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The Mere Considerability of Animals

Singer and Regan predicate their arguments — for ethical vegetarianism, against animal experimentation, and for an end to animal exploitation generally — on the *equal considerability premise*. According to this premise, we owe humans and sentient nonhumans *exactly same degree* of moral consideration. While Singer's and Regan's conclusions follow from the equal considerability premise, many philosophers reject their arguments precisely because they find the equal considerability premise morally repugnant and intuitively unacceptable. Like most people, you probably reject the equal considerability premise. Nevertheless, you're already committed to the *mere considerability premise* — the premise that animals deserve *some* moral consideration, although not as much consideration as that owed humans. I argue that the mere considerability premise entails that vegetarianism is morally obligatory in most contexts and that animal experimentation is almost always wrong. Since you accept the mere considerability premise, you are already rationally committed to the immorality of eating meat and the wrongfulness of most animal experimentation. Consequently, consistency with your own beliefs requires that you stop eating meat and stop purchasing products tested on animals.

Keywords: moral considerability, practical consistency, animal experimentation, ethical vegetarianism

The debate over whether animals have rights or moral standing is, at bottom, a debate about which sorts of entities deserve moral consideration and how much consideration these entities are owed. Singer and Regan predicate their arguments — for ethical vegetarianism, against animal experimentation, and for an end to animal exploitation generally — on the equal moral considerability of humans and sentient nonhumans.¹ Singer argues that the principle of equality is a basic moral

¹ See Peter Singer's *Animal Liberation*, 2d ed. (New York: Avon Books, 1990) or his "All Animals are Equal" in *Animal Rights and Human Obligations*, 2d ed., eds. Regan and Singer (Englewood Cliffs, NJ: Prentice Hall, 1989), pp. 73-86. See Tom Regan's *The Case for Animal Rights* (Berkeley: University of California Press, 1983), or his "The Case for Animals Rights" in *Animal Rights and Human Obligations*, *op. cit.*, pp. 105-114.

principle that extends to all sentient animals, because all sentient animals have interests; and he concludes that all sentient animals are *equal* from the moral point of view and deserve *exactly the same* consideration of their interests.² Accordingly, we must give as much weight to a nonhuman animal's interest in avoiding suffering as we would to a human's interest in avoiding the same degree of suffering.³ Regan contends that all *experiencing subjects of a life* (i) have *inherent value*, (ii) possess *equal* inherent value, and (iii) have an *equal right* to be treated in ways that respect that value.⁴ Since one right that all experiencing subjects of a life possess *equally* is the right to life, a cow's, pig's, cat's, rat's, or chicken's right to life is *equally stringent* and must be accorded *the same respect* as a human's right to life. Call this the *equal considerability premise*. According to this premise, humans and sentient nonhumans deserve exactly the same degree of moral consideration. Since it is *prima facie* wrong to kill and eat humans and to experiment on humans without their consent — humans deserve more consideration than that — the equal considerability premise entails that it is equally wrong to do these things to sentient nonhumans.⁵ The problem is this: While Singer's and Regan's conclusions follow from the equal considerability premise, many (perhaps most) philosophers reject their arguments precisely because they find the equal considerability premise unacceptable. I submit that, in employing the equal considerability premise, Singer and Regan have employed a stronger and more contentious premise than is needed to establish ethical vegetarianism and the wrongfulness of (at least most) animal experimentation. My aim in the present essay is to show that once one grants that animals deserve some, albeit not equal, moral consideration, it follows that vegetarianism is obligatory in most contexts⁶ and that animal experimentation is almost

² Singer, *Animal Liberation*, pp. 6-9. Singer does point out that equal consideration of interests does not necessitate equal treatment since what sort of treatment a being deserves depends on what interests that being has (p. 2).

³ As Singer puts it: "No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering — insofar as rough comparisons can be made — of any other being" (*Animal Liberation*, p. 8).

⁴ Regan, "The Case for Animals Rights," pp. 110-113. Regan defines an *experiencing subject of a life* as a conscious creature having an individual experiential welfare that is important to it, independent of its usefulness to others (p. 111). According to Regan, to say that a being has *inherent value* is to say that that being has value in and of itself independent of that being's usefulness to others (pp. 110-111).

⁵ Here I am assuming that sentient nonhuman animals have an interest in avoiding the pain, suffering, and untimely deaths inherent in animal agriculture and animal experimentation.

⁶ Ethical arguments are often context-dependent in that they presuppose a specific audience in a certain set of circumstances. Recognizing what that intended audience and context is, and what it

always wrong. I shall begin by examining Becker's, Steinbock's, and Carruthers' reasons for rejecting the equal considerability premise. I shall then argue that even if you reject the equal considerability premise (as you probably do), you're nevertheless already committed to the *mere considerability premise* — the premise that animals deserve *some non-negligible* amount of direct moral consideration, although not as much consideration as that owed humans.⁷ I conclude by tracing out some of the ethical implications of the mere considerability premise.

1. The Abominable Intuition

The equal considerability premise (hereafter, EC) entails that many widely accepted practices are profoundly immoral and ought to be abolished. Since we think it profoundly wrong to kill and eat humans, even severely retarded humans, for no good reason — humans deserve more consideration than that — and since, according to EC, sentient animals including cows, pigs, chickens, turkeys, and fish deserve the same degree of moral consideration as humans, it follows from EC that killing and eating animals for no good reason is profoundly wrong. Since it would be wrong to perform painful medical experiments, e.g. burn experiments, on human beings without their consent, it is equally wrong to perform such experiments on animals without their consent. Since it would be wrong to blind human beings in caustic household-product tests, it is equally wrong to blind sentient animals in Draize eye irritancy household product tests. Consequently, if the equal considerability premise is true, then vegetarianism is morally required and animal experimentation is morally wrong and must be abolished.

Those philosophers who reject Singer's and Regan's arguments for ethical vegetarianism and animal liberation in general typically do not deny that sentient animals are morally considerable, rather they deny the equal considerability premise that all sentient creatures deserve *equal* moral consideration. They find the consequences of EC extremely counterintuitive, if not outright morally repugnant. Con-

is not, can prevent confusions about the scope of the ethical claim being made. My argument is context-dependent in precisely this way. It is not aimed at those relatively few indigenous peoples who, because of the paucity of edible vegetable matter available, must eat meat to survive. Rather, it is directed at people, like you, who live in agriculturally bountiful societies in which a wealth of nutritionally adequate alternatives to meat are readily available. I intend to show that your beliefs entail that eating meat is morally wrong for anyone in the circumstances in which you typically find yourself and *a fortiori* that it is morally wrong for you to eat meat in these circumstances.

⁷ Just how much consideration this non-negligible amount is (i.e. just how much consideration animals are owed) will be discussed more fully in sections 2 and 3.

sider the following: After an unpleasant encounter with an iceberg, four men and a large dog find themselves crowded into a small lifeboat only capable of supporting four beings. If one being is not thrown overboard to certain death in the shark-infested waters, the lifeboat will sink and all five will be devoured by sharks. It would seem that, given EC, the dog has as strong a claim to stay in the lifeboat as any of the men. After all, Singer must admit that the dog has an interest in avoiding the agony of being eaten alive by sharks, and since all beings with interests deserve equal consideration of their interests, the dog's interest in not being eaten alive by sharks must be given equal weight to the men's interest in not being eaten alive by sharks. And Regan, it would seem, *should* hold that since the dog is a sentient experiencing subject of a life, the dog not only has inherent value, but also the same degree of inherent value as the men, making the dog equally deserving of respect as the men and giving the dog a right to life equal to that of the men. So, if the equal considerability premise were true, it seems that the passengers in the lifeboat would be morally required to use a fair decision-making procedure like drawing straws to see which being must be sacrificed for the sake of the others, and it could turn out that one of the men is sacrificed for the dog and the other three men. The situation remains the same if the fifth passenger is a pig, a large rat or a large chicken. Most people have a strong intuition that human lives are more valuable than dogs' lives and certainly more valuable than chickens' lives, and as a result, they would find any premise which entails that a man might have to be sacrificed to save a chicken extremely counterintuitive.

It is one thing to have an intuition and another to justify it. How might one justify the belief that human interests deserve greater consideration than the interests of nonhuman animals? Lawrence Becker argues for the priority of human interests over comparable interests of sentient nonhumans on the grounds that moral excellence requires us to order our preferences by "social distance" so as to give greater priority to the interests of those socially "closer" to us. Since we are typically closer to family than friends, we should typically give greater priority to the interests of family members over the comparable interests of friends. Since we are typically closer to members of our own species than we are to members of other species, we should typically give greater priority to the interests of members of our own species over the comparable interests of members of other species.⁸ In rejecting Singer's transspecies egalitarianism, Bonnie Steinbock also appeals to feelings

⁸ Lawrence C. Becker, "The Priority of Human Interests" in *Animal Rights and Human Obligations*, *op. cit.*, pp. 87-94.

of closeness as the ground of our special obligations to members of our own species:

I doubt that anyone will be able to come up with a concrete and morally relevant difference that would justify, say, using a chimpanzee in an experiment rather than a human being with less capacity for reasoning, moral responsibility, etc. Should we then experiment on the severely retarded? Utilitarian considerations aside . . . , we *feel* a special obligation to care for the handicapped members of our own species, who cannot survive in this world without such care . . . although one can imagine oneself in the monkey's place, one *feels* a *closer identification* with the severely retarded human being. Here we are getting away from such things as 'morally relevant differences' and are talking about something much more difficult to articulate, namely, the role of *feeling* and *sentiment* in moral thinking⁹ (my emphasis).

Despite the rhetorical force of Becker's and Steinbock's assertions, the underlying argument is weak. Since considerations of social closeness (or feelings of emotional closeness) are not typically thought to justify preference for members of one's own race, it is doubtful that they can provide adequate grounds for giving preference to members of one's own species. As Rachels aptly puts it:

The progression from family to neighbor to species passes through other boundaries on the way — through the boundary of race, for example. Suppose it were suggested that we are justified in giving the interests of our own race greater weight than the interests of other races . . . This would be rightly rejected, but the case for distinguishing by species alone is little better.¹⁰

I will not try to resolve the matter as to whether humans do, in fact, deserve greater consideration than nonhumans. Rather, I simply wish to register how deeply entrenched this attitude is among humans. Peter Carruthers minces no words when stressing how strongly he feels that human interests take priority over animal interests. Because his views are illustrative of the firm human-over-animal attitude that most philosophers share, I shall quote his views at length:

. . . imagine that you arrive at a fire in a dogs' home to find Kenneth, the human owner, unconscious on the floor while the dogs are all locked in their cages. Your judgement is that you only have time to drag Kenneth to safety, or to unlock the cages to allow the dogs to escape, but not both. Here I think that no one would maintain that you ought to place the lives of many dogs above the life of a single human.¹¹

In an effort to undermine Singer's nonspeciesistic egalitarian utilitarianism, Carruthers embellishes the above example as follows:

⁹ Bonnie Steinbock, "Speciesism and the Idea of Equality," *Philosophy* 53 (April 1978), pp. 255-256.

¹⁰ James Rachels, "Darwin, Species, and Morality" in *Animal Rights and Human Obligations*, *op. cit.*, p. 97.

¹¹ Peter Carruthers, *The Animals Issue: Moral Theory in Practice* (Cambridge: Cambridge University Press, 1992), p. 9.

Suppose you also know that Kenneth is quite old, and is something of a recluse who lives entirely for his work, without anyone to care for him. In these circumstances a utilitarian is clearly committed to the view that you should opt to rescue the dogs. For this is obviously the way to ensure the greatest future pleasure, and/or the greatest future desire satisfaction. Utilitarians cannot avoid this conclusion by discounting the interests of the dogs altogether, without engaging in a form of speciesism which must be unacceptable from their own perspective.

This conclusion is morally outrageous, however, as are its further consequences. Once it is accepted that the killing of an animal is just as morally serious, in general, as the killing of a human being, then those practices that involve the regular slaughter of animals, such as farming and some forms of animal experimentation, will seem to fall within the same moral category as the Nazi holocaust. And then any form of opposition to such practices, of whatever degree of violence, will seem eminently justified. In fact, those animal rights activists who pursue the methods of terrorism — planting bombs and poisoning baby-foods — are only following utilitarianism through to its logical, but morally abhorrent, conclusion.

Our common-sense, pre-theoretical, view is that it would be very wrong to place the lives of many dogs over the life of a single (albeit old and friendless) man.¹²

Carruthers finds the equal considerability premise to be not only intuitively unacceptable and morally outrageous, but outright morally abhorrent. The nonspeciesistic intuition that animals are owed the same degree of moral consideration that humans are owed is, as Carruthers sees it, a moral abomination. Carruthers insists “that our common-sense belief that human and animal lives cannot be weighed against one another appears to be particularly central to morality.”¹³ Even Singer and Regan seem to share this common-sense view, for they go to great pains to try to show that their positions do *not* entail the acceptability of sacrificing a human to save a dog or a chicken. Regan attempts to justify the sacrificing of nonhuman animals to save humans by appeal to *the worse off principle*.¹⁴ Here’s what Regan has to say about our earlier lifeboat case:

¹² Ibid., pp. 96-97. I believe there are many plausible responses that the utilitarian can make regarding Carruthers’ charge that utilitarianism is committed to the use of violence and terrorism to bring an end to animal exploitation, most notably that it is extremely doubtful that such violence would be an effective means of reducing animal suffering and if, as is likely, it failed to reduce animal suffering, then it would only serve to increase the total amount of suffering in the world (because of the additional human suffering it produced), which is antithetical to utilitarianism. Nevertheless, I’m not concerned to go to any lengths to defend the utilitarian on this point, since my only interest in presenting Carruthers’ remarks is to show how deeply morally repugnant he finds the equal considerability premise.

¹³ Carruthers, *The Animals Issue*, p. 9.

¹⁴ According to Regan, *the worse off principle* asserts: “Special considerations aside, when we must decide to override the rights of the many or the rights of the few who are innocent, and when the harm faced by the few would make them worse-off than any of the many would be if any other

All on board have equal inherent value and an equal prima facie right not to be harmed. Now, the harm that death is, is a function of the opportunities for satisfaction it forecloses, and no reasonable person would deny that the death of any of the four humans would be a greater prima facie loss, and thus a greater prima facie harm, than would be true in the case of the dog. Death for the dog, in short, though a harm, is not comparable to the harm that death would be for any of the humans. To throw any one of the humans overboard ... would be to make that individual worse-off (i.e., would cause *that* individual a greater harm) than the harm that would be done to the dog if the animal were thrown overboard.¹⁵

Regan goes on to say:

The lifeboat case would not be *morally* any different if we were to suppose that the choice had to be made, not between a single dog and the four humans, but between these humans and any number of dogs [S]uppose they number a million; and suppose the lifeboat will support only four survivors. Then the rights view still implies that ... the million dogs should be thrown overboard and the four humans saved.¹⁶

From the standpoint of the rights view, Regan’s response is problematic for a number of reasons. First, it is not at all clear that the harm that death is for humans is always worse than the harm that death is for dogs. Second, suppose it were. Then, so much the worse for the rights view. If dogs’ lives can always be sacrificed to save human lives, then *at least in practice* the dog’s right to life is not equally stringent to the human’s right to life, a consequence antithetical to the entire rights view approach.

Unlike Regan, Singer does admit that some animal lives are more valuable than some human lives. For example, he maintains that a normal dog’s life is more valuable than the life of a severely retarded human infant, and that therefore the dog’s right to life is as stringent as, if not more stringent than, that of the retarded infant.¹⁷ Nevertheless, even for Singer, in the overwhelming majority of cases humans come out on top. Singer writes:

I conclude, then, that a rejection of speciesism does not imply that all lives are of equal worth. While self-awareness, the capacity to think ahead and have hopes and aspirations for the

option were chosen, then we ought to override the rights of the many” (Regan, *The Case for Animal Rights*, p. 308).

¹⁵ Regan, *The Case for Animal Rights*, p. 324.

¹⁶ Ibid., pp. 324f.

¹⁷ Singer, *Animal Liberation*, p.19. As a preference utilitarian, Singer admits that he is speaking loosely when he uses “rights” talk. He is not committed to the existence of rights in the philosophically robust sense, but rather uses “rights” talk as a convenient political shorthand to indicate that animal interests must be taken into account in our ethical decision-making (See his *Animal Liberation*, p. 8).

future, the capacity for meaningful relations with others and so on are not relevant to the question of inflicting pain ... these capacities are relevant to the question of taking life. It is not arbitrary to hold that the life of a self-aware being, capable of abstract thought, of planning for the future, of complex acts of communication, and so on, is more valuable than the life of a being without these capacities Normally this will mean that if we have to choose between the life of a human being and the life of another animal we should choose to save the life of the human; ... The preference, in normal cases, for saving a human life over the life of an animal when a choice has to be made is a preference based on the characteristics that normal humans have, and not on the mere fact that they are members of our own species.¹⁸

Like Carruthers, Singer shares the intuition that the lives of normal humans are of greater value than the lives of nonhuman animals. The main problem here for Singer is that it seems irreconcilable with his preference utilitarianism, for it is far from obvious that saving normal humans over nonhuman animals will always result in a greater balance of interest satisfaction. After all, on the plausible assumption that normal humans have far more interests than nonhumans, it is quite likely that more of the human's interests will be frustrated. Simply put, it is easier to satisfy the relatively few interests of a dog than it is to satisfy the myriad interests of a human, and so, it seems likely that saving humans will actually increase the number of frustrated interests, which runs counter to the preference utilitarian ideal. The point worth stressing is this: Even Singer and Regan, the two principal proponents of EC, find some of EC's implications abominable and strive to distance themselves from these unpalatable implications.

For the sake of argument, I shall assume that, like most people, you share Carruthers' intuition that the implications of EC are abominable and, hence, that you find EC intuitively unacceptable. What follows regarding our treatment of animals, if we reject the equal considerability premise? Can we do just anything we want to and with animals, if we reject EC? The remaining sections are devoted to answering these questions.

2. Another Abomination and an Alternative

I submit that Carruthers is right when he claims that most people share the intuition that humans deserve greater moral consideration than sentient nonhumans and that, as a result, most people deny the equal considerability premise. Where do we go from here? It seems we have two options: We could either embrace *the no considerability premise* or *the mere considerability premise*. According to the no consid-

¹⁸ Ibid., pp. 20f.

erability premise, nonhuman animals deserve absolutely *no* direct moral consideration at all; whereas according to the mere considerability premise, nonhuman animals deserve *some non-negligible* amount of direct moral consideration, but not as much moral consideration as that due humans. While the implications of the equal considerability premise may be abominable, the implications of the no considerability premise [NC] are just as abominable, for NC entails that there is absolutely nothing that I could do to an animal that would wrong the animal. For example, NC entails that gouging out the eyes of a stray beagle puppy with a rusty butter knife slowly for fun does not directly wrong the puppy.¹⁹ NC entails that stomping on a stray kitten's hindquarters, crushing her legs and leaving her to die a slow excruciatingly painful death from internal hemorrhage is not directly wrong. And NC entails that skinning animals alive for no good reason is not directly wrong. Without a doubt, our common-sense pre-theoretical intuitions tell us that doing any of these things to animals would be profoundly wrong and morally abhorrent. Consequently, NC is as much of an abomination as EC.

While it is true that most (if not all) people share the intuition that humans deserve greater moral consideration than sentient nonhumans, it is also true, as we have just seen, that most (if not all) humans think that animals deserve *some minimal yet non-negligible* amount of direct moral consideration. Just how much moral consideration is meant by *minimal yet non-negligible* (hereafter, MYN) consideration? As the above examples illustrate, at a minimum, MYN consideration requires that animals *not* be blinded, crushed, or skinned alive for no good reason. The above three examples illustrate another point, as well. The nearly universal moral revulsion these examples engender shows just how widely the mere considerability premise is accepted. Even the most ardent critics of Singer's and Regan's transspecies egalitarianism admit that animals deserve *some minimal yet non-negligible* direct moral consideration. For example, Becker, in the same article in which he sets out to defend the priority of human interests, begins with the following caveat:

But I want to make it clear from the outset that no amount of filling in will turn this argument into a defense of the proposition that humans are morally superior to animals (whatever that

¹⁹ If torturing puppies in this way makes one significantly more inclined to torture humans (as empirical evidence suggests), then even given NC, one might still have an indirect duty to humans not to torture the puppy in this way. In this paper, I am solely concerned with direct duty views. According to NC, we have no direct duty to the puppy not to blind it in this way. I submit that such a consequence is at least as abominable as that of sacrificing a human to save a dog.

might mean). Nor will the argument deny consideration to the interests of animals in the making of moral decisions, or deny that those interests can often override human ones. **My argument is not a defense of the cruelty to animals found in factory farming and much scientific experimentation**²⁰ (my emphasis).

In her article attacking Singer's position, Steinbock offers a similar caveat:

But first I want to point out that the issue is not one of cruelty to animals. **We all agree that cruelty is wrong**, whether perpetrated on a moral or nonmoral, rational agent **Torturing an animal is cruel**, because although the pain is logically necessary for the action to be torture, the end (deriving pleasure from seeing the animal suffer) is monstrous. **Allowing animals to suffer from neglect or for the sake of large profits may also be thought to be unnecessary and therefore cruel**²¹ (my emphasis).

Even Carruthers, who is notorious for his lack of concern for animals, acknowledges that sentient animals deserve some moral consideration:

... it will be useful to have a rough idea at the out-set of what our common-sense morality tells us about the status and appropriate treatment of animals. The general view seems to imply that animals have *partial* moral standing — their lives and experiences having direct moral significance, but much less than that of human beings. Most people hold that it is wrong to cause animals unnecessary suffering. Opinions will differ as to what counts as necessary **But all will agree that gratuitous suffering — suffering caused for no good reason — is wrong**²² (my emphasis).

Like Becker, Steinbock, and Carruthers, your own beliefs show that you are already committed to the mere considerability premise. Remember Harman's famous example: "If you round the corner and see a group of young hoodlums pour gasoline on a cat and ignite it, you do not need to *conclude* that what they are doing is wrong; you do not need to figure anything out; you can *see* that it is wrong."²³ Like Harman, you believe that it is directly wrong to torture a cat to death for no good reason, and so you are committed to the view that cats deserve at least that much moral consideration. You also believe that blinding beagle puppies, crushing kittens' hind legs, and skinning animals alive for no good reason are terribly wrong actions, since animals deserve more moral consideration than that. Now, consider another example: You are driving down the road, and as you round the corner, you see a dog in the middle of the road and an azalea bush on the side of the road. You don't have time to stop. Your only options are to run over the dog or to veer and run over the

²⁰ Becker, "The Priority of Human Interests," pp. 87-88.

²¹ Steinbock, "Speciesism and the Idea of Equality," p. 251.

²² Carruthers, *The Animals Issue*, p. 8.

²³ Gilbert Harman, *The Nature of Morality: An Introduction to Ethics* (New York: Oxford University Press, 1977), p. 4.

bush. What should you do? Other things being equal, you no doubt think that you should swerve and hit the bush. Thus, not only do you think that animals deserve a non-negligible amount of moral consideration, you think that they deserve greater moral consideration than plants.

Steinbock, herself, concludes her attack on Singer by expressly endorsing the mere considerability premise: "I have been arguing that we are morally obligated to consider the interests of all sentient creatures, but not to consider those interests equally with human interests. Nevertheless, even this recognition will mean some radical changes in our attitude toward and treatment of other species."²⁴ In the section 3, I consider two such radical changes in treatment.

3. The Mere Considerability of Animals: Some Ethical Implications of *Your* View

If sentient animals deserve MYN moral consideration, then they cannot be treated cruelly for no good reason.²⁵ If animals deserve MYN moral consideration, then they cannot be killed for no good reason.²⁶ If animals deserve MYN moral consid-

²⁴ Steinbock, "Speciesism and the Idea of Equality," p. 256.

²⁵ As we have just seen, even the staunchest critics of the equal considerability premise — Becker, Steinbock, and Carruthers — acknowledge this point.

²⁶ According to the mere considerability premise, animals are owed some direct moral consideration. One of the most natural ways of showing animals consideration is to take their interests into account when deciding what to do. Most (if not all) people agree that animals have an interest in avoiding gratuitous suffering, and therefore, most (if not all) people are committed to the wrongfulness of the abuses perpetrated against animals in factory farms. Some might insist, however, that only self-conscious beings have an interest in continued existence and that, therefore, killing them painlessly is not wrong. I am inclined to think that animals have a meta-interest in continued existence, since continued existence is a necessary condition for the satisfaction of all of their other interests and that, therefore, we ought to take this meta-interest into account when deciding what to do. However, even if animals don't have an *interest* (in the philosopher's technical sense) in continued existence, virtually all people still think that it is wrong to kill an animal for no good reason. Surely, if I walk up to a dog lying peacefully in the sun bothering no one and kill her for no good reason, I have done something wrong to that dog, for I have deprived that dog of all of her future pleasant experiences. For this reason, I contend that killing an animal for no good reason is incompatible with giving that animal the mere consideration due her. I should note that this entire objection is mute, if, as neuropsychologist Antonio Damasio suggests, selfhood and subjectivity are themselves necessary conditions for consciousness in general and not just for self-consciousness [See his *Descartes' Error: Emotion, Reason, and the Human Brain* (New York, NY: Grosset/Putnam Publishing Co., 1994), p. 238.]. For then, since all of the animals we routinely eat are conscious, all of them would have to be self-conscious, as well, which in turn would give them a full-blown interest in continued existence.

eration, then their most significant interests cannot be outweighed by the trivial interests of humans. Recall Harman's cat. The pleasure the thugs get from burning the cat alive does not outweigh the cat's interest in avoiding such suffering. Or consider a Satanist who gets enormous pleasure, both sadistic and gustatory, out of slowly torturing a fully conscious dog by skinning and eating it alive. Surely, the pleasure the Satanist gets does not outweigh the dog's interest in avoiding such horrific suffering. But if the Satanist's combined sadistic and gustatory pleasures don't outweigh the dog's interest in avoiding such suffering, then *a fortiori* a nonsadistic meat-eater's gustatory pleasure *alone* is not sufficient to outweigh the cow's, pig's, or chicken's interest in avoiding similar suffering.

One might object to the comparison on the grounds that the meat-eater gets certain other benefits in addition to gustatory pleasure which in conjunction with the gustatory pleasure do outweigh the animal's most significant interests in avoiding suffering and in continued existence. But the fact is that humans can meet all of their nutritional needs and can meet them better with a diet devoid of animal products.²⁷ The leading killers in the U.S. and Europe — heart disease, cancer, and stroke — are all strongly positively correlated with the consumption of meat and animal products. In fact, vegetarians tend to outlive meat-eaters by seven years and aren't prone to other degenerative diseases such as diabetes and stroke which slow people down and make them chronically ill.²⁸ What about cost? Beans and grains, especially when purchased in bulk, are considerably cheaper than meat and other animal products. Convenience? To be sure, sometimes being a vegetarian is inconvenient. But lots of times, eating meat is just as inconvenient (e.g. it takes hours to roast a turkey, whereas it takes only a few minutes to heat up some pasta with fresh

²⁷ See, e.g., The American Dietetic Association's position paper on vegetarian and vegan diets: "Position of the American Dietetic Association: Vegetarian Diets," *Journal of the American Dietetic Association* 97 (November 1997), pp. 1317-1321, wherein the ADA asserts:

Scientific data suggest positive relationships between a vegetarian diet and reduced risk for several chronic degenerative diseases and conditions, including obesity, coronary artery disease, hypertension, diabetes mellitus, and some types of cancer *It is the position of The American Dietetic Association (ADA) that appropriately planned vegetarian diets are healthful, are nutritionally adequate, and provide health benefits in the prevention and treatment of certain diseases.* (p. 1317)

Also see my "The Immorality of Eating Meat" in *The Moral Life*, ed. Louis Pojman (Oxford: Oxford University Press, 2000), wherein I document the health benefits of plant-based diets.

²⁸ William Castelli, "Lessons from the Framingham Heart Study: How to Reduce the Risk of Heart Disease," *Bottom Line: Personal* (July 1, 1994), p. 10; and "An Interview with William Castelli," *Good Medicine* 5, no. 3 (summer 1996), p. 15.

veggies), and the inconvenience of eating meat (when it is inconvenient) doesn't dissuade most meat-eaters from eating meat. If one can put up with the inconvenience of eating meat, one can just as easily put up with the inconvenience of eating fruits, vegetables, beans, and grains. But more to the point, if cows, pigs, and chickens deserve MYN moral consideration, then surely their lives are worth more than our relatively minor inconvenience. Once the veil of rationalizations is lifted, it is obvious that Singer's original observation is correct: Most people eat meat for only one reason — they like the taste, and taste is an incredibly trivial interest compared to the most significant interests of the animal.²⁹ To sacrifice the most significant interests of the animal to satisfy such a trivial interest of our own shows the animal no moral consideration at all.

Finally, one might object to the comparison between the sadistic Satanist and the nonsadistic meat-eater on the grounds that, while the dog was brutally and sadistically skinned alive, farm animals are killed humanely. Unfortunately, that is often not the case. Gail Eisnitz, chief investigator for the Humane Farming Association, reports that killing line speeds are so fast in modern slaughterhouses that animals frequently do not have time to bleed out before reaching the skinners and leggers. As a result, unstunned and improperly stunned cows routinely have their legs cut off and their skin removed while they are still alive, and unstunned and improperly stunned pigs are routinely lowered face first into the 140°F (60°C) scalding tank while they are still fully conscious.³⁰ Plus, the animals' suffering doesn't start at the slaughterhouse. Rather, slaughter is the culmination of a lifetime of brutalization in factory farms. Factory farms are intensive confinement facilities where animals are forced to live in extremely cramped, overcrowded unnatural conditions in cages or crates for the duration of their lives. To prevent losses from these stressful, unsanitary conditions, animals are given a steady supply of antibiotics and growth hormones and are forced to endure routine mutilations including dubbing, debeaking, tail docking, dehorning, branding, castration, ear tagging, ear clipping, teeth pulling, and toe removal, *all performed without anaesthesia. Unanaesthetized* branding, dehorning, ear tagging, ear clipping, and castration are standard procedures on nonintensive family farms, as well.³¹ The animals are also fed unnatural diets, e.g. the USDA has approved adding the ground up remains of dead

²⁹ Singer, "All Animals Are Equal," pp. 79-80.

³⁰ Gail Eisnitz, *Slaughterhouse: The Shocking Story of Greed, Neglect, and Inhumane Treatment Inside the U.S. Meat Industry* (Amherst, NY: Prometheus Books, 1997), pp. 28-29, 126-128, and 71.

³¹ Singer, *Animal Liberation*, p. 145.

diseased animals (which were not fit for human consumption), cement dust, and even animal feces to animal feed.³²

Raising animals in this manner shows them *absolutely no consideration at all*. Slaughtering animals for no good reason shows them *absolutely no consideration at all*. When equally abundant, more nutritious plant foods are available, there is *no good reason* to kill animals for food. Consequently, your commitment to the mere considerability premise commits you to the immorality of these animal rearing and slaughtering practices. Giving animals the mere MYN consideration they are due requires that they not be sacrificed for entirely trivial reasons. Giving animals the mere MYN consideration they are due requires that you not participate directly or indirectly in practices that inflict pain, suffering and death on animals for trivial reasons. Factory farming and animal agriculture are clearly practices that do inflict pain, suffering, and death on animals for trivial purposes.³³ So, giving animals the mere MYN consideration that you yourself admit they are due requires that you refuse to participate in the practice of factory farming either directly by engaging in such farming yourself or indirectly by paying others to do that farming for you. In short, giving animals the mere MYN consideration they are due requires that you *not* support factory farmers with your purchases. The *only way to not*

³² The slaughtering and animal-rearing practices just described have been documented in the following films and videos: Frederick Wiseman's *Meat* (Kine Films, Inc., 1976); Victor Schonfeld's *The Animals Film* (Slick Pics International, 1981); Humane Farming Association's *The Pig Picture* (1995); PETA's *The Diner Video* (1996); and PETA's *Pig Farm Investigation* (1999). For a more detailed account of the cruelties inherent factory farming and modern animal agriculture, see my "The Immorality of Eating Meat." Also see Mason and Singer's *Animal Factories*, 2d ed. (New York: Harmony Books, 1990).

³³ A small percentage of farm animals are raised on nonintensive family farms and so-called "free range" and "free roaming" farms. How does eating the meat of these animals conflict with the mere considerability premise? How does killing and eating these animals fail to show them the mere MYN consideration they are due? First, the terms 'free range' and 'free roaming' are not indicative of humane animal husbandry practices. According to the USDA's labeling division, "a free range bird is one that has access to the outdoors," no matter how small the outdoor pen. The term 'free roaming' just means birds that have not been raised in cages, despite being permanently confined in a warehouse. So, uncaged broiler chickens with the industry-recommended seven-tenths of a square foot of floor space can legally be sold as "free roaming" birds. Second, the painful mutilations described in section 3 (*unanaesthetized* branding, dehorning, debeaking, ear tagging, ear clipping, toe clipping and castration) are also routinely performed on both "free range" and nonintensive farms. All of these procedures contribute to unnecessary suffering. Third, even if the "free range" animals had it good while they were on the farm, there are no humane livestock transportation companies and no humane slaughterhouses. Finally, because no one in modern agricultural societies needs to eat meat, the animals are still being killed *for no good reason*. Killing animals for no good reason is incompatible with giving them the MYN consideration they are due.

support factory farming and animal agriculture is to abstain completely from eating, consuming, and purchasing farm-raised meat. Thus, the only way to give animals the mere consideration they are due is to stop eating them and adopt a vegetarian lifestyle instead.³⁴ Since you are already committed to the mere considerability premise and since you believe that animals are owed more consideration than plants, consistency with your own beliefs commits you to the immorality of eating meat and to the moral obligatoriness of vegetarianism.

Your acceptance of the mere considerability premise also commits you to the immorality of testing personal care and household products on animals, and it commits you to the immorality of buying personal care and household products that have been tested on animals. Even though eighty percent of the animals used in these tests receive no anaesthesia and thus experience significant pain as a result of these experiments and even though virtually all of the animals are killed at the end of these experiments, one might still think that such animal tests are compatible with the mere considerability premise. After all, humans *need* safe personal care and household products. So, one might think that even though animals deserve MYN moral consideration, the human need for safe products outweighs these animals' interests in avoiding suffering and untimely death. If testing these products on animals were the only way to assure their safety, then such tests might be warranted (at least in those cases where the product in question serves some important human need). The fact is, however, that these tests (which include the Draize eye irritancy test, the lethal dose 50% [LD50] test, dermal toxicity tests, and injection tests) are neither reliable nor necessary for ensuring the safety of the products so tested. It is widely acknowledged that transspecies extrapolation of the data from these tests is so *unreliable* as to be practically worthless. Consider two examples: (1) The crude LD50 test, in which a test group of animals is force-fed a substance until fifty percent of the animals die [Death often results from stomach rupture or starvation rather than the effects of the substance *per se.*], provides no

³⁴ Granted, one could eat meat secured by hunting rather than from inherently cruel farms, but hunting itself results in unnecessary pain, suffering and untimely death for the animals killed, maimed and wounded by bullets, shot, and arrows. Each year in the U.S., hunters kill and collect 175 million animals, and for every animal killed and collected, two are wounded and left to die slow agonizing deaths (Anna Sequoia, *67 Ways to Save the Animals* [New York: Harper Perennial, 1990], p. 38). Many of these animals are killed for barbaric wall "trophies," but even when the animals are killed (maimed or wounded) for the sake of obtaining meat, all of the pain, suffering, and premature death inflicted on them is *unnecessary* since no one in a modern agriculturally-advanced society *needs* to eat any kind of meat — wild or domesticated. Hence, the mere considerability premise also entails the wrongfulness of eating the flesh of hunted wild animals.

useful data that can be reliably extrapolated to humans;³⁵ and (2) The Draize test involves dripping caustic substances such as bleach or shampoo into restrained rabbits' eyes, frequently resulting in hemorrhage, ulceration, and blindness. Sometimes the offending substance is so painful that the rabbits break their own backs or necks in a vain attempt to escape the painful stimulus. Rabbits are used for convenience, because they have no tear ducts to flush out the offending substance. Of course, this makes them poor models for humans who do have tear ducts.³⁶ These tests are *unnecessary* because there exist more reliable ways of testing products (computer and mathematical modeling, bacterial mutagenicity tests, *in vitro* techniques including subcellular fractions and tissue cultures, and human epidemiological studies) that don't require the use of nonhuman animals.³⁷ Avoiding products which have been tested on animals is easy, since (1) in many cases, we do not need the products at all and can live perfectly happy lives without them,³⁸ and (2) in those cases where we do need a particular product, equally priced, equally safe, alternative products which have not been tested on animals and which contain no animal ingredients are almost always readily available. Moreover, determining which products are cruelty-free requires minimal time and effort, for cruelty-free products typically advertise their cruelty-free status on the label. Since you can easily refrain from contributing to laboratory-generated animal suffering and death with no reduction in the quality of your life by buying cruelty-free personal care

³⁵ Robert Sharpe, "Animal Experiments — A Failed Technology" in *Animal Experimentation: The Consensus Changes*, *op. cit.*, pp. 101-104. Twenty years ago, Zbinden and Flury-Roversi, two leading toxicologists concluded: "For the recognition of the symptomatology of acute poisoning in man, and for the determination of the human lethal dose, the LD50 is of very little use" (See Zbinden, G. and Flury-Roversi, M., "Significance of the LD50 Test for the Toxicological Evaluation of Chemical Substances," *Archives of Toxicology* 47 [1981], pp. 77-99.).

³⁶ Sidney Gendin, "The Use of Animals in Science" in *Animal Rights and Human Obligations*, *op. cit.*, pp. 199-200.

³⁷ See Martin Stephens' "Replacing Animal Experiments" in *Animal Experimentation: The Consensus Changes*, *op. cit.*, pp. 144-168. Also see Sidney Gendin's "The Use of Animals in Science," pp. 203-207. If these tests are as unreliable and unnecessary as I have suggested, why do they continue to be used? Sadly, companies that prefer using *in vitro* techniques because of their greater scientific reliability, reduced costs, and convenience, often repeat the tests on intact animals (despite the unreliability and invalidity of the latter tests) solely as a means of further protecting themselves against product-liability lawsuits (See Rod Preece and Lorna Chamberlain, *Animal Welfare and Human Values* [Waterloo, Ontario, Canada: Wilfrid Laurier University Press, 1995], pp. 70-71.).

³⁸ Do we need the latest highly caustic oven cleaner when steel wool works just as well? Must we have the latest "new and improved" soap scum remover, toilet bowl cleaner, tire cleaner or dashboard preservative? Can we lead meaningful lives without the aftershave, perfume, or feminine deodorant spray? Do we need aerosol air fresheners when a basket of potpourri is just as fragrant? The fact is that none of these products is necessary for humans to live meaningful, enjoyable lives.

and household products instead of those tested on animals [They're usually right next to each other on the supermarket shelves.], your acceptance of the mere considerability premise commits you to the immorality of purchasing animal-tested products whenever comparable cruelty-free products are available.³⁹

4. Conclusion

Like most people, you accept the mere considerability premise. You believe that sentient animals deserve MYN moral consideration — not as much consideration

³⁹ I have focused on consumer product tests involving animals, partly because you are most likely to purchase these on a regular basis, but mostly because space considerations prevent me from discussing medical and pharmacological animal experiments in any adequate detail. Surely, if any animal experiments are of great enough human significance to override the mere consideration owed animals, those aimed at curing cancer, AIDS, and other major human diseases are. From the standpoint of the mere considerability premise, the main objection to medical animal experiments is that they are bad science, since the animals used are poor models for human disease and for determining drug reactions in humans. One need only recall the thalidomide tragedy to realize that drugs that prove entirely safe in animals can have devastating effects in humans. Or, consider cancer research. Over forty years of cancer research on mice has not resulted in anything even remotely close to a cure or safe treatment for human cancers. This is hardly surprising since most mouse cancers are sarcomas (cancers arising in bones, connective tissue, or muscle) and most human cancers are carcinomas (cancers arising in membranes). Thus, mice, the predominant species used in cancer research, make very poor models for understanding and treating human cancers. The U.S. National Cancer Institute's 25-year study that tested 40,000 plant species on mice to determine their anti-tumor activity was an utter failure. Sharpe describes the results of this study as follows:

As a result of the programme several materials proved sufficiently safe and effective on the basis of animal tests to be considered for clinical trials. Unfortunately all of these were either ineffective in treating human cancer or too toxic for general use. Thus in 25 years of this extensive programme not a single antitumour agent safe and effective enough for use in patients has yet emerged, despite promising results in animal experiments. Indeed one former cancer researcher has argued that clues to practically all the chemotherapeutic agents which are of value in the treatment of human cancer were found in a clinical context rather than in animal studies (Sharpe, "Animal Experiments — A Failed Technology," p. 92).

If animal studies routinely helped us discover panaceas or even effective treatments for human disease, such experiments might be warranted, but the reality is that because animals are such poor models for human disease, animal experiments are at least as likely to lead us astray as they are to help us find cures for human diseases. Medical and pharmacological animal experiments are so ineffective at finding cures for human disease as to render the potential human benefit of these experiments virtually nonexistent. Surely, a virtually nonexistent human benefit is not sufficient to outweigh the animals' interests in avoiding the pain, suffering, and premature death that animal experiments inflict upon them. Thus, the mere considerability premise entails that most, if not all, medical experiments involving animals are immoral and ought not be supported with charitable contributions.

as that owed humans, but not an inconsequential amount either. Consequently, you believe that there are some ways of treating animals that are profoundly wrong. In particular, you believe that it is wrong to inflict pain and/or suffering on a conscious sentient animal *for no good reason*. You also believe that it is wrong to kill an animal *for no good reason*. Now the stark and unavoidable reality is this: All of the pain, suffering, and premature death inflicted upon farm animals in modern societies is entirely unnecessary and gratuitous — it serves absolutely no significant human interest — since all human nutritional needs can be met and can be met better with foods of plant origin. Inflicting such unnecessary pain, suffering, and premature death upon farm animals fails to accord them the MYN consideration they are due. Consequently, the mere considerability premise entails (i) that animal agriculture is wrong, (ii) that it is wrong to support such agriculture with one's purchases by buying and eating meat, and (iii) that, therefore, vegetarianism is morally obligatory.⁴⁰ Since performing personal care and household product tests on animals causes them severe pain and untimely death and since such tests are unreliable and unnecessary for assuring the safety of these products, the mere considerability premise entails (i) that performing such tests on animals is immoral, (ii) that it is wrong to support animal experimenters with one's purchases, and (iii) that, therefore, purchasing products that have been tested on animals is wrong, at least whenever equally safe, equally effective cruelty-free alternative products are available. Since you yourself accept the mere considerability premise, consistency with your own beliefs commits you to the immorality of eating meat and to the immorality of purchasing animal-tested products. The only question that remains is this: Will you live your life in a manner consonant with your own ethical beliefs and commitments — will you give animals the *mere* consideration that you yourself admit they deserve and refrain from eating them and purchasing products tested on them; or will you struggle in vain to rationalize away these very beliefs and commitments?⁴¹

⁴⁰ Whenever equally nutritious, plant-based foods are readily available, which in modern societies is almost always.

⁴¹ Earlier versions of this paper were presented at the Maribor Conference on Applied Ethics and at North Carolina State University. I would like to thank those in attendance for their helpful comments, criticisms, and suggestions, especially Elvio Baccharini, Matjaz Potrč, Ronald Endicott, and John Carroll. I would also like to thank Nastja Markovič for her helpful suggestions with the present version. Special thanks to Friderik Klampfer, Robert Hambourger, and Tom Regan, each of whom in their own way forced me to formulate the mere considerability premise more carefully and more clearly.

Received: September 2001 (revised)

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