

On the Right not to be Made to Suffer Gratuitously

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Donald VanDeVeer has again¹ forwarded the debate over the morality of our treatment of animals, this time by focusing attention on certain arguments used in defense of vegetarianism. Since I am identified as the principal, though not always the sole² perpetrator of these arguments (see my "The Moral Basis of Vegetarianism" *Canadian Journal of Philosophy*, October 1975) I would like to respond to Van-

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- 1 See his earlier contribution to this debate, "Defending Animals by Appeal to Rights" in *Animal Rights and Human Obligations*. Edited by Tom Regan and Peter Singer (Englewood Cliffs: Prentice-Hall) 1976, pp. 224-29.
 - 2 Peter Singer also is identified as holding some views subject to some of the same criticisms VanDeVeer raises against some of mine. See in particular his *Animal Liberation* (New York: Random House) 1975.

DeVeer's most important remarks. For while I readily concede that there is at least much that is incomplete in my arguments for vegetarianism and for the more humane treatment of animals generally, it is not clear to me that VanDeVeer quite puts his finger on where my arguments are open to this objection or, if and when he does, that he draws the correct conclusion from this.

One instance of incompleteness, according to VanDeVeer, concerns the idea of gratuitous suffering. The question is, What is the criterion of gratuitous suffering? To the extent that none is given, to that extent my argument for vegetarianism is incomplete, VanDeVeer believes, given that my argument does involve the use of this idea. Finding no such criterion in my essay, VanDeVeer concludes that my argument is incomplete in this vital respect.

I do not agree. At least I do not agree that my essay is incomplete in the respect VanDeVeer thinks it is. The idea of gratuitous suffering is ambiguous. It may refer either to (a) suffering that is unnecessary if this or that end or purpose is to be accomplished (what I shall term factually gratuitous suffering) or (b) it may refer to suffering that is morally unnecessary because it is caused by certain immoral practices³ (which I shall call morally gratuitous suffering).⁴ The two types of gratuitous suffering clearly are distinct. A given practice may not cause any suffering except what is necessary to accomplish the end of the practice (and thus it would not contain any factually gratuitous suffering), but, because of the immorality of the goal or purpose of the practice itself, the practice would cause morally gratuitous suffering. Those who profess to give a moral defense of a given practice by declaring that it "causes no unnecessary suffering," therefore, fail to give such a defense if they fail to defend the morality of the practice's goals or purposes. For example, one does not defuse the charge that slavery or genocide cause gratuitous moral suffering by insisting that the suffering that is caused by these practices is kept to a minimum — i.e., by claiming that only that suffering that is strictly necessary to accomplish the ends of slavery and genocide is allowed. Similarly, one does not defuse the charge that certain routine uses to which animals are put (e.g., as subjects in painful,

3 I concentrate on the morality of a practice, rather than an individual action, throughout this note and in my essay on vegetarianism. It is unclear to me whether the same or different principles and conditions should be used to assess the morality of both practices and individual actions.

4 I do not mean to imply that causing factually gratuitous suffering is not wrong. It is. I use the expressions "factually" and "morally gratuitous suffering" merely to mark a difference in how or why suffering might be gratuitous.

trivial research) is morally unobjectionable because the pain caused the animals is kept to a minimum. "Only that pain that is absolutely necessary for conducting the experiments is allowed," even if true, provides no moral defense of using the animals unless the goals or purposes of the experiments themselves are given a moral justification.

Now, it is a criterion of morally gratuitous suffering that VanDeVeer must have in mind, when he lodges the objection that I fail to give a criterion of gratuitous suffering. However, if what counts as morally gratuitous suffering can only be determined if we have some general moral principle(s) by reference to which the morality of the goals or purposes of practices and thus the morality of the practices themselves can be assessed; and if, further, I do set forth such a principle(s); then it just is not true that I fail to provide a criterion of morally gratuitous suffering. I believe this is the actual state of affairs. In my essay I go to some length to make it clear when I think suffering is morally gratuitous and when, therefore, a sentient being's right not to be made to endure morally gratuitous pain, assuming that sentient beings have this right, is violated. The suffering caused by a practice is morally gratuitous, and the assumed right violated, unless the practice meets the following principles and conditions laid down in my essay (p. 201):

- 1) The practice would prevent, reduce or eliminate a considerable (perhaps vastly) greater amount of evil than the amount of pain caused by the practice;
- 2) We are convinced, by rational means, that realistically speaking, it is *only* by having such a practice that we could bring about these consequences;
- 3) We have very *good* reason to believe that these consequences will obtain.

I do not say that all this is either absolutely clear or uncontroversial. And it is certainly open to someone to argue, what I think is true, that I do not offer a complete defense either of the position I have just quoted or of the method of arguing for it which I employ. But neither of these instances of incompleteness is the point just now. The point is that I do provide general principles and conditions by reference to which suffering can be assessed as morally gratuitous or otherwise, principles and conditions which, then, contrary to VanDeVeer's appraisal, do provide a criterion for evaluating whether suffering is morally gratuitous. To *this* charge of incompleteness, therefore, I plead not guilty.

On VanDeVeer's reading of my essay, however, I must now encounter two different problems, one a matter of consistency and the other again a problem of incompleteness. The matter of consistency is this. In

my essay I dispute the adequacy of utilitarianism on the grounds that it fails to account for certain basic intuitions regarding what is right and wrong; in particular I argue that utilitarianism, by which I understand the principle, that we ought to adopt those rules or engage in those practices which will bring about the greatest possible balance of good over evil, would make it too easy to justify causing suffering (evil); this is because *all* that utilitarianism would require, if a practice which causes suffering is to be morally justified, is that the net amount of good over evil brought about be the greatest possible, under the circumstances. I object to this position because I do not believe that causing evil can be justified by its "good results," and I try, whether successfully or not, to explain why preventing or reducing evil is different from bringing about what is good (p. 200). However, while I reject utilitarianism, it should be clear, from the position I quoted in the preceding paragraph, that I do believe that considerations about consequences are relevant, when we turn to the question of justifying practices or asking when suffering is gratuitous. But insisting, as I do, that considering consequences can be and is relevant, is not to commit oneself to utilitarianism or, in VanDeVeer's words, "some unspecified variant of it" (p. 468). (Is W. D. Ross a utilitarian, or does he subscribe to "some unspecified variant of it," because he recognizes *prima facie* duties to promote the good and reduce evil?) I do not believe, therefore, that I am inconsistent, or that my position is open to objection on some other ground, because I consider consequences relevant but reject utilitarianism. In short, I do not believe that, in my essay, "utilitarianism is kicked out the front door only for it, or some unspecified variant of it, to be allowed in the back door" (VanDeVeer, p. 468).

The second case of incompleteness, alluded to above, also involves considerations about consequences. In this objection VanDeVeer concedes, for the sake of argument, that animals have a right not to be made to suffer gratuitously. Granting this, he argues as follows (p. 468):

Whether or not the right in question is violated depends on whether or not the suffering is *gratuitous*. Whether or not it is gratuitous is dependent, so it appears, on what its consequences are, e.g., whether the gains outweigh the losses.⁵ Now in weighing such matters one might propose some approach other than the use of the classical principle of utility, but to the extent one

5 It is perhaps not inappropriate to re-emphasize the fact that my own view of how consequences are relevant differs markedly from the "for instance" VanDeVeer here mentions. On my view, again, the fact that "gains" (good) outweigh "losses" (evil), if it is a fact, would not justify causing avoidable evil. We are not to do evil that good may come.

weights utilities or disutilities in some fashion it looks as if one is going to be engaging in utilitarian-like considerations. So, at least, it is *not obvious* that the assumption of the right in question will have, as a result of respecting it, implications radically different from the principle of utility. It might, but whether this is so depends on argument not provided by Regan.

Here what VanDeVeer says is quite true. I do not give any argument which shows, as a *matter of fact*, that the consequences of scrupulously following the classical principle of utility would be any different than those that would obtain, if we were to abide by the principles and conditions which I quoted earlier. I do not regard this as an objection to my position, when properly understood, however, and this for two reasons. First, because the objections I have against utilitarianism can be brought out by hypothetical cases, some of which I describe in my essay (pp. 189-199), and thus my case against utilitarianism, as an ethical theory, and for my own position, does not depend upon showing that the consequences that would result if we followed each do or do not happen to coincide in this or that actual case; and second, the position I argue for in my essay nowhere turns on *my* having to specify the consequences for animals of our adopting my position as distinct from utilitarianism. The position I argue for is not that contemporary methods of raising and slaughtering animals are morally wrong because they *do* violate the principles and conditions quoted earlier (though I *believe* this is so); mine is the much more guarded position — namely, that unless or until we are shown that they *do not* violate these principles and conditions, we are rationally entitled to believe and morally required to act as if they do. In short, my position seeks to move the onus of justification off the vegetarian and onto those who support the intensive rearing and untimely death of animals. Thus, since the cogency of my position does not depend on *my* demonstrating that respecting the principles and conditions quoted earlier would lead to different consequences vis-a-vis the treatment of animals than would result if the principle of utility were followed, or on my even myself demonstrating what the consequences would be for animals if those principles and conditions were observed — again, I seek rather to shift the burden of such inquiry to those who support the practices in question — I do not believe my general position is open to the charge VanDeVeer levels against it in the passage from his essay quoted above.

A final objection concerns the principle of equal consideration of interests. In my essay, this principle, or something very like it, underlies my position that we would and ought to object to the pain animals receive in the course of being raised intensively if we would object to a comparable practice which caused comparable pain to mentally enfeebled humans. VanDeVeer, if I understand him correctly, does not

contest this aspect of my position; what he notes is something different — namely, that humans, even those who are mentally enfeebled, might differ from animals, even the higher primates, in morally relevant ways. Thus, it may be wrong to treat these humans in ways in which it would not be wrong to treat animals.

I believe this is true, and I think it may have important implications for some issues. Once again, however, I do not think this constitutes a grave objection to my argument for vegetarianism. Quite apart from possible ways in which mentally enfeebled humans might differ in morally relevant ways from those animals raised intensively, I believe we would and ought to object to the intensive rearing of the humans in question on the grounds that they would be made to suffer morally gratuitous pain, and I further believe that this pain is comparable in origin and kind to that which animals are made to suffer; that is, I believe we would and ought to object to raising these humans intensively on the grounds that they would be being caused morally gratuitous pain which is comparable to what animals actually are made to experience, *independently* of differences that might exist between the humans and animals, some of which, in some cases, I readily concede, might be morally relevant. Possibly I am mistaken in thinking this. Certainly I have not proven it. But that, in part, is what my argument comes to, or, more accurately, rests on. Despite the many helpful comments VanDeVeer makes, therefore, I believe that what he says in this regard, as well as in regard to the other topics considered earlier, slides by my argument rather than engaging it head on.

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