribute to the system of raising and killing animals for food. We should be vegetarian.

The two versions of the basic argument bear a striking similarity to the impairment argument. All rely on theory-neutral principles, one a principle about pain and suffering requiring good reason, the other a principle about impairments requiring good reason. The principles enjoy a significant degree of plausibility—it is hard to imagine someone denying that causing pain or causing impairment requires good reason. There is also significant overlap between the arguments. Some proponents of the basic argument appeal to the “harms” involved in factory farming, and the term is used to refer to pain and suffering but also to impairments of ability. DeGrazia’s description of a typical hen includes numerous impairments of ability (e.g., pecking, nesting, mating). Impairment often leads to pain and suffering, and vice versa: impairing an animal’s natural desire

CHRISTOPHER A. BOBIER

to nest leads to stress, while pain resulting from un-anaesthetized castration can impair an animal's ability to move around. Each of the arguments gain strength from the wrongness of animal abuse and then highlight how the animal experience in farming is abusive. Each argument strives for consistency—if animal abuse is wrong, which it is, then so is raising and killing animals for food; there is no special justifying reason for the latter.

The similarities aside, the two arguments are importantly different. The basic argument focuses on pain and suffering, while the impairment argument focuses on impairments to creaturely-specific functions, and while considerations of pain and suffering may illuminate why impairments are morally considerable, pain and impairment are distinct. A creature can be impaired but not suffer or feel pain, and vice versa. For example, someone may cut off the leg of a cow that has been genetically modified to not feel pain; the cow is impaired but does not experience any pain. If the person cuts off the leg for no reason other than sadistic pleasure, they do something immoral even though the animal experiences no pain. Likewise, a person may cause pain without a corresponding impairment, as when a dog is vaccinated with no adverse side-effects: there is pain but no impairment of ability. That pain and suffering are distinct from impairment reveals that the two arguments differ in scope. The basic argument primarily focuses on the pain and suffering involved in factory farming, while the impairment argument applies to all forms of raising and killing animals for food. It is possible that there could be a form of humane farming of animals that provides a relatively pain-free, flourishing existence followed by a painless death. Although not actualized anywhere, such farming would not be considered immoral according to the principles utilized in the basic

CHRISTOPHER A. BOBIER

argument; however, on account of impairing animals by killing them, such humane farming would be considered immoral. The impairment argument is thus broader in scope than the basic argument.

Conclusion

The ant-abortion argument lends itself to a new anti-meat eating argument. Given the impairments involved in raising and killing animals for food, not to mention the incontestable fact that farm animals are sentient, the premises of the anti-meat eating argument are stronger than the anti-abortion argument. While a defender of the anti-meat eating argument may remain agnostic or even doubtful of the success of the anti-abortion argument, proponents of the anti-abortion argument have to be, on grounds of moral consistency, proponents of the anti-meat eating argument: the very same considerations they appeal to to justify their impairment argument apply to the impairment argument in defense. This paper thus extends a “pro-life” position based on the impairment argument against abortion to sentient non-human animals.

References:

- Blackshaw, B. The Impairment Argument for the Immorality of Abortion: A Reply. *Bioethics* 2019; 33 (6): 723–24.
- Blackshaw B. The impairment argument for the immorality of abortion revisited. *Bioethics* 2020;34(2):211–3
- Blackshaw B, Hendricks P . Strengthening the impairment argument against abortion. *J Med Ethics* 2021;47:516–9

CHRISTOPHER A. BOBIER

- Crummett D. Violinists, demandingness, and the impairment argument against abortion. *Bioethics* 2020;34:214–220. <https://doi.org/10.1111/bioe.12699>.
- DeGrazia, D. Moral Vegetarianism from a Very Broad Basis. *Journal of Moral Philosophy* 2009; 6(2): 143–165.
- Engel, M. Jr. The Commonsense Case for Ethical Vegetarianism. *Between the Species* 2006; Vol. 19: Iss 1, Article 1
- Francione, G, Charlton A. *Eat like you care: An examination of the morality of eating animals*. 2015. Charleston: Exempla Press
- Hendricks P. Even if the fetus is not a person, abortion is immoral: The impairment argument. *Bioethics* 2019a; 33 (2): 245-253.
- Hendricks P. (Regrettably) Abortion remains immoral: The impairment argument defended. *Bioethics* 2019b;33(8): 968–969.
- Hooley, D. and N. Nobis. A moral argument for veganism, in Andrew Chignell, Terence Cuneo, and Matthew C. Halteman (eds.), , *Philosophy Comes to Dinner: Arguments About the Ethics of Eating*, New York: Routledge, 2016: 92-108.
- Hsiao, T, Industrial Farming is Not Cruel to Animals, *Journal of Agricultural and Environmental Ethics*, 2017 30(1): 37–54. doi:10.1007/s10806-017-9652-0
- Pickard C. Abortion is incommensurable with fetal alcohol syndrome. *Bioethics* 2019;34(2), 207–210.
- Rachels, S. “Vegetarianism”, in Beauchamp, Tom L. and R.G. Frey (eds.), 2011, *The Oxford Handbook of Animal Ethics*, New York: Oxford University Press: 877–905.

CHRISTOPHER A. BOBIER

Räsänen J. Against the impairment argument: A reply to Hendricks. *Bioethics* 2020;00:1–3.

<https://doi.org/10.1111/bioe.12720>.

Solis, Coleman, 2020 ‘How Harmful is Humane Animal Slaughter?’ *Journal of Applied Philosophy*, p. 1-15