The Morality of Killing Animals: Four Arguments

Introduction

I am going to examine four arguments designed to answer the question: What, if anything, is wrong with painlessly killing domestic animals for food? Two are based on an appeal to consistency, two on utility. I will not discuss the position, made famous by Peter Singer, that rearing food animals is immoral when utility is not maximized. That argument, which, in Singer’s words, is "based on the issue of suffering and not on the question of killing," has forced many of us to examine our attitudes toward animals and led some of us to become vegetarians. By leaving killing out of the picture, however, many instances of meat-eating are not obviously wrong on utilitarian grounds, such as eating meat from humanely reared animals. Also, future possibilities include eating meat from animals anesthetized or genetically engineered to feel little or no pain while being reared. Such practices would most likely pass the test of utility. Tom Regan, an advocate of rights-based vegetarianism, goes even further: "It is not obviously true that the consequences for everyone affected would be better, all considered, if intensive rearing methods were abandoned and we all (or most of us) became (all at once or gradually) vegetarians." I am not sure about that. Nonetheless, I am convinced that effective utilitarian-based and rights-based arguments supporting vegetarianism must show that there is something wrong with painlessly killing animals for food; short of that, at best only certain instances of meat-eating are immoral.

The first argument I will look at is one version of the argument for moral consistency (AMC): Roughly, if you believe that all humans (including severely retarded infants) have a right to life, then you must believe that certain animals, those which possess relevant capacities equal or superior to "marginal humans," also have that right. After rejecting that reasoning on the ground that it assumes too much about which beings have a right to life, I turn to the second argument, recently supported by Singer, that there is a utilitarian basis for claiming that killing certain animals, those which are self-conscious (or have a desire to continue living), is wrong. In arguing that utilitarianism of any variety leads to no such conclusion, I develop a position on killing which I believe both is entailed by consistent utilitarian reasoning and is reasonable. That position, the third argument I will look at, involves the claim that animals lack a right to life, as do certain humans, not because they lack self-consciousness, but because (a) they lack the ability to be troubled by the thought that their lives are not covered by society’s moral prohibition against killing or (b) they lack (a) and killing them would not significantly frustrate the interests of other beings. I then examine some objections to this position, the last of which is set off as the fourth argument. It is a version of the AMC, one frequently used by Singer: "If we do not reject the belief that it is wrong to kill mentally defective humans for food, then we must reject the belief that it is all right to kill animals at the same level of mental development for the same purpose." I argue that by appealing to a principle Singer himself accepts, the principle of utility, one can make a strong case for retaining both the first and second beliefs while avoiding charges
of inconsistency and "speciesism" (ignoring the interests of members of other species for no reason other than that they are members of other species).

As suggested above, my primary aim in this paper is to show where I think Singer's position on killing goes wrong and that the change, compatible with his basic utilitarian outlook, he might consider making is adopting argument #3; my secondary aim is to show that argument #3 is promising.

Argument #1: Regan's Version of the AMC

Tom Regan's formulation of the AMC is a good place to start. Found throughout the literature on animal rights, it has come to be known as the "argument from marginal cases":

... arguments that might be used in defense of the claim that all human beings have this natural right [to life] 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.⁵

Thus, according to Regan, each and every reasonable criterion of the possession of a right to life will either include all humans and also some animals or exclude all animals and also some humans. Regan frequently argues that if we assume that humans, including infants and the severely retarded, have a right to life, then we must accept the implication that any reasonable criterion capable of supporting that assumption will surely include some animals as well.⁶

If Regan is correct in claiming that there is no defensible right-grounding capacity (such as rationality or self-consciousness) which all humans possess and which all animals lack, then we are left with choosing one of the following three options: (1) believe that all humans and some animals have a right to life, (2) believe that some humans (the marginal cases) do not have and some animals do have a right to life, or (3) believe that some humans and all animals lack a right to life. Whichever option is chosen will demand significant attitudinal changes concerning killing animals or marginal humans.

Nearly all philosophers agree that the AMC forces us to abandon the traditional belief that all and only humans have a right to life and adopt one of the above options. As we shall see, Singer defends the second option and I defend the third.⁷ Regan accepts the first option on the basis of the force of the AMC in conjunction with the postulate that even marginal humans have a right to life. How he defends that postulate is not important here. What is important to note is that a defense of option #1 cannot rest solely on the AMC, for it is incapable of supplying a reason for rationally preferring one option over any of the others because each is of equal value from the point of view of consistency. Obviously, to get anywhere we need to know what characteristic(s) a being must possess in order to deserve coverage—to have a right to life—and which beings actually possess that characteristic.

Setting Up the Problem

Which of the above options should we select, and why? We have already seen that an AMC-based defense of option #1 is inadequate unless supplemented by a defense of the assumption that marginal humans have a right to life. In order for one of the options to stand out as rationally preferable, we need to know what it is that gives one being (say, X) but not another (Y) a right to life, that is, what
justifies including $X$ but not $Y$ within the scope of the moral rule against killing. $X$ must have something which $Y$ lacks. That could be one (or some combination) of the following characteristics:

(a) a soul
(b) membership in the species Homo sapiens
(c) sentience: the capacity to experience pleasure and pain
(d) rationality and language
(e) "self-consciousness" (in Singer's sense): the desire to continue living as a distinct entity with a past and a future
(f) "cognizance": the ability to experience anxiety and fear upon realizing that one's life lacks coverage (that one's life is not covered by the moral principle against killing)
(g) a certain relation to others: that is, others have an interest in $X$'s continued existence but not in $Y$'s.

Naturally there are other properties that could have been added to the list but none which comes to mind strikes me as plausible. I have excluded the notion of "inherent value" because I think that the proponents of this view, despite their differences, agree that if $X$ has inherent value then $X$ has, among other things, a right to life. At any rate, (d)-(g) are the properties most relevant to the next three arguments I will be examining.

Looking over the list, if either (a) or (b) is a justified criterion of having a right to life, then the traditional view is justified: the view that all and only human beings have a right to life, which means, according to that tradition, that it is a much more serious matter, even when side-effects are ignored, to kill a human being than it is to kill an animal of comparable intelligence and self-awareness. Arguments against (a) are well-known and will not be summarized here; suffice it to say, even if all and only humans have immortal souls it is hard to see why killing a human is morally worse than killing an animal that does not have the benefit of an afterlife. As for (b), Singer and others have effectively argued that it is a speciesist criterion and is completely indefensible. After all, what possible connection exists between having twenty-three pairs of chromosomes and having a right to life? Many consider (c) relevant to possessing a right to be spared undeserved pain but it is not at all obvious how sentience could be a sufficient condition of having a right to life. I will argue that (d) is sometimes relevant to the morality of killing because some beings capable of reasoning and of communicating do so in such a sophisticated way that they possess (f), that is, the ability to experience fear when they "figure out" that their lives are not covered by the prohibition against killing. Criterion (e), self-consciousness, is defended by Singer and will be discussed momentarily. For a being to have (f), what, for lack of a better term, I have called "cognizance," it must at least be both self-conscious, (e), and able to reason and communicate with some sophistication, (d). In my defense of option #3—that some humans and all domestic food animals lack a right to life—I will be defending criterion (f); this means that (d) and (e), being individually necessary and jointly sufficient conditions of (f), will in effect be supported. Finally, I will also support criterion (g), that is, I will argue that we must seriously consider covering a being by the rule against killing even if it lacks the ability to be troubled by not falling under that rule so long as other beings have a (rational) interest in its continued existence.

Argument #2: Singer's Defense of Criterion (e) and Option #2
In various places Singer considers the complex topic of killing. For brevity, let us focus on one case which he addresses: "whether it would be right to kill and eat a pig if the pig lived happily under pleasant conditions and was killed painlessly." To answer that, Singer employs two unrelated strategies: a version of the AMC and utilitarianism. His use of the AMC is the fourth argument I will examine. The core of his utilitarian analysis is that "while species makes no difference to the wrongness of killing, the possession of certain capacities, in particular the capacity to see oneself as a distinct entity with a future does." He calls that capacity "self-consciousness," calls anyone possessing it a "person," and observes that some "human beings" (members of the species Homo sapiens) are not persons while some animals are. This leads to the question whether a pig is self-conscious. Singer admits that this "is not an easy matter to settle." However, since much is at stake (maybe we are turning persons into bacon), and since it is difficult to tell whether a pig is a person, Singer believes that "it would seem better to give the pig the benefit of the doubt." 

This analysis raises many questions of course. For our purposes, two stand out: What, more precisely, does Singer mean by "self-consciousness," and, secondly, why does he believe that self-consciousness is relevant to, and carries such great weight when dealing with, the wrongness of killing?

To be "self-conscious" in Singer's sense a being must at least be aware of itself as an entity, distinct from other entities in the world, and we "might add the requirement that the being be aware that it exists over a period of time, that it has a past and a future; for to be aware of oneself as an entity it may be necessary to be aware of oneself as existing over some period of time, however brief." Finally, "Rationality is probably already included in our conception of self-consciousness, since a being would not attain self-consciousness without possessing at least a minimally rational understanding of the world." One might call this the "minimal sense of self-consciousness."

For our purposes, the key to Singer's account is that a self-conscious being has a desire or preference to go on living. What is involved in having such a preference is a matter of some dispute. Singer seems to think that a being capable of having some preferences about its own future thereby has a preference to go on living. It is a preference in a minimal sense, better understood perhaps by contrasting it with what might be called the "extended sense" found in views such as Regan's:

To desire to continue to live presupposes that one have a conception of one's own mortality—that one can foresee or anticipate one's eventual demise. And it presupposes, further, that, having considered what one's death involves together with one's anticipated life prospects, one desires to continue to live in preference to dying.

According to Regan, then, animals that are minimally self-conscious, though having some desires relating to their future, lack a desire to go on living in the relevant (extended) sense because it "is extremely doubtful that the moral patients at issue have the intellectual wherewithal to conceive of their own death or to make the kind of comparative judgment Singer's view requires." Singer would no doubt agree that pigs and other (presumably) minimally self-conscious beings lack this "intellectual wherewithal," yet claim that such
beings nonetheless have, in some sense, a desire to go on living. We can grant him that claim and still show that his view on killing self-conscious beings is inadequate. This takes us to our second question.

Singer believes that self-consciousness is a relevant consideration when evaluating the wrongness of killing because killing a being with a desire to continue living involves frustrating that desire. Of course one might argue that, once dead, the being will not experience the frustrated desire. Singer's well-known reply to this involves distinguishing classical from preference utilitarianism:

According to preference utilitarianism, an action contrary to the preference of any being is, unless this preference is outweighed by contrary preferences, wrong. Killing a person who prefers to continue living is therefore wrong, other things being equal. That the victims are not around after the act to lament the fact that their preferences have been disregarded is irrelevant.\(^{16}\)

The clause "other things being equal" invites a problem in light of Singer's admission that "the preference of the victim could sometimes be outweighed by the preferences of others."\(^{17}\) So, in the case of the happy pig, is it not plausible to suppose that the preferences of those who have cared for and plan to eat the pig outweigh the pig's preference to continue living? After all, as Regan's position implies, a pig, arguably lacking the capacity to form a conception of its own mortality, does not in any meaningful sense prefer its future existence to nonexistence. But, even ignoring that important point, and granting that the interest an animal takes in its future existence is relevant to the question of killing, I believe that Singer gives that interest much more weight in the decision-making process than his utilitarian outlook can justify. One way of supporting that claim is to turn to Singer's view on "replaceability." I will try to show that, even on the assumption that pigs are minimally self-conscious, his position implies they are replaceable; thus killing them can, contrary to what Singer thinks, be rather easily justified. (Another way of supporting that claim, which I will not pursue but which I think is valid, would involve showing that Singer implicitly gives greater weight to life preferences than to taste preferences even when they are of equal intensity and that he supplies no justification for so doing.)

Let us start by looking at Singer's position on killing sentient beings lacking self-consciousness—"chickens could be an example."\(^{18}\) Given that an animal belongs to a species incapable of self-consciousness, it follows that it is not wrong to rear and kill it for food, provided that it leads a pleasant life and, after being killed, will be replaced by another animal which will lead a similarly pleasant life and would not have existed if the first animal had not been killed. This means that vegetarianism is not obligatory for those who can obtain meat from animals that they know have been reared in this manner.\(^{19}\)

The "replacement clause" is inserted to avoid the utilitarian objection that killing a happy animal reduces the total amount of pleasure in the world. Thus, the only moral consideration involving killing non-self-conscious beings is the matter of filling the pleasure void because they "can properly be regarded as receptacles for experiences of pleasure and pain, rather than as individuals..."
leading lives of their own." More fully, with non-self-conscious life, birth and death cancel each other out; whereas with self-conscious beings the fact that once self-conscious one may desire to continue living means that death inflicts a loss for which the birth of another is insufficient compensation.  

The above claim is not, and cannot be, supported by Singer. Even if pigs are self-conscious, and we kill one, the replacement pig will come to develop self-consciousness, and at that point will be a near perfect replacement for the one that was killed. I say "near perfect" because, according to preference utilitarianism, by killing the pig we frustrated its preference to continue living and that loss was not sufficiently offset by bringing into existence a replacement pig and rearing it under similar conditions. That loss, however, could be offset by a gain elsewhere: for instance, by taking steps to make the replacement pig's life even more pleasant than that of the pig it replaced, thereby making it a "perfect replacement." I believe this shows that painlessly taking the life of a pig (or any minimally self-conscious being) and filling the "void" with the birth of another can be easily justified on utilitarian grounds and that Singer is mistaken in believing otherwise.

To summarize, for the simple reason cited above, Singer fails to justify the belief that pigs, but not chickens, are non-replaceable, that killing the former is, whereas killing the latter is not, a morally serious matter. In neither case (if the killing is done discreetly) are there measurable side effects in the form of grief or anxiety felt by other beings like chickens, pigs, birds, microorganisms, or humans. True, if Singer is correct about which beings are self-conscious, then in the case of killing pigs, as opposed to chickens, one frustrated preference is not quite offset by the birth of another, but that, we have seen, is a problem easily remedied. In short, the mere possession of self-consciousness is not the capacity to which a utilitarian (act or rule, hedonistic or non-hedonistic) should appeal in drawing a line between those beings who are seriously covered by the moral rule against killing and those who are not, those beings who have a strong presumptive right to life and those who do not.

By unfolding the position I think Singer should accept and which I am inclined to accept, the difficulties I have with Singer's position become more apparent.

Argument #3: A Defense of Option #3 and Criteria (f) and (g)

I believe that killing certain self-conscious beings raises no moral problems within a utilitarian framework such as Singer's. Which self-conscious beings? Those which lack both (f) and (g). Why (f) is important is obvious: Any being with the capacity to experience anxiety and fear upon knowing that its life lacks coverage (is viewed as lacking inherent value), would most likely lead a worse life than if it knew it had coverage; for that reason, utility would no doubt be maximized by including such a being within the scope of the moral rule against killing, by viewing its life as special and non-replaceable.  

If a being lacks (f), it does not follow that killing it raises no moral problems. Even if the killing is painless and out of range of other beings capable of feeling anxiety were they to witness it, nonetheless, mates, offspring, companions, or humans might have an interest in that being's continued existence and thereby suffer as a result of its loss. If, after all the consequences are counted and
weighed, the killing failed to bring about the best aggregate result, then it would be wrong. Thus, possessing (g) should, given utilitarian theory, enable that being to be covered by society's prohibition against killing, even though it lacks (f).

In short, if a being has what for convenience I have been calling a "right to life," that right, on my account, can be grounded either on the interest that being has in avoiding the anxiety that would occur should it know that its life lacks coverage (a self-based right to life) or on the interest other beings have in avoiding the anxiety and grief that would occur should that being's life lack coverage (other-based right to life). Either way, having a right to life (deserving coverage) is based on considerations of utility; either way, the life in question should be regarded as non-replaceable (as having inherent value).

Does a pig have either (f) or (g)? It is hard to make a case for its possessing (f), cognizance, even though one might grant that it is self-conscious in Singer's sense. Surely a pig is not capable of being troubled by the knowledge that it is a replacement for a pig which has been killed, so the replacement will "contain" about the same amount of pleasure as the pig it is replacing (for it will experience no dissatisfaction from living with the thought that it is a replacement, that someday it will be killed for food). But some self-conscious beings have the additional capacity, (f), to be troubled by living in a world in which they lack coverage and are perceived as expendable or replaceable. This fact leads me to "draw the line" between cases of killing which are serious and cases which are not in a place different than does Singer; and it strikes me that the place I have drawn it is about where a utilitarian (of any variety) should draw it.

On my account, marginal humans lack a self-based right to life. (Singer would agree, not on the ground, though, that they lack (f), cognizance, but that they are thought to lack (e), self-consciousness.) This does not mean that any instance of killing marginal humans is morally justified. Of course not. There are additional considerations: others might have a strong interest in the continued existence of the beings in question. This takes us to (g), the side effects argument.

It is quite possible for something lacking (f)—such as a severely retarded human, a pig, a sentient being, a plant, or a rock formation—to have an other-based right to continued existence, since it is possible for beings to have an interest in such things. The same point, limited to pigs, can be expressed without referring to "rights": If suddenly a number of beings were sufficiently disturbed by the fact that pigs were being painlessly killed and eaten, to the point where that practice failed to achieve the optimal balance of satisfaction over frustration of preferences, then a prohibition against killing and eating pigs, even happy pigs, would be morally justified. However, this is not presently the case. True, as nonconsequentialists are quick to point out, it could be the case someday. If so, killing and eating pigs would be wrong on utilitarian grounds—unless, of course, one both accepts a version of utilitarianism in which frustrated "irrational desires and aversions" (however defined) are given less weight or totally discounted in utility assessments and determines that most aversions to killing pigs painlessly are irrational. More on that later.

To summarize, I believe that there is a significant difference between
killing a being possessing (f) and killing a pig. What counts is not so much the capacity, emphasized by Singer, to desire continued life, as the capacity to recognize that one and those one cares about are not covered by society’s moral prohibition against killing. That latter capacity presupposes rather extensive communication and reasoning skills because in order to experience the anticipatory dread of death a being must have a conception of its own mortality and be able to come to know that its life or that of another being in whom it has an interest is endangered. What is crucial to distinguishing cases of killing which raise serious moral problems within a utilitarian perspective from those which do not is distinguishing those beings who are capable of “losing sleep” over the realization that their lives lack coverage from those who are not. Painless killing a nameless pig out of sight of others does not, presumably, cause other beings much grief or anxiety. The most that happens is that, if it were a contented pig, a certain amount of pleasure is lost from the world. So, if one is upset by this loss or one’s normative theory demands that one be troubled by this loss, then one can replace the dead pig with the birth of another pig or, and this should be acceptable to Singer, create that amount of pleasure (assuming of course that it can be roughly gauged) in some other manner.

I will now consider two rather similar objections to argument #3. One strategy consists of pointing out some counterintuitive implications of adopting criteria (f) and (g). The second involves an appeal to moral consistency, namely, if you believe that it is wrong to kill marginal humans for food (or for similar, trivial reasons), then you should also believe that it is wrong to kill animals at the same level of mental development for food. This second objection is set off as argument #4.

One might object to the view that cognizance is a sufficient condition of having a right to life by showing that it has some rather unsavory implications. Among those beings clearly excluded by this criterion, besides animals and severely retarded infants, are (a) normal infants, perhaps up to three years of age, and (b) the hopelessly senile. Now, it is true that criterion (f) sets a very high cutoff point for moral considerability (with respect to killing), even higher than those set by Warren and Tooley in the abortion debate. I do not think this is a serious problem, however, because these purported counter-examples can be dismissed by appealing to what I take to be another sufficient condition of moral standing, (g).

Turning first to objection 1a, let us consider the case of a healthy one year old infant, lacking (f), whose parents no longer care for it and want it killed. To deal with such a case, I would bring criterion (g) into play—that is, I would appeal to the side effects—and argue that the practice of killing unwanted, non-cognizable children would have less net utility than some alternative practice, such as putting them up for adoption. If one is in a situation in which finding surrogate parents is impossible, then I would, relying on (g) again, try to show that actions of this type would so frustrate the interests others have in children that utility would not be maximized. Though rare cases can be imagined in which particular acts of killing healthy infants (or adults) would bring about marginal increases in utility, the general practice of placing them outside the scope of the moral rule against killing would not produce as much net utility as covering them by that rule.

Objection 1b—that there is, on my account, nothing wrong with killing
senile individuals lacking cognizance—also misses the mark. First of all, the fact that such individuals were cognizant throughout most of their lives means that, if they grew up in a society with a rule against killing which did not cover the senile, then it seems reasonable to suppose that as a group they would experience considerable stress when thinking about what might happen to them and those they care about. Presumably, this would not be offset by the advantages of a moral principle sanctioning killing in such cases. Secondly, lacking coverage would frustrate the preferences of those who prefer to see the senile cared for rather than killed. Though not as strong as the case against infanticide, these probable consequences add up to a fairly strong case against placing the senile outside the scope of the rule which prohibits killing.

Obviously, many issues need to be addressed in this connection, including the proper role of rules in utilitarian reasoning, but I hope enough has been said to indicate how I would go about defending argument #3 against objections like 1a and 1b. It is worth noting that Singer's position, argument #2, is vulnerable to similar objections, thus Singer would take on no new problems if, as I think he should, he were to adopt argument #3.

Naturally, because group preferences can change over time, there are some dangers in resting cases for and against killing on criterion (g). For instance, we could someday come to feel no disapproval when reflecting on the killing of healthy human infants, in which case any (g)-based argument would be undermined; or, as mentioned earlier, we could come to have such a strong interest in pigs and other animals that killing them—even painlessly, after having lived a pleasant life—would be morally wrong, in which case argument #2 would be invalid. To this a utilitarian (besides biting the bullet) can only say that, should such preferences occur, they ought to be discounted because they are irrational and that what counts are those preferences one would have under certain, rather ideal conditions. This raises the problem of the nature of irrational preferences and their role in utilitarian decision-making, a problem which would have to be fully addressed if I were trying to provide a complete defense against objections like 1a and 1b. My concern, however, is more modest: to show that argument #3 is promising. Thus, I will only briefly address this problem—and, since it also arises when considering the second objection, to avoid repetition, I will take it up at that juncture. Because the reasoning utilized in that objection is rather popular and somewhat attractive, I have isolated it as argument #4.

Argument #4: Singer's Version of the AMC

Singer frequently confronts us with a dilemma similar to this: "If we do not reject the belief that it is wrong to kill mentally defective humans for food, then we must reject the belief that it is all right to kill animals at the same level of mental development for the same purpose."23 Let us put this reasoning in the form of an objection to the position on killing animals I am defending: If, as you believe, there are conditions under which it is morally acceptable to kill animals for food, then you must believe that it is all right to kill humans at the same level of mental development for food, but since you surely would not want to hold that belief, consistency demands that you abandon the other belief. This line of reasoning repeatedly occurs in the literature on animal rights. The point is always that we do things to animals that we would not think of doing to
even horribly and permanently defective human beings (such as rear, kill, and eat them), the bottom line being: "we are guilty of a gross form of prejudice ("speciesism"): we are grossly inconsistent from the moral point of view."24 Is it the case that one of the beliefs in Singer's dilemma must be rejected? If so, nearly everyone will reject the belief that it is all right to kill animals for food. Yet argument #3 supports that belief. Clearly, something must give—and it is Singer's AMC.

Let us begin by noting that the reasoning I have been using is not "speciesist" if by that we mean either ignoring the interests of members of other species simply because they are members of other species or devising a right to life criterion with the intent of including all and only members of our species. I have made neither of these moves. My reasoning could, though, be speciesist in this sense: Morally, I am willing to accept killing and eating of animals but not of humans at the same level of mental development and the only justification I can give for this is that marginal humans are members of the species Homo sapiens. However, that is not the justification I would give. I have already argued that within a utilitarian framework there is a relevant difference between severely retarded humans and animals which often justifies treating the former in ways that would be wrong to treat the latter; the difference is not what species each belongs to but the radically different side effects that would result from similar treatment. Basically, a number of humans would be very upset if the two groups received similar treatment. For this reason, even counting like interests of all beings equally, painlessly killing and eating marginal humans probably would not bring about the best aggregate balance of good over evil all considered, whereas, in the case of pigs, it very well could. "Because of his version of utilitarianism," Regan often stresses, "Singer must insist on the relevance of side effects."25 It is puzzling that Singer routinely ignores this relevant difference between marginal humans and animals, as in his use of the AMC.26

Perhaps Singer can show that this difference is not "relevant." Passages like this apparently attempt to do so: "If we make a distinction between animals and these [marginal] humans, how can we do it, other than on the basis of a morally indefensible preference for members of our own species?"27 However, since Singer is committed to determining what is morally indefensible in terms of utility and is committed to determining utility on the basis of satisfied and frustrated preferences, a preference itself cannot be morally indefensible. So it appears that his objection to the reasoning I have used against his AMC and in support of argument #3 must, to avoid circularity, be reworded (perhaps along these lines): Utility assessments—in this case, of killing and eating animals and marginal humans respectively—should not include the satisfaction and frustration of preferences for members of one's own species because such preferences are arbitrary and irrational; in other words, one should not appeal to the speciesist preferences of certain humans in a purportedly nonspeciesist effort to show that killing and eating animals is morally permissible but that killing and eating members of the species Homo sapiens is not—yet that is exactly what you have done.

This objection to argument #3 will not do, nor will it salvage Singer's AMC. Singer (should he reason in the above manner) would be assuming both that there is something irrational, speciesist, or inconsistent about a person who is not distressed by the practice of killing and eating
animals but who would be seriously upset were we to do those things to marginal humans and that irrational sympathies and preferences ought to be excluded from utility assessments; yet he offers no theory of rational preferences, no theory of exclusion. Hence, his position will not allow him to discount those human preferences which, for whatever reason, follow species lines. (Analogical reasoning based on intuitions he hopes the reader has regarding the wrongness of sexism and racism does not supply him with a basis for discounting certain preferences because he explicitly disallows appeals to intuitions for the purpose of establishing normative claims.)

Enough has been said to show that the second objection to argument #3—Singer’s AMC—is not adequately supported. Of course this does not mean that it cannot be adequately supported. Naturally, we could ask: What if Singer or someone else were successfully to defend the view that certain preferences are irrational and therefore ought to be discounted from utility calculations? Whatever view might emerge, I seriously doubt that the preferences in question would turn out to be irrational, in which case, the side effects of killing animals or marginal humans for food would not change much. For obvious reasons a full defense of that claim cannot be offered here, nor is it really necessary. That claim is not relevant to my points that there is (without deviating from preference utilitarianism) a defensible escape from the dilemma posed in Singer’s AMC and that Singer’s preference utilitarian position leads to argument #3, not argument #2; however, it is relevant to my secondary point that argument #3 is promising (in particular, to my earlier assertion that (g)-based reasoning can successfully deal with objections 1a and 1b—the infanticide and “senilicide” reductions). A few comments, then, are in order.

Consider, for a moment, what I take to be one of the best theories of rational preferences, that defended in various places by Richard Brandt, most recently and thoroughly in A Theory of the Good and the Right. According to his view, a desire or aversion (in this case, having a much stronger aversion to killing marginal humans for food than to killing animals for food) is irrational if and only if it would be extinguished or its intensity diminished by submitting it to a process similar to cognitive psychotherapy (roughly, vividly and repeatedly reflecting upon all the relevant, available information while in a normal frame of mind and committing no errors of logic). I doubt that this process would lead to altered preference strengths to the point where a person would be equally upset by the killing of animals and marginal humans for food. This seems true because the aversion nearly all of us have to killing marginal humans for food is probably based on an innate process, perhaps the process of “sentiment-generalization, which impels us to extend our sympathies on the basis of superficial similarities, perhaps even on the basis of . . . species.” 28 The side effects of killing and eating marginals would be worse than killing and eating animals due to this sympathetic response. (I am not suggesting that all “natural” preferences should count, rather, all “rational” preferences should count.) Now, if such sympathies would survive cognitive psychotherapy in Brandt’s sense (which, partially because of their origin, is highly probable), they could not be considered either irrational or speciesist, and thus could not be discounted while deliberating about what is morally right; the same holds if one’s interest in painlessly killing and eating animals would survive cognitive psychotherapy. Should this happen, these preferences would not be
irrational because they passed the test of rationality; they would not be arbitrarily speciesist because, though conforming to species lines, they would be rationally justified. (I would apply reasoning similar to that used above to further support my position, sketched earlier, that argument #3 is not in any realistic sense vulnerable to the charge that, should peoples’ felt preferences radically change, it could justify the practice of killing healthy infants and senile adults.)

Whatever problems that theory of rational preferences might have, my point remains: Since Singer both fails to show that it is irrational to be more offended by the practice of killing and eating marginal humans than by the practice of killing and eating animals and fails to provide a justification for excluding irrational preferences from utility appraisals, his AMC (argument #4) is neither a good argument in its own right nor a good objection to argument #3; this means that there is a defensible escape from Singer’s dilemma which is consistent with his own utilitarian approach to decision-making. I think that approach can successfully undercut the many appeals to consistency found throughout the literature which are similar to Singer’s AMC—for instance, "If [certain] conditions... can be satisfied by morons, stocking and using them for food or experimentation is no more or less reprehensible than doing so with animals"29—and which are designed to force us to choose between believing that killing morons for food is morally permissible and believing that killing animals for food is morally wrong.

Conclusion

I have tried to show that utilitarian-based arguments against eating meat, those which rest on the fact that enormous suffering occurs during rearing, gain little or no support by bringing killing into the picture and that appeals to moral consistency do nothing to support the claim that killing animals is morally unjustified. Thus, if one is to show that painlessly killing animals for food is wrong, some other strategy of rational persuasion is needed.30

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Notes


3For convenience, I will abbreviate "human animal" (or "member of the species Homo sapiens") as "human" and "nonhuman animal" as "animal." By the term "animals" I intend to cover only domestic food animals such as pigs, chickens, cattle, and sheep.


5Tom Regan, "The Moral Basis of

In "An Examination and Defense of One Argument Concerning Animal Rights" (*Inquiry* 22 1979), for instance, Regan is interested in exploring what he calls "the weaker argument" from marginal cases, namely, if marginal humans have basic moral rights, then so do some animals. This is distinguished from the stronger version: certain animals have certain moral rights because marginal humans do in fact have those rights. In that article he explicitly states that he is not assuming that there are basic moral rights; what he does assume is that there are core intuitions regarding certain immoral ways of treating marginal humans and that "those who argue from marginal cases believe that it is only by positing the existence of basic moral rights that we can most adequately account for these beliefs." (192). In his exceptional study, *The Case for Animal Rights*, he extensively supports the view that animals have a right to life without using the weak or strong form of the AMC. Though there is no time to examine that reasoning, its structure is simple enough: Since consequentialist moral theories lead to some conclusions which conflict with our reflective intuitions, such theories must be rejected; the moral principles which best systematize our considered beliefs entail that marginal humans and animals have a right to life.

In describing the second option, Singer would prefer not to use the expression "right to life." Nonetheless, since it is a convenient expression, I will use it throughout the paper. I do not want (nor would Singer want) it to be understood as an absolute right, one which can never be trumped by considerations of utility. Rather, I shall take it to be a prima facie right, meaning there is a strong presumption against the rightness of killing, a presumption based on (and, in exceptional cases, capable of being overturned by) considerations of utility. In Singer's words, "I am not convinced that the notion of a moral right is a helpful or a meaningful one, except when it is used as a shorthand way of referring to more fundamental moral considerations" (*Practical Ethics* 1979, p. 81). So, whenever I say that "X has a moral right to life" (or "X deserves coverage") I mean that "utilitarian considerations dictate that X ought to be covered by the moral rule against killing."


11Ibid.

12Ibid., p. 235.

13Ibid., p. 236.


16Peter Singer, *Practical Ethics* (Cambridge: Cambridge University

17Ibid., p. 81.
19Ibid.
20Singer, Practical Ethics, p. 102.
21Ibid., pp. 102-103.
22I say "most likely" because there could be cognizant beings who would not "lose sleep" if they knew they lacked coverage (fugitives and outlaws, perhaps). However, it is hard to imagine a cognizant being who would not be worse off if taking his life, like taking that of chicken, was considered morally permissible in the society in which he lives so long as the one doing the killing wants him out of the way. That there might be exceptions is not a problem for the view that all beings possessing (f) have a right to life. General conformance to that view (or rule) would produce greater utility than would any alternative rule having built-in exceptions. This is so because of the problems involved in judging when someone is an exception and acting on a mistaken judgment. Better to cover all beings possessing the ability to experience anxiety if coverage is lacking than just those who would actually experience anxiety should coverage be lacking. That is why I prefer to make the capacity to experience anxiety rather than felt anxiety a ground of moral standing in matters of killing. (Naturally, I would not want to use cognizance as a criterion of moral standing in matters of suffering.)

26It should not be inferred that I hold the view that the interests of animals can be justifiably ignored or given less weight in moral decision-making, that is, it does not follow that I am violating what Singer calls the principle of equal consideration of interests. Not at all. I am saying that a utilitarian, like Singer, must be willing to consider the consequences that treating marginal humans much like we do pigs would have on beings capable of being affected by the knowledge of that treatment; and, once considered and weighed equally with the like interests of other beings, it could very well turn out that the belief that it is wrong to humanely rear, kill, and eat marginal humans but not wrong to humanely rear, kill, and eat pigs is a justified (and not a speciesist) belief. Thus, Singer's use of the AMC is not consistent with his own utilitarian approach to decision-making nor does it pose a threat to argument #3.

27Singer, Practical Ethics, pp. 52-53. Italics mine.
30I am grateful to the referees of Ethics & Animals for insightful comments on an earlier draft of this paper.