

EVERYDAY MORALITY AND ANIMAL RIGHTS

STEVE F. SAPONTZIS
California State University
Hayward

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PHILOSOPHY

Jim Harter, *Animals*: 1419
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New York: Dover, 1979

Most people, philosophers included, seem to feel that we are obviously justified in sacrificing animals to fulfill human interests and that, consequently, calls for liberating animals must be mistaken. This feeling places a heavy burden of proof, if that is the proper term, on those who would liberate animals from the routine sacrifice of their interests for our benefit. Some advocates of animal liberation, such as Tom Regan, in The Case for Animal Rights, [1] have tried to shoulder this burden by developing an extensive, impressive, systematic animal liberation ethic. I do not have a novel, systematic animal liberation ethic of my own to offer. Rather, I propose to develop some everyday moral concerns which, if considered impartially, indicate that liberating animals is what we ought (morally) to do. Hopefully, this indication can be made strong enough to remove the burden of proof from the shoulders of the advocates of animal liberation and to place it on the shoulders of those who oppose that liberation. Richard Rorty has written that "philosophical discussion, by the nature of the subject, is such that the best one can hope for is to put the burden of proof on one's opponent." [2] The analysis of this essay will not even try to prove Rorty wrong about that.

This analysis will be carried out employing the following three, platitudinous goals of everyday morality:

developing moral character, so that our actions will be based on compassion, respect, courage, and other moral virtues,

both reducing the suffering in life and otherwise making life more enjoyable and fulfilling, and

insuring that goods, opportunities, punishments, and rewards are distributed fairly.

What I propose to do is to discover the moral value of liberating animals in a pragmatic manner: if liberating animals would better advance us toward accomplishing these three moral goals than would continuing routinely to sacrifice their interests for our benefit, then that indicates that we ought (morally) to liberate them. That is the modest case to be made here. (Henceforth, "consuming animals" will be used to refer to the many ways in which we routinely sacrifice their interests for our benefit.)

In an earlier article, I argued that one of the shortcomings of the moral concept of "personhood" (roughly, a being with moral rights) and of the humanist principle which holds that all and only human beings are persons in this moral sense is that rather than suggesting that morality should be treated as a pervasive way of life, they suggest that morality is merely a limited set of restrictions on the actions of beings which are basically free to do pretty much what they can and want to do. [3] Liberating animals would help overcome this limitation by extending moral concern and such concepts as rights and justice into areas from which humanism has excluded them. Decisions about what to eat or wear and what sorts of experiments to conduct, which are currently not considered moral issues, would become, through animal liberation, situations calling for compassion, altruism, respect for the interests and rights of others, a sense of fairness, a willingness to stand up and take risks in defense of those who cannot defend themselves, and so forth. Thus, on the surface of it, it seems clear that liberating animals is one thing we ought to do in order to work toward attaining the goal of developing moral character through treating morality as a pervasive way of life.

It might be objected that this is mere appearance. It could be argued that our traditional humane ethic already directs us to be morally concerned about the treatment of animals. It would then seem to follow that what animal liberation seeks is not an extension of moral concern into new areas but simply different answers in long-established areas of moral concern.

Such a rebuttal would be mistaken. This is because our traditional, humane ethic has basically limited moral concern about our use of animals to questions concerning the handling and processing of animals. For example, humane concern in agriculture is directed toward the procedures for transporting and slaughtering food animals, not toward whether we ought (morally) to be raising animals for food at all. In general, our traditional, humane ethic does not raise questions about whether or not we ought (morally) to treat animals basically as resources for fulfilling our interests. However, such questions are

precisely the ones raised by the animal liberation movement. Consequently, liberating animals would extend our moral concern beyond traditional limits.

It might be objected that, nonetheless, liberating animals would not represent a fundamental moral improvement here, because animal liberation carries on the "us vs. them," line-drawing attitude toward moral rights which is the fundamental problem with humanism. Liberating animals would involve drawing the line further out, so that not only humans but all sentient beings would be protected against human selfishness by moral rights, but it could be argued that the basic, "we're in, they're out" mentality remains the same from humanism to animal liberation and that, consequently, all that has been done is to extend a bit that morally protected oasis in the desert of human selfishness.

This rebuttal is also mistaken. Animal liberation ethics do not continue the "in's vs. out's" mentality characteristic of humanism, because animal liberation does not share humanism's basic tenet, emphasized in its many battles against tribal, religious, racial, etc., chauvinisms, that, fundamentally, everyone should be treated the same. Focusing on normal, human adults, humanism projects an image of all holders of moral rights as beings which seek to be autonomous agents leading enjoyable, fulfilling lives in human society. In this way, humanism projects the image of moral rights-holders constituting a fundamentally homogeneous group which contrasts starkly with the group of non-persons. Of course, animals are among those who clearly do not seek to lead enjoyable, fulfilling lives as autonomous agents in human society. Consequently, by extending moral rights to them, we would severely compromise the supposed homogeneity of the group of moral rights-holders. We would also undercut the starkness of the contrast between those beings which possess moral rights and those which still would not, e.g., plants and rivers.

Most, if not all, wild animals seem to be quite content without any contact whatsoever with human society. While these animals seek autonomy, in the sense of freedom to pursue their own way of life, they do not seek to be agents in human society. This would have to be taken into account in moral

"calculations" of the general welfare and in principles for respecting the rights of others. Bringing wild animals into the moral arena would require giving diversity a much more fundamental place in that arena. Extending moral rights to domesticated animals would lead to the same result. These animals have been made to be dependent on us; so, they cannot share the interest in independence had by wild animals. Furthermore, since they will never become normal, human adults, they cannot share our goal of being autonomous agents in human society. They will always be dependent on us in many of the ways children temporarily are. Consequently, liberating domesticated animals would require recognizing that enjoyable, fulfilling but non-autonomous lives can be the goal of moral rights-holders and that those in power, i.e., normal, human adults, have a permanent obligation of stewardship to insure that the interests of domesticated animals, like those of children, are protected. Thus, in contrast to the basic homogeneity of moral rights-holders envisioned by humanism, liberating both wild and domesticated animals would require recognizing and making moral provisions for the basic diversity of the interests of the group of moral rights-holders.

Similarly, given the earth's limited resources and the many competing interests among animals, including ourselves, how to establish priority among rights would become a more common problem, if we expanded the domain of moral rights-holders to include other animals. For example, it would become important to distinguish not only different interests, such as interests in mating and in voting, but also different degrees of interest, such as interests of crucial importance to the quality of life, like adequate space to move about, and peripheral interests, such as having a vacation home.[4] Thus, working out the details of our moral principles, procedures, and practices following the liberation of animals would require scrapping the "us vs. them" mentality and the emphasis on so-called "differences in kind" which are characteristic of humanism and developing a "differences of degree" oriented morality and mentality which would emphasize our membership in a fundamentally diverse community of interests. Consequently, animal liberation projects a fundamental change in our moral attitude away from the line-drawing attitude which compromises the moral value of humanism. Since this change involves expanding

our arena of moral concern, it would help advance us toward our goal of developing moral character through treating morality as a pervasive way of life.

However, it might be objected, finally, that we have been wrong in supposing that treating morality as a pervasive way of life is involved with our common goals of morality. After all, it could be argued, there are some issues that, except under the most extraordinary of circumstances, simply are not moral issues, such as deciding which brand of personal computer to buy. Furthermore, it is not always selfish to pursue one's own interests without worrying about the well-being of others. It is not always wrong to indulge in the purchase of a well-tailored suit or a fine wine, even if people somewhere in the world are ill-clothed and hungry. It would not be unreasonable to claim that a world in which all decisions had to be treated as morally serious ones would not be an ideal or even a desirable world. Consequently, it could be argued that treating morality as a pervasive way of life is a gross, undesirable exaggeration of everyday morality's emphasis on developing moral character.

On the other hand, as I have argued elsewhere, pursuing morality as a pervasive way of life is what characterizes fully moral agents and distinguishes (some of) the virtuous deeds of humans from the virtuous deeds of animals.[5] Thus, to borrow Kant's terminology, postulating that morality should be treated as a pervasive way of life in order better to attain our moral goal of developing moral character is not without its practical reason. What the supposed *reductio* counterexamples of the previous paragraph indicate is merely that "morality as a way of life" must be interpreted in a way which

is compatible with the limited resources of our environment and the diversity within human nature,

recognizes that moral principles are artifacts we create in order to make life more enjoyable and fulfilling, rather than being hard task-masters adding to the burdens of life, and

recognizes that we need not be aiming at moral sainthood in order to be moral.

That such an interpretation of morality

is possible is indicated by the lives of many decent, ordinary people, such as Frank Furillo of "Hill Street Blues," Sophie Zawiatowska in "Sophie's Choice," and Mac Sledge in "Tender Mercies." These lives indicate that a sense of responsibility and concern for the well-being of others can embue, structure, and come to identify one's life without becoming obsessions which deprive life of pleasure and a reasonable balance of the self-sacrificing and the dutiful with the self-indulgent and the whimsical. Regarding morality as a pervasive way of life does not require or even project the elimination of the non-moral; rather, it merely requires having moral concern be one's basic attitude, with non-moral concerns being pursued within the parameters established by that moral concern. This is the reverse of the restricted conception of morality projected by humanism.

Thus, although the issue is not a simple one, it seems fair to conclude that until, if ever, some argument to the contrary is produced, the goal of developing moral character through treating morality as a pervasive way of life would be better pursued by liberating animals than by our continuing to consume them. This is the kernel of truth that lies in the popular argument, put forth by Aquinas and Kant, among others, that we ought to treat animals decently in order to avoid developing the habit of insensitivity to the interests of others. Advocates of animal liberation have often and properly objected to the anthropocentric form this argument usually takes: we should treat animals decently, because if we do not, that will incline us not to deal decently with humans, which is where the real moral issue lies. However, from a deontological viewpoint, this argument need not be developed in this anthropocentric manner. From this viewpoint, compassion, courage, honesty, dutifulness, and the other moral virtues are as intrinsically valuable as the human pleasure and fulfillment they may produce. Consequently, the development of these virtues does not have to be tied to consequences for human enjoyment and fulfillment in order to be of moral value. It follows that the argument for the moral value of liberating animals based on the development of moral character can be developed, as it has been here, in a non-anthropocentric manner.



The second of our everyday moral goals is the consequential one of reducing the suffering in life and otherwise making life more enjoyable and fulfilling. "Life" here refers not merely to being organically functional but also to being sentient, and it refers to all sentient life forms indiscriminately. That is, of course, not quite the meaning of the term in everyday morality. While "life" does not there refer merely to being organically functional, it does not refer indiscriminately to all sentient beings; rather, in everyday morality, "life" refers primarily to human life, with non-human animal life being accorded only secondary, humane consideration, at most. Such common expressions as "the sanctity of life" and "pro-life" clearly refer only to human life. However, there are two reasons for setting aside this anthropocentric use of "life" in this context. First, our moral concern here is not with reducing or increasing things that are uniquely human. Suffering, enjoyment, and fulfillment are things that we share with other animals. Second, even though our humane considerations may be secondary, they express some current, common recognition that at least this second of our moral goals concerns other species of sentient beings. Consequently, the anthropocentric use of "life" in everyday morality cannot be interpreted as a conceptual obstacle to the possibility that our ordinary moral concern with reducing suffering in life and otherwise making life more enjoyable and fulfilling may be better served by liberating animals than by continuing to consume them.

Now, it is indisputable that our consuming animals causes them to suffer greatly. For example, they suffer the confinement of factory farms, the distress of induced diseases in laboratories, and the trauma of being caught in leg-hold traps. They also suffer, in the vast majority of cases, the loss of the remainder of lives that would have held more enjoyment and fulfillment than distress and frustration, or, at least, lives that could have held such a positive result with our assistance or even just without our interference. (Henceforth, "lives worth living" will be used to refer to such lives, and "frustration" will refer not only to certain unpleasant experiences but also to suffering this sort of loss.)

On the other hand, consuming animals contributes to fulfilling our interests, e.g., in food, medical inventions, and entertainment. Our consumption of animals thereby contributes to the enjoyment and fulfillment in life. Consequently, it may seem that the issue here is whether the benefit we gain from sacrificing animal interests to fulfill our interests outweighs the animal interests sacrificed in the process. But once again, the issue is not that simple.

As utilitarians have long been reminding us, we must (morally) consider, as far as possible and practical, the full range of alternative courses of action available to us and follow that option which seems likely to lead to the greatest excess of enjoyment and fulfillment over distress and frustration (or to the least excess of distress and frustration over enjoyment and fulfillment). Consequently, in addition to estimating the contribution to or subtraction from life's excess of enjoyment and fulfillment made by the routine sacrifice of animal interests for our benefit, we must also estimate the contribution or subtraction which would be made by liberating animals and either frustrating those of our interests which have heretofore been fulfilled by the animals' sacrifice or employing alternatives to satisfy those interests. If the latter option would result in a greater excess of enjoyment and fulfillment over distress and frustration than the former, or even just a smaller excess of distress and frustration over enjoyment and fulfillment than the former, then we would be morally obligated, on these consequential grounds, to favor that alternative.

Many vegetarians contend that in discussing diet with meat-eaters, they often get the impression that the meat-eaters think that vegetarians simply make do with what is left over when we remove the meat from the traditional meat, potatoes, and vegetable dinner plate. That is certainly not the case, as even a cursory glance through a vegetarian cookbook or at the menu of a vegetarian restaurant will confirm. Thus, our way of life following the liberation of animals would not be one in which a giant hole had been cut; rather, it would be a way of life in which there would, sooner or later, be substitutions most everywhere that there were excisions. It is the consequential value of such a way of life--theirs as well as ours--which must (morally) be compared

with the consequential value of our contemporary, animal-consuming way of life in order to determine the moral superiority here of animal liberation or continued animal consumption.

Of course, it is not possible to give a precise, quantitative response to such a question. However, the great number of animals we consume counts heavily here in favor of animal liberation. It is estimated that in the United States alone we annually consume four to five billion animals, excluding fish. If fish are sentient beings, then that number quickly jumps to several trillion. Virtually all of these animals suffer to one degree or another. For our current, animal-consuming way of life to produce an excess of enjoyment and fulfillment over distress and frustration, the benefit we receive from consuming animals must outweigh this massive burden of suffering. Even more to the point, for our animal-consuming way of life to be superior on these grounds to a way of life in which animals have been liberated, the loss (assuming it would be a loss) that we would incur in shifting from consuming animals to consuming animal substitutes would have to be greater than the benefit that these billions or trillions of animals would realize from this shift.

It is hard to imagine that we would lose more in turning to animal substitutes than the animals could gain by being liberated; so, it is hard to imagine that liberating animals would not lead to a morally better balance of enjoyment and fulfillment with distress and frustration in life than would continuing to consume them. There are only about 260 million people in the United States at present. Consequently, for our current practice of animal consumption to produce an excess of enjoyment and fulfillment over distress and frustration, the benefit each of us receives, on average, from the consumption of animals must outweigh the harm suffered by approximately 25 animals annually, if fish are not counted, and of over 12,500 animals annually, if fish are counted. Furthermore, for animal consumption to be morally preferable, on these grounds, to animal liberation, the loss each of us would suffer if we had to shift to animal substitutes would, on average, have to outweigh the benefit that 25 (or 12,500) animals annually could realize from that shift. This would seem to place the burden of proof squarely on the animal

consumers' shoulders.

Perhaps the most ambitious attempt to date to shoulder this burden has been made by R. G. Frey, in Rights, Killing, and Suffering. In this work, Frey details no less than fourteen (supposedly) seriously adverse consequences of eliminating meat eating. Here, with some abbreviation, is the last of these:

(14) Finally, there is the general financial picture to consider. First, loss of tax revenues from all those businesses and industries even indirectly associated with the meat trade will affect local, state, and national budgets and programmes and will almost certainly affect export markets and the financing of imports from other industrialized countries and the Third World. Second, loss of revenues and of earnings by a great many people will increase the need for costly subsidies and social programmes, which in turn seem likely to feed inflationary pressures. Third, the loss of investment capital and of plant; the loss of income, with consequent effect on mortgages, loans, and credit of all kinds; the disruption in community, regional, and national economies; the demise of savings from individuals who would otherwise bank them; all these and a great many other factors are likely in the United States to place some banks, savings and loan institutions, and loan companies in trouble. This in turn affects confidence. Fourth, loss in confidence will be exacerbated as whole businesses and industries fail or are threatened with going under. Fifth, financial storms of the sort in question are bound to affect the stock market. A massive loss of confidence is likely to be reflected by panic in the market. Sixth, growth in the economy is likely to cease, as whole areas come under intense pressure and confidence is so low as to deter investment; besides a great many people will be out of work and out of hope, as whole industries disappear or contract.[6]

Little do advocates of animal liberation realize that they are pushing us down the slippery slope to Armageddon! More seriously, Frey overlooks almost entirely the development of alternatives to animal consumption which would certainly moderate, if not

entirely eliminate, the negative consequences he foresees. Indeed, the spectre of these fourteen possibilities would itself provide adequate incentive quickly to develop alternative businesses, industries, occupations, and pleasures to replace the losses occasioned by liberating animals. Furthermore, the liberation of animals would likely take place gradually, which would also help to moderate the negative consequences Frey envisages. Finally, the problems Frey outlines are, by and large, only transitory dislocations which we would have to go through to switch from an animal consuming to a liberated way of life. On the other hand, the relief for animal distress and frustration attained through liberating animals would go on indefinitely. Consequently, as time progressed, the negative impact of these transitory dislocations would become more and more insignificant in comparison with these accumulating benefits.

Thus, while Frey is certainly correct that liberating animals would have pervasive consequences--that is part and parcel of animal liberation being a major liberation movement--he is wrong in thinking that the dislocations which would be involved in accomplishing this revolution constitute a significant objection to the consequential superiority of animal liberation over continued animal consumption.

Another, more substantive argument against the consequential superiority of animal liberation over continued animal consumption is the so-called "replacement argument." However, since I have dealt with that argument at length elsewhere,[7] I shall pass over it here and conclude this section by responding to the objection that our references to the great number of animals which would benefit from animal liberation is mistaken. This is because, it has been claimed, if we were no longer permitted to consume animals, we would cease to raise them, and, consequently, many animals would never exist to benefit from being liberated.

Such an objection suffers from tunnel vision. While it is likely that liberating animals would lead to a substantial reduction in the number of chickens, white mice, and other animals bred for our consumption, it is also likely that the number of wild animals would increase substantially. That increase would be due in part to our not needing to

MICHAEL W. FOX
The Humane Society of
The United States

The first people knew
The One Mind in many
And the many in One.
The bear was sacred,
Like the wolf and the deer
And all creatures of the air and waters.

The first people knew
The One Soul in many
And the many in the One.
So they lived in harmony
In reverence of all.
It was a Golden Age.

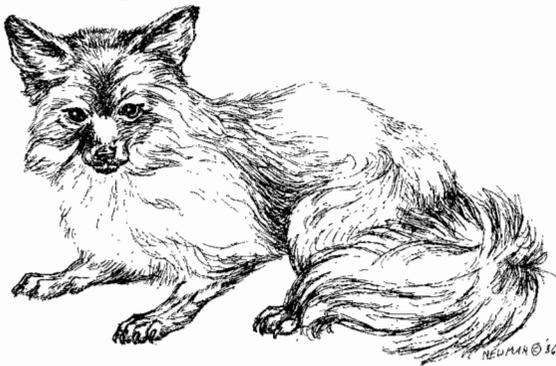
Now this Age has gone
Except in memory
And in our feeling for the Earth.

This poem and others by
Michael W. Fox are from a
long narrative poem pub-
lished by Bear & Company,
Tucson, Arizona.

farm as much land to support ourselves on a vegetarian diet as on a meat diet, thereby releasing land for wild animals to live on. That increase would also result from our recognizing the right of wild animals to their own homeland, thereby halting our continual expropriation of their habitats for our benefit.[8] Furthermore, given our moral goal of making life more enjoyable and fulfilling and our ability to care for animals, we would be obligated (*ceteris paribus*) to act as nature's caretakers, in order to insure the flourishing of sentient life on earth. Consequently, there is no reason to believe that liberating animals would leave significantly fewer animals to benefit from that liberation.

Thus, the extensive distress and frustration occasioned by our current consumption of animals constitutes a serious obstacle to

accomplishing the moral goal of reducing suffering in life and otherwise making life more enjoyable and fulfilling. To paraphrase Winston Churchill, never have so few inflicted so much on so many. Eliminating that distress and frustration might cause us some transitory frustration; however, it is very hard to believe that permanently relieving the animals' distress and frustration would not outweigh our transitory frustration. Consequently, even without considering the other ways in which we, as conscientious stewards of sentient life on earth, might make life more enjoyable and fulfilling for us all, human and non-human, it is hard not to conclude that liberating animals would be a step forward toward accomplishing this consequential goal of morality.



III

The third of our common moral goals is to insure that the available goods, opportunities, rewards, and punishments are distributed fairly. On the face of it, our animal-consuming way of life seems clearly to detract from making the world a fair place in which to live. For example, in order to cure our ills, we take healthy, innocent animals and inflict painful and mortal diseases on them. We also drive animals out of their homes, so that we can enjoy suburban life, and crowd them into factory farms, so that we can have abundant, inexpensive meat. In these and many other ways, we take for ourselves the available goods of the earth, with little, if any, concern for insuring that animals receive a fair share of these goods, and we destroy (the quality of) their lives in our efforts to satisfy our needs and desires. Such treatment of people would be considered grossly unjust, and that we no longer treat people in these ways we consider to be a mark of the moral progress we have

made toward making the world a fair place. It would seem to follow that liberating animals from such discrimination would be yet a further step toward attaining this goal of morality.

Avoiding the conclusion that liberating animals would be fairer than continuing to consume them requires either showing that the concept of fairness cannot be meaningfully applied to our dealings with animals or finding reasons for believing that it is fair for us routinely to sacrifice animals' interests for our benefit. We shall deal with each of these strategies in turn.

Pursuing the former strategy, we could try to introduce a restricted definition of "fairness" which could not apply to animals, e.g., that "fairness" can be an issue only within some sort of contractual situation. However, such a definition would be artificial. Consider the case of two hungry men in Hobbes' state of nature who simultaneously chance upon some food. Assume that David is much stronger than Toby and could take all the food for himself with impunity. Now, what should the men do? While it would be difficult to understand how "David owes Toby half the food" would be a meaningful answer to that question in this situation, "The fair thing would be for the two men to split the food between them" would not be an unintelligible or even an inappropriate answer. That answer would reflect the fact that neither man has a prior, legal or moral claim on the food, that neither man is under a prior obligation to defer to the other, that both are in need of the food, and that they would, presumably, both benefit (and about equally so) from an equal share of the food.

The same sorts of considerations could be raised in a similar situation, where Toby was not a weaker man but a hungry dog. It follows that even if some of our institutionalized senses of "fairness" may not apply to our dealings with animals, our intuitive sense of fairness can be meaningfully applied here. When animal liberation advocates talk about the unfairness of research animals bearing all the burdens while we reap all the benefits and about our taking unfair advantage of the fact that we are so much more powerful than other animals, we understand what they mean, even if we do not agree. Consequently, questions about the fairness of our consuming animals cannot be dismissed as

category mistakes.

Turning to the second strategy, we shall consider three commonly proposed justifications for believing that it is fair for us to consume animals. The first of these is that since we brought them into being, they owe their lives to us, and, consequently, it is fair for us to dispose of those lives as we see fit--provided we do so humanely, of course. If we exclude fish, the vast majority of the animals we consume are bred and cared for by us; so, it is claimed, when we choose to consume them, we are simply exercising our end of the bargain. Being consumed is the only way these animals have of repaying what we have given them, thereby acquitting themselves of the debt they owe us. Thus, there is an inter-species variation of the social contract theory at work in our common attitude toward animals; let us label this "the natural contract."

An obvious problem with citing the natural contract in defense of our consuming animals is that when dealing with people, it does not follow that because we brought them into existence and have cared for them, we are entitled to dispose of their lives for our benefit; so, it does not seem fair that animals should have to pay with their lives for similar benefits. The group of people to which the logic of the natural contract would obviously apply is children, most of whom were brought into existence intentionally by their parents, who also care for them. While we hold that children thereby incur obligations to their parents, we no longer conclude that parents are entitled to dispose of their children's lives, although this conclusion was not uncommon in the past, especially when the children in question were female.[9] Today, children have been liberated from the natural contract, and we regard this as yet another step forward in our moral progress. Consequently, some justification is needed for not liberating animals from the natural contract; so, citing that contract cannot provide a justification for our continuing to consume animals.

Another of the most common responses to animal liberation arguments is "But animals eat other animals." This phrase seems to have a double meaning:

since animals consume other animals, they do not deserve to be treated any better

by us, and

since one species consuming another is a standard, even essential, part of the natural order, we are merely taking our place in nature and making our contribution to the natural cycle of life on earth when we consume other animals.

We shall call these the "Let them reap what they sow!" and the "It's only natural!" defenses of our consuming animals and shall take up each of them in turn.

Of course, it is immediately amusing when the "Let them reap what they sow!" defense is offered in support of our consuming cattle, sheep, hogs, rabbits, and other herbivorous animals. It is also striking that when animals occasionally turn the tables and prey on us, e.g., shark and bear attacks, we do not resignedly say "I guess we, too, have to reap what we sow." Rather, we usually brand such animals "renegades," "monsters," or even "murderers" and go after them in a vengeful and punitive manner. Apparently, we feel that if we do the reaping, that balances the books, but if we are the prey, then some punishment is needed to balance those books. This situation is further confused by our often regarding animals as incapable of recognizing and responding to moral obligations. It follows that their predation cannot consistently be considered to be something like a crime for which they can be expected to suffer the just consequences.

Finally, it can be noted that animal predation is usually properly described as "doing what they must in order to survive." So, if it is "only fair" for us to treat animals as they treat each other, then we should limit our consumption of them to "doing what we must in order to survive." Given our many frivolous uses of animals and the vast array of alternatives to animal consumption which we already have or could develop, our consumption of animals goes far beyond that limit. Consequently, the "Let them reap what they sow!" justification of why it is fair for us to consume animals is not only a confused but also an insufficient excuse for our continuing to consume animals.

Turning to the "It's only natural!" argument, this defense has often been formulated in terms of a natural hierarchy in

which certain life forms are, supposedly, intended for the use of others, e.g., plants being intended for animal consumption and animals being intended for human consumption. However, David Hume and Charles Darwin have made it difficult to develop the argument in this way without an embarrassed smile. Perhaps because of this, the offending reference to natural purpose is today usually replaced by a phrase like "the natural order of things:" big fish eat little fish, and as the most powerful species on this planet, we are simply carrying on the natural order of things by using other species for our benefit.

However, whether we develop this idea from a teleological or an evolutionary perspective, what we are defending is the practice of the stronger routinely sacrificing the interests of the weaker for their (the stronger's) benefit. Today, such practice is not considered fair in dealings among humans, to put it mildly. This was not always the case, for humans-over-animals is not the only "natural hierarchy" that has been proposed. Aristotle thought that men were naturally superior to women, and Victorians thought

white men had to shoulder the burden of being superior to savages. We have come to reject these and many other supposedly natural hierarchies; the history of what we consider moral progress can be viewed as, in large part, the replacement of hierarchical worldviews with a presumption in favor of forms of egalitarianism. This substitution places the burden of proof on those who would deny equal consideration to the interests of all concerned. Consequently, some reason is needed to justify the fairness of maintaining a hierarchical worldview when we are dealing with animals.

Calling the humans-over-animals hierarchy "natural" will not suffice. The long history of our conquest and enslavement of other humans indicates that it is also "natural" for us to engage in these discriminatory practices with other people. If its being natural is not sufficient reason morally to justify our conquering and enslaving other people, then its being natural is not sufficient morally to justify our consuming animals.

Furthermore, as John Rawls has noted, one of the primary purposes of principles of justice is to correct "the arbitrariness of this world." [10] "Arbitrariness" here refers, among other things, to the great differences in power that occur naturally among people. To protect the weak against the strong among us is one of the primary reasons we develop principles of justice. But there are also great differences in power between us and animals, differences of which we take advantage in order to consume them. Since "the arbitrariness of this world" is not limited to the human condition and intra-human relations, it would seem to follow that since correcting such arbitrariness is a fundamental moral concern, we should develop principles of justice to protect animals from our taking unfair advantage of their weakness. At the very least, since principles of fairness are intended to work against the natural order of the stronger benefiting by sacrificing the weaker, simply intoning "But it's the natural order of things!" cannot (logically) show why morality should not work against the humans-over-animals hierarchy.

It could be objected, following something like the logic of Rawls' analysis of justice, particularly his proposed "original position," that moral concern with the inter-

MICHAEL W. FOX

The men were gentle, the women strong
And the children knew no wrong.
The young shared fears and longings
And all their dreams.
There was no separation of one soul
From another; all was one in spirit.
The elders gave the oral histories
Of past lives, past ancestors
Birthing the living whole
Of their eternal present.
They could recall lives past
That were not in human form
And foretold of future lives
That were beyond the realm
Of this time and place
Yet were being born therein.
So they lived in that dimension
Of clear vision where space and time
Made one eternal present
In the all-abiding mind.
The first words shared
Gave names to things experienced
And in this naming
Came the knowing of Nature,
And the deepening of the self.

rests of the weak derives from our self-interest and the possibility that we might become one of the weak.[11] "There, but for the grace of God, go I!" is the motive for fairness in this moral scheme. So, it could be argued that since we need not fear becoming cattle, Rhesus monkeys, etc., this motive cannot be extended to cover our dealings with animals.

In response, we may note that, like other proposed egoistic origins for morality, this one fails to distinguish morality from prudence and does not fit with everyday moral psychology. For example, my moral outrage at the injustice of the apartheid policies in South Africa does not derive from any concern I have about becoming a South African black. There is no more chance of that happening than there is of my becoming a Rhesus monkey. In my own case, and I do not think that I am unusual in this, it is not any sort of self-interest but something like David Hume's "disinterested sentiment" or a deontological sense of fairness being intrinsically valuable which is the origin of my moral concern about injustices in South Africa and other parts of the world remote from my daily life. Thus, self-interest does not set the boundaries of our concern with justice.

Similarly, if, as seems to be presumed in the construction of Rawls' original position, the merely logical possibility that I might have been born a South African black is somehow of importance for developing the principles of justice which I should respect, then the same sort of merely logical possibility that I might have been born a Rhesus monkey or some other animal should suffice to extend these principles of justice to animals. Although the "people" in Rawls' original position are gifted with considerable information and reasoning ability, it does not follow that their principles of justice apply only to the informed and the intelligent. Those principles are to cover even "the least among us," and this opens the door to animals being among the possible incarnations which those in the original position must (logically) be prudentially concerned to have protected against exploitation. It will not do to object that we cannot know "what it is like to be a bat," to use Tom Nagel's famous example, and, therefore, cannot determine exactly what is needed to protect animals' interests against abuse. Even if we cannot directly experience the pleasures of

other life forms, we can, if we will make the effort to observe animals closely, come to understand which ways of life provide them more enjoyment and fulfillment, and such common sensical understanding is all that is required for the protective reflections carried on in the original position.[12] Therefore, Rawls' analysis of the original position does not provide a basis for refusing to extend our moral concern with correcting the arbitrariness of nature to our relations with animals.

MICHAEL W. FOX

Each word expressed an aspect
Of the Mind incarnate
In all things that were named.
Language was sacred and sanctifying.
For in its beginning there was the word
And the living word was God.
In every word that was a name
There was also divinity:
Stone, bone, soil and seed
Were holy things
Like water, fire and wind,
All aspects of the living whole
Whose spirit breathed in sacred places;
In the valleys, deserts, mountains,
Forests, oceans, lakes and rivers,
And in all living things
Called, recalled and known by name.
In the naming of these things
They were incorporated into the human mind,
And the sanctity of being
Was experienced in word and song and prayer.

Consequently, the egoistic dimension in Rawls' theory of justice does not provide good reason to believe that our moral concern with protecting the weak against the strong and other issues of justice must (logically) be restricted to intra-human relations. Unless some other, morally significant justification can be provided for respecting the natural order which leaves us the strongest species, that order is no less arbitrary and no less in need of correction by principles of justice than were the "natural" hierarchies envisioned by Aristotle and the Victorians.

Thus, the apparent unfairness of our consuming animals is not shown to be mere appearance by the natural contract, the natural order, or the idea that animals should

reap what they sow. Perhaps what most sharply separates the new animal rights movement from the traditional animal welfare movement is the new movement's insistence that no matter how humanely we do it, our continuing routinely to sacrifice animals' interests for our benefit is unfair. That claim has still to be rebutted, if it can be.

IV

Thus, liberating animals from our routine sacrifice of their interests for our benefit would seem to be the right thing to do in order better to pursue our moral goals of developing moral virtues, reducing suffering, and being fair.

I began this essay by noting what I believe to be the common feeling underlying opposition to animal liberation. Hopefully, the arguments of this essay are strong enough at least to indicate that that feeling cannot simply be trusted. Hopefully, these arguments have shown that even though current, common morality does not question our consuming animals--provided the sacrifice is executed humanely--there are fundamental elements of that morality which point in the direction of animal liberation. If that is correct, then there are fundamental reasons for questioning the feeling that we are obviously justified in consuming animals and for requiring that some more substantive justification be offered, if we are going to continue to consume animals.

Notes

1. Berkeley, University of California Press: 1983.
2. The Linguistic Turn (Chicago: The University of Chicago Press, 1967), p. 33.
3. "A Critique of Personhood," Ethics 91 (1981), pp. 607-18.
4. Donald Vandever has taken some interesting steps toward working out the details of a "degrees" ethics in "Interspecific Justice," Inquiry 22 (1979), pp. 55-80.
5. "Are Animals Moral Beings?," American Philosophical Quarterly 17 (1980), pp. 45-52.
6. Oxford: Blackwell, 1983, pp. 197-

203.

7. "On Being Morally Expendable," Ethics & Animals III (1982), pp. 58-72.
8. See Peter Wenz, "An Ecological Argument for Vegetarianism," Ethics & Animals V (1984), pp. 2-9.
9. Bernard Rollin makes a similar point in Animal Rights and Human Morality (Buffalo: Prometheus Books, 1981), p. 49.
10. A Theory of Justice (Cambridge: Harvard University Press, 1971), p. 141.
11. Ibid., pp: 118-22.
12. For a fine survey of the ways of discovering what makes animals suffer, see Marian Stamp Dawkins' Animal Suffering (New York: Chapman and Hall, 1980).

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ETHICS AND ANIMALS

CENTRAL DIVISION MEETING
SPRING, 1988

in conjunction with
AMERICAN PHILOSOPHICAL ASSOCIATION

It is proposed that as background for work on issues relating to ethics and animals, it is at least a desideratum to have some sessions on the advantages to professional philosophy of reflection on other-than-human aspects of nature, particularly the sentient creatures. These papers might, for example, have to do with aesthetics, spirituality of the philosopher, or philosophy of religion.

Please send proposals for such papers to convener's home address:

Prof. Mary Carman Rose
402 Gittings Avenue
Baltimore, MD 21212.