

Philosophy is notorious for its disagreements. Give two philosophers the same premises and we are not surprised that they disagree over the conclusion they think follows from them. Give them the same conclusion and we expect them to disagree about the correct premises. My remarks in this essay fall mainly in this latter category. Peter Singer and I both agree that we have a moral obligation to be vegetarians. This is our common conclusion. We do not agree concerning why we have this obligation. Important differences exist between us regarding the premises from which this conclusion should be derived.<sup>1</sup> My position implies *both* that (a) the idea of animal rights is intelligible<sup>2</sup> *and* also that (b) the view that certain animals have certain rights must play a role in adequately grounding the obligation to be

1. These differences are brought out most clearly in our respective replies to an essay critical of our views by Michael Fox. See his "Animal Liberation: A Critique," *Ethics*, January 1978. See Singer's "The Parable of the Fox and the Unliberated Animals," and my "Fox's Critique of Animal Liberation," in the same issue. In this regard compare the first chapter of Singer's *Animal Liberation* (New York: Random House, 1975) and my "The Moral Basis of Vegetarianism," *Canadian Journal of Philosophy*, October 1975. I discuss some of the differences between us at greater length in my "Animal Rights, Human Wrongs," a convocation address presented at Muhlenberg College, Allentown, PA, in March 1979, and published in the Summer 1980 issue of *Environmental Ethics*.

2. On the intelligibility of this idea see, for example, Joel Feinberg, "The Rights of Animals and Future Generations" in William Blackstone, ed., *Philosophy and Environmental Crisis* (Athens: University of Georgia Press, 1974); Tom Regan, "Feinberg on What Sorts of Beings Can Have Rights," *Southern Journal of Philosophy*, Winter 1976, and "McCloskey on Why Animals Cannot Have Rights," *Philosophical Quarterly*, Fall 1976.

vegetarian. I shall have more to say about my position in the second section of this essay. To begin I shall note that Singer, for his part, might accept (a); that is, he might accept the view that the idea of animal rights is at least logically coherent. Clearly, however, he does not accept (b).

Readers familiar with some of Singer's earlier writings might be forgiven for thinking otherwise. For example, in his well-known essay "All Animals Are Equal," he quotes Bentham's famous passage: "the question is not, Can they (that is, non-human animals) reason? nor Can they *talk*? but, *Can they suffer?*." Singer then comments:

In this passage Bentham points to the capacity for suffering as the vital characteristic that gives a being the right to equal consideration.<sup>3</sup>

Here, it perhaps bears emphasizing, Singer points to a particular capacity—namely, the capacity for suffering or, as he says a few lines later, the capacity for "suffering and/or enjoyment"—as the basis for the right to equal consideration. No mention is made of utilitarian considerations. On the contrary, it would not be an unnatural, even if it should turn out to be an incorrect, interpretation to say that Singer thinks that certain beings have the right to equal consideration of interests *because of their nature*—because, as a matter of their nature, they have the capacity to suffer or to enjoy or both. Arguably, Singer could be interpreted as thinking that some animals, at least, have one natural right: the right to equal consideration of their interests.

Nor is this right the only right Singer mentions. To avoid the prejudice which Singer, following Richard Ryder,<sup>4</sup> calls "speciesism," we must "allow that beings which are similar (to humans) in all relevant respects have a similar right to life."<sup>5</sup> At least some animals *are* sufficiently similar to humans in "all relevant respects"; thus, at least some

3. "All Animals Are Equal" originally appeared in *Philosophical Exchange* 1, no. 5 (Summer 1974). It was reprinted in *Animal Rights and Human Obligations*, ed. Tom Regan and Peter Singer (Englewood Cliffs: Prentice Hall, 1976).

4. Richard Ryder, "Experiments on Animals," in *Animals, Men and Morals*, ed. Stanley and Roslind Godlovitch and John Harris (London: Gollancz, 1971). See also his *Victims of Science* (London: Davis-Poyntner) 1975.

5. *Animal Liberation*, p. 21.

animals have a right to life, Singer implies. But if we ask what those respects are in virtue of which the humans and animals in question have an equal claim to the right to life, these are the natural capacities of the beings in question, which further supports interpreting Singer as believing that at least some animals have, as all or at least most humans do, certain natural rights—in this case, the natural right to life.

Natural though this interpretation appears, Singer has since stated clearly that it fails to capture his considered position. In response to a recent critic's complaint that he has little to say about the nature of rights, Singer writes as follows:

Why is it surprising that I have little to say about the nature of rights? It would only be surprising to one who assumes that my case for animal liberation is based upon rights and, in particular, upon the idea of extending rights to animals. But this is not my position at all. I have little to say about rights because rights are not important to my argument. My argument is based on the principle of equality, which I do have quite a lot to say about. My basic moral position (as my emphasis on pleasure and pain and my quoting Bentham might have led [readers] to suspect) is utilitarian. I make very little use of the word "rights" in *Animal Liberation*, and I could easily have dispensed with it altogether. I think that the only right I ever attribute to animals is the "right" to equal consideration of interests, and anything that is expressed by talking of such a right could equally well be expressed by the assertion that animals' interests ought to be given equal consideration with the like interests of humans. (With the benefit of hindsight, I regret that I did allow the concept of a right to intrude into my work so unnecessarily at this point; it would have avoided misunderstanding if I had not made this concession to popular moral rhetoric.)

To the charge of having embroiled the animal liberation debate in the issue of animals' rights, then, I plead not guilty. As to who the real culprit might be. . . .<sup>6</sup>

This passage leaves little room for doubt as to what Singer thinks. His previous references to "animal rights," he thinks, not only were

6. "The Parable of the Fox and the Unliberated Animals," p. 122.

unnecessary for his utilitarian position; they were lamentable, something he now “regrets,” a “concession to popular moral rhetoric” rather than a reasoned appeal.

Perhaps this is so. Perhaps appeals to “the rights of animals” must bear the diagnosis Singer gives of his own earlier efforts. I do not know. But I do not think so. Granted it is not uncommon for those mounting the box for some cause or other to gladly invoke the idea of rights; granted also that this appeal is part of the stock-in-trade of the moral rhetorician, “a rhetorical device,” in D. G. Ritchie’s words, “for gaining a point without the trouble of proving it”—(a “device” which, Ritchie goes on to observe, “may be left to the stump-orator or party-journalist but which should be discredited in all serious writing”).<sup>7</sup> Nevertheless, despite the testimony of Ritchie and Singer to the contrary, there remains the possibility that we are driven to invoke the idea of rights for serious-minded, theoretical, non-rhetorical reasons. I believe this is true some of the time. In particular, I believe this is true in the case of arguing well for the obligation to be vegetarian. I shall return to this topic in the second section. However, my immediate interest lies in paving the way for rational acceptance of this possibility. This I propose to do by arguing that, shorn of appeals to the rights of animals, Singer fails to justify the obligation to be vegetarian or to treat animals in a more humane manner.

## I

Anyone writing on the topic of the treatment of animals must acknowledge an enormous debt to Singer. Because of his work, as well as the pioneering work of Ruth Harrison, the gruesome details of factory farming are finding a place within the public consciousness.<sup>8</sup> All of us by now know, or at least have had the opportunity to find out, that chickens are raised in incredibly crowded, unnatural environments; that veal calves are intentionally raised on an anemic diet, are unable

7. D. G. Ritchie, *Natural Rights* (London: Allen & Unwin, 1894). Relevant passages are included in *Animal Rights and Human Obligations*, p. 182.

8. See Ruth Harrison, *Animal Machines* (London: Vincent Stuart, 1964). See also her essay, “On Factory Farming,” in *Animals, Men and Morals*.

to move enough even to clean themselves, are kept in the dark most of their lives; that other animals, including pigs and cattle, are being raised intensively in increasing numbers. Personally, I do not know how anyone pretending to the slightest sensitivity or powers of empathy can look on these practices with benign indifference or approval. In any event, Singer's position, growing out of his professed utilitarianism, is that we have a moral obligation to stop eating meat, to become vegetarians. Here is the way he brings his case to its moral destination:

Since, as I have said, none of these practices (of raising animals intensively) cater for anything more than our pleasures of taste, our practice of rearing and killing other animals in order to eat them is a clear instance of the sacrifice of the most important interests of other beings in order to satisfy trivial interests of our own . . . we must stop this practice, and each of us has a moral obligation to cease supporting the practice.<sup>9</sup>

I wonder about this. First, I wonder on what grounds Singer judges that "our pleasures of taste" are "trivial interests." Most of the people I know, including many quite thoughtful persons, do not regard the situation in this way. Most of them go to a great deal of trouble to prepare tasty food or to find "the best restaurants" where such food is prepared. Singer might say that people who place so much importance on the taste of food have a warped sense of values. And maybe they do. But that they do, if they do, is something that stands in need of rather elaborate argument, which will not be found in any of Singer's published writings. This is not to say that the interest we have in eating tasty food is as important an interest as we (or animals) have in avoiding pain or death. It is just to say that it is unclear, and that Singer has given no argument to show, that our interest in eating tasty food is, in his words, "trivial."

Second—(and now granting to Singer his assumption that our interest in eating pleasant tasting food is trivial)—it is unclear how, as a utilitarian, he can argue that we have a moral obligation to stop supporting the practice of raising animals intensively (this practice is

9. Singer, "All Animals Are Equal," in *Animal Rights and Human Obligations*, p. 155. Page citations in the text refer to this version.

henceforth symbolized as  $p$ ) because of some statement about the *purpose* of  $p$ . The question the utilitarian must answer is not, (a) What is the purpose of  $p$ ? It is, (b) All things considered, what are the consequences of  $p$ , and how do they compare to the value of the consequences that would result if alternatives to  $p$  were adopted and supported? Thus, when Singer objects to  $p$  on the ground that it does not “cater for anything more than our pleasures of taste,” he gives us an answer to (a), not, as we should expect from a utilitarian, an answer to (b). The difference between the two questions and their respective answers is not unimportant. For though the purpose of  $p$  might be correctly described as that of catering to our (trivial) pleasures of taste, it does not follow *either* that this is a utilitarian objection one might raise against  $p$ —it is not, so far as I understand utilitarianism—*or* that, when a distinctively utilitarian objection is forthcoming, it will dwell on Singer’s characterization of  $p$ ’s purpose. His characterization also leaves out much which, from a utilitarian point of view, must be judged to be highly relevant to determining the morality of  $p$ .

What I have in mind here is this. The animal industry is big business. I do not know exactly how many people are involved in it, directly or indirectly, but certainly the number must easily run into the many tens of thousands. There are, first and most obviously, those who actually raise and sell the animals; but there are many others besides, including feed producers and retailers; cage manufacturers and designers; the producers of growth stimulants and other chemicals (for example, those designed to ward off or to control disease); those who butcher, package, and ship the meat or eggs or other animal products to which Singer might (and does, as in the case of eggs from battery-hens) take moral exception, and the extension personnel and veterinarians whose lives revolve around the success or failure of the animal industry. Also consider all the members of the families who are the dependents of these employees or employers. Now, the interests which these persons have in “business-as-usual,” in raising animals intensively, go well beyond pleasures of taste and are far from trivial. These people have a stake in the animal industry as rudimentary and important as having a job, feeding a family, or laying aside money for their children’s education or their own retirement. What do these peo-

ple do about a job, a means of supporting themselves or their dependents, if we or they see the error of their or our ways and become vegetarians? Certainly it is no defense of an immoral practice to plead that some people profit from it. In the case of slavery, for example, we would not cease to condemn it merely because we were apprized that plantation owners found it beneficial. But Singer, as a utilitarian, cannot *just* appeal to our moral intuitions or *assume* that our intuitions can be given a utilitarian basis. In the particular case of the morality of raising animals intensively, Singer, as a utilitarian, cannot say that the interests of those humans involved in this practice, those whose quality of life presently is bound up in it, are irrelevant. As a utilitarian, Singer, I believe, must insist on the relevance of their interests as well as the relevance of the interests of other persons who are not directly involved in the practice but who might be adversely affected by its sudden or gradual cessation. For example, the short and long term economic implications of a sudden or gradual transition to vegetarianism, by large numbers of persons, must seriously be investigated by any utilitarian. It is not enough to point out, as vegetarians sometimes do, that grains not used to feed intensively raised animals *could* be used to feed the starving masses of humanity; a utilitarian must have the hard data to show that this *possibility* is at least probable *and*, judged on utilitarian grounds, desirable. The debate between Singer and Garrett Hardin over the desirability of famine relief, judged on utilitarian principles, is relevant here and points to the enormity of the task that confronts anyone who would rest vegetarianism on utilitarianism.<sup>10</sup> Though the issues involved are enormously complicated and cannot receive anything approaching even a modest airing on this occasion, one thing is certain: It is not *obviously* true that the consequences for everyone affected would be better, all considered, if intensive rearing methods were abandoned and we all (or most of us) be-

10. See Hardin, "Lifeboat Ethics: The Case Against Helping the Poor," *Psychology Today*, September 1974; Peter Singer, "Famine, Affluence and Morality," *Philosophy & Public Affairs* 1, no. 3 (Spring 1972). Both are reprinted in W. Aiken and H. LaFollette, eds., *World Hunger and Moral Obligation* (Englewood Cliffs: Prentice Hall, 1977). For a discussion of both views see Onora O'Neill, "The Moral Perplexities of Famine Relief," in Tom Regan, ed., *Matters of Life and Death* (New York: Random House, 1979).

came (all at once or gradually) vegetarians. Some nice calculations are necessary to show this. Without them, a utilitarian-based vegetarianism cannot command our rational assent. Even the most sympathetic reader, even a “fellow traveler” like myself will fail to find the necessary calculations in Singer’s work. They simply are not there.

Singer, or a defender of his position, can be expected to protest at this point by noting that utilitarianism, as he understands it, involves acceptance of a principle of equality. There is some unclarity concerning how we should interpret Singer’s understanding of this principle. Sometimes he writes as though this principle applies to interests; sometimes he writes as though it applies to treatment. I shall consider the latter alternative below. For the present I shall consider how this principle is thought by him to apply to interests.

At one point Singer explains the principle of equality as follows: “The interests of every being affected by an action are to be taken into account and given the same weight as the like interests of any other being” (“All Animals Are Equal,” p. 152). I propose to call this “the equality of interests principle.” Abstractly, this principle states that equal interests are (and ought to be considered) equal in value, no matter whose interests they are, and that the interests of all affected parties are to be taken into account. Thus, if a human’s interest in avoiding pain is a non-trivial, important interest, then, given this principle, the like interest of a non-human animal also is (and ought to be considered) non-trivial and important.

Suppose this principle is accepted and is conjoined with the principle of utility. Have we then been given a utilitarian basis for the obligation to be vegetarian? I do not believe so. The problem with the equality of interests principle is that it does not tell us what we ought to do, once we have taken the interests of all affected parties into account and counted equal interests equally. *All that it* tells us is that this is something we must do. If, in addition to this principle, we are also supplied with the principle of utility, we are still some distance from the obligation to be vegetarian. For what we would have to be shown, and what Singer fails to show, as I have argued in the above, is that the consequences of all or most persons adopting a vegetarian



way of life would be better, all considered, than if we did not. *That is not shown merely* by insisting that equal interests are equal.

A defender of Singer might object that I have overlooked an important argument. On a number of occasions (for example, "All Animals Are Equal," p. 156) Singer argues that we would not allow to be done to human imbeciles what we allow to be done to more intelligent, more self-conscious animals; for example, we would not allow trivial, painful experiments to be conducted upon these humans, whereas we do allow them to be conducted on primates. Thus, we are guilty of a gross form of prejudice ("speciesism"): we are grossly inconsistent from the moral point of view.

This view of Singer's is not without considerable moral weight. But how does it strengthen his avowedly *utilitarian* basis for vegetarianism or, more generally, for more humane treatment of animals? Not at all, so far as I understand the issues. In order for this argument for moral consistency to provide a utilitarian basis for more humane treatment of animals, Singer would have to show that it would be just as wrong, *on utilitarian grounds*, to treat animals in certain ways as it is to treat humans in comparable ways. Singer, however, does not show, first, that, on utilitarian grounds, it would be wrong to treat humans in the ways described (here he merely appeals to our settled conviction that it would be wrong to do this) and, second, that it would be wrong at all, on utilitarian grounds, to treat animals in certain ways, let alone, again on utilitarian grounds, that it would be just as wrong to treat them in these ways as it would be to treat humans. In short, Singer fails to give anything resembling a utilitarian basis for the argument for moral consistency.

Nor will it do, as a defense of Singer, merely to assume that the equality of interests principle must be violated by the differential treatment of the humans and animals in question. *That* would have to be shown, not assumed, on utilitarian grounds, since, a priori, the following seems possible. The interests of animals raised intensively are counted as equal to the interests of human imbeciles who might be raised as a food source under similar circumstances, but the consequences of treating the animals in this way are optimistic whereas

those resulting from raising imbeciles intensively would not be. More generally, dissimilar treatment of beings with equal interests might well have greatly varying consequences. So, even granting that we would not approve of treating imbecilic humans in the ways animals are routinely treated, and even assuming that the humans and animals themselves have an equal interest in avoiding pain or death, it does not follow that we have been given a utilitarian basis for vegetarianism or the cause of more humane treatment of animals generally. If by the principle of equality Singer means what I have called the equality of interests principle, we must conclude that he has failed to ground the obligation to be vegetarian on utilitarianism.

As mentioned earlier, Singer, in addition to arguing that equality applies to interests, also sometimes writes as if equality applies to treatment. Thus, for example, we find him at one point saying that the principle of equality, as it applies to humans, "is a prescription of how we should *treat* humans" ("All Animals Are Equal," p. 152, my emphasis). It is possible, therefore, that, in addition to the equality of interests principle, Singer also recognizes another principle of equality, what I shall call the equality of treatment principle. Abstractly this principle might be formulated thus: beings with equal interests ought to be treated equally. This principle has an advantage over the equality of interests principle, in that it does profess to tell us how we ought to act: we ought to treat beings with equal interests equally. This principle, however, suffers from a certain degree of vagueness, in that, by itself, it does not tell us how to determine what constitutes equal treatment. Certainly it cannot be interpreted to mean (and I do not mean to suggest that Singer thinks that it means) that beings with equal interests ought to be treated identically; that, for example, we ought to give dancing lessons to pigs if we give them to little girls on the grounds that pigs and little girls both enjoy dancing. Still, what counts as equal treatment is far from clear. Nevertheless, whatever the appropriate criteria are, I think it is fair to say that Singer would agree to the following—namely, that if we think it wrong to inflict unnecessary pain on humans who have an interest in avoiding it, then we must also think it just as wrong to inflict unnecessary pain on non-human animals who have an equal interest in avoiding it. Not to think it just as

wrong in the case of animals as in the case of humans, if I understand Singer, would be a breach of the equality of treatment principle.

My question now is this. Suppose that the equality of treatment principle strengthens the case for the obligation to be vegetarian. How, if at all, does Singer provide *this* principle with a utilitarian basis? If I understand him correctly, I believe we must conclude that he fails to provide this principle with such a basis.

Abstractly, there appear to be three possibilities. (1) The equality of treatment principle is identical with the principle of utility. (2) The equality of treatment principle follows from the principle of utility. (3) The equality of treatment principle is presupposed by the principle of utility. I shall examine each alternative in its turn.

(1) It is implausible to maintain that the equality of treatment principle is identical with the principle of utility. Utility directs us to bring about the greatest possible balance of non-moral good over non-moral evil; a priori, whether treating beings with equal interests equally would be conducive to realizing the utilitarian goal is an open question. In other words, a priori, it is at least conceivable that systematic violations of the principle of equality of treatment could be optimific. If this is so, then it cannot plausibly be maintained that the two principles are identical.

(2) Possibly it will be thought that the equality of treatment principle follows from utility in two ways: (a) the equality principle follows logically from (is logically entailed by) the principle of utility; (b) the equality principle, when supplied with certain factual premises, can be justified by an appeal to utility. As for the first alternative, it must again be said that it is implausible to maintain that the equality of treatment principle is entailed by the principle of utility. Certainly it appears possible that someone might affirm the principle of utility and, at the same time, deny the equality of treatment principle without thereby contradicting himself. To put the point differently, someone might maintain that we ought to act so as to bring about the greatest possible balance of non-moral good over non-moral evil *and* maintain that to realize this objective it may be necessary to treat some beings unequally. If this is so, then the equality of treatment principle is not logically entailed by the principle of utility.

The second argument for the equality of treatment principle following from utility is that the utilitarian objective is assisted if this principle is accepted. On this view, we ought to treat beings with equal interests equally because, as a matter of fact, this is optimific. Now, it is certainly open to a utilitarian to argue in this way. Indeed, what I want to emphasize is that, *if* this is how the equality of treatment principle is supposed to follow from the principle of utility, then *it must be argued for*.

No such argument is forthcoming from Singer, I believe, despite certain appearances to the contrary. There are occasions, alluded to earlier, where Singer argues that we are morally inconsistent when we allow things to be done to animals that we would not allow to be done to less developed humans. In doing this, Singer thinks, if I understand him correctly, we violate the equality of treatment principle. However, in order for this finding to strengthen his allegedly utilitarian basis for vegetarianism and animal liberation generally, Singer would first have to show (at least) that practices which violate this principle also violate the principle of utility. It is not adequate merely to *assume* that this is so, since one thereby begs the question at issue—namely, whether the equality of treatment principle does follow from the principle of utility, in the sense of “follows from” under discussion. By merely noting that the way we allow animals to be treated violates the equality of treatment principle, assuming that it does, Singer fails to give us any argument for opposing this treatment of animals on distinctively *utilitarian* grounds.

How, then, might he argue, on utilitarian lines, against treating animals as they are treated? The question is enormously complicated. I have already alluded to its difficulty earlier, when I mentioned the animal industry. What Singer would have to show, I believe, is that the consequences of treating animals as they are at present being treated are worse, all considered, than those that would result if we treated them differently—for example, if they were not raised intensively. *Possibly* this could be shown. I do not know. However, Singer has not even begun to show this. And yet, if I am right, this is precisely what he must show, if he is to give the case for animal liberation a utilitarian basis. And this is as much as to say that, judged on his published

writings, he fails to give this liberation movement a basis of this kind.

(3) In defense of Singer one might say that, though the equality of treatment principle is not identical to, is not entailed by and is not shown by Singer to be justified by the principle of utility, it remains true that utility presupposes equality. Thus, it is by means of this presupposition that the principle of equality of treatment makes its entrance into utilitarian theory. And since equality enters in this, a logically respectable way, Singer's use of the equality of treatment principle has a utilitarian basis after all.

I do not believe this argument holds. What grounds there are for thinking that utility presupposes the equality of treatment principle turn on ignoring the difference between this principle and the equality of interests principle. It is arguable that utilitarianism presupposes the equality of interests principle, that principle being, again, that equal interests are equal—that is, have like importance or value—and that the interests of all affected parties are to be taken into account. Thus, the equality of interests principle directs us, as utilitarians, not to attempt to justify treating different beings differently on the grounds that, for example, though *A*'s and *B*'s have a like interest in *C*, *A*'s interests are more important than *B*'s. Like interests have like importance. That is something utilitarianism must presuppose even to get off the ground.

Suppose this is true. What, then, of the equality of treatment principle? Nothing follows concerning its status within utilitarian theory. Certainly it does not *follow* that we ought to treat beings with equal interests equally just because they have equal interests. More conspicuously, this does not follow logically given a utilitarian based ethic. Nor is the equality of treatment principle presupposed by utilitarianism. If it were, there would be another, more fundamental principle than utility—namely, the principle of equality of treatment. And that, so far as I understand utilitarianism, would be inconsistent with that theory. One cannot hold *both* that the principle of utility is the one and only fundamental moral principle *and* that this principle presupposes another, different and more fundamental principle, that of equality of treatment. So, this attempt to defend Singer's utilitarian basis for vegetarianism, and for animal liberation generally, just won't do.

The upshot of this is as follows. If Singer actually is to give a

utilitarian basis for vegetarianism, he must argue in a quite different way. In particular, the equality of treatment principle must be given a solid utilitarian justification *before* he can be justified in using it, as a utilitarian, in support of vegetarianism. Now, to justify this principle on utilitarian grounds, Singer must show that accepting it and extending its scope to the treatment of animals would bring about better results than are now obtained by treating animals as though they are not covered by this principle. It is *possible* that this can be shown. But to show it would require enormous amounts of complicated empirical data, concerning, for example, the long-term economic implication of Western society's giving up meat eating. Singer gives us no such data. Thus, if the preceding is sound, he fails to give a utilitarian justification of the equality of treatment principle, most especially of extending this principle to animals; and thus he fails to give a utilitarian basis for his objections against meat eating.

Of course, if Singer were to insist that, whatever the consequences of treating animals differently, the fact remains that treating them as they are treated now is a clear violation of their rights and so ought to be stopped—were he to insist on this, apart from considerations about long-term consequences, *then* he would have a decidedly different argument, one that did not turn out, after all, to be utilitarian. For one can hardly argue as a utilitarian and say, in effect, the devil take the consequences, it's the animal's rights that are being violated. So, Singer could dispense with the need to investigate systematically the probable consequences of changing our eating habits, but he could do this only by paying a certain price: giving up his belief in an exclusively utilitarian basis for vegetarianism. In a word, then, the dilemma I think Singer must face is this: if he is a utilitarian, then he must give a radically different argument than the one he has actually given; whereas, if he rests his case for vegetarianism on the argument he has actually given, then he cannot continue to believe that he has given a utilitarian basis for the moral obligation to be vegetarian. Possibly the appeal to the rights of animals is not a "concession to popular rhetoric" after all. That it may not be is what I hope to explain in the next section.

## II

My argument begins by considering the situation of those unfortunate humans to whom Singer draws our attention—namely, severely mentally enfeebled humans. (For convenience's sake I shall normally refer to these humans as group *G*.) Like Singer, I shall assume that thoughtful people would agree that it is wrong to treat the humans in question in certain ways—for example, to use them in painful, trivial research or to raise them intensively as a “gourmet” food source (again, as a matter of convenience, I shall normally refer to these practices as treatment *T*.) So, the question that divides Singer and me is not whether this is wrong but how, theoretically, its wrongness can most adequately be grounded.

Now, suppose we were to concede, what is far from certain, that, given the condition of the world at present, subjecting group *G* to treatment *T* is not optimific. The point that needs emphasis is that, even if this should happen to be true now, there is no guarantee that it will continue to be so in the future. Thus, if the treatment *T* of group *G* should, in the future, become optimific, as it might, then, if we accepted the principle of utility as our sole fundamental principle, we would have no rational choice but to change our mind about the wrongness of the treatment in question. We would have to say that using the *G*'s in painful, trivial research or raising them intensively as a gourmet food source, although these once were wrong, had ceased to be so. And if we asked how this change in the morality of the practices had come to pass, what we would have to say, as utilitarians, is that it was due to a change in the value of the consequences of the practices. It was because practices which previously had not been optimific had become so.

I resist such a change in moral judgment. I do not think that persons not already committed to utilitarianism would, on reflection, be willing to change their judgment about the wrongness of the practices in question *merely* on the grounds that these practices had become optimific whereas previously they were not. I think those who are not already committed to utilitarianism would want to know a good deal

more than just how much the value of the consequences had changed with the passage of time and circumstances. But if thoughtful people would not change their judgment on utilitarian grounds alone; and if utilitarianism requires that they should change their judgment in the face of these imagined changes in consequences; then the grounds for thinking it wrong *now* to treat the humans in question in the ways in question are not adequately illuminated by the principle of utility. Even granting, that is, that the practices are not now or ever will be optimific, there is, it would appear, something else involved over and above and distinct from how good or bad are the consequences.<sup>11</sup>

The argument just sketched, I believe, spells trouble for theories other than utilitarianism. Ethical egoism, or what Jan Narveson calls "rational egoism," runs into similar problems. The grounds underpinning our objection to treatment *T* of group *G*, Narveson argues, are that, though *G*'s are not rational and thus have no rights themselves, they nevertheless are the object of the sentimental interests of other human beings who, because they are rational, do have rights, including the right to have others respect their sentimental interests.<sup>12</sup> Narveson's claims about the sentimental interests of people at the present time are, I think, highly speculative. However much we might wish to deny or conceal it, a lot of human beings would rather have done with group *G*'s, including those conventionally "closest" to them—for example, relatives. But even conceding that *G*'s are the object of the sentimental interests of other (rational) human beings, there is no guarantee that they will continue to be so in the future. Perhaps, rational humans might all cease to have such an interest; and severely mentally enfeebled, orphaned humans might come to be regarded as kin to vermin or worse. Thus, if our judgment that we ought not to subject group *G* to treatment *T* were founded on rational egoism, we should be prepared to say that it would become morally permissible or even morally obligatory to treat them in these ways if the future

11. The general point argued for here and in what follows has become clearer to me through conversations with Dale Jamieson. For some first inklings of this line of argument, see my "Narveson on Rational Egoism and the Rights of Animals," *Canadian Journal of Philosophy*, March 1977.

12. Jan Narveson, "Animal Rights," *Canadian Journal of Philosophy*, March 1977.



sentimental interests of rational egoists happened to change as described. However, I do not believe that thoughtful people not already committed to the position of rational egoism would be prepared to say this, which leads me again to the position that something other than and distinct from the interests of rational human beings underlies our judgment that it would be wrong to subject Group *G* to treatment *T*.

Similar remarks apply to Kant's position, I believe, though this is conjectural; I am not certain what his position would be. His theory, we know, places constraints on how one rational being may treat himself or herself as well as other rational beings: we are always to treat rational free beings as ends, never merely as means. The problem is, severely mentally enfeebled humans are not rational and so, given Kant's views on free will (or my understanding of his views), they also lack free will. What constraints, then, could Kant consistently place on how we may treat them? I conjecture that his position could be analogous to his position on the treatment of animals.<sup>13</sup> We ought not to maltreat severely mentally enfeebled humans, Kant could hold, because doing so will eventually lead us to maltreat rational, free beings. We owe nothing to these humans themselves. Rather, we owe it to ourselves, and to other rational free beings that we do not do those things which in the future will lead us to treat rational free beings as mere means.

My objection to my (conjectural) interpretation of Kant is this. Even granting that treating the humans in question in certain ways *now* leads to the sort of future Kant supposes—(one where the perpetrators treat themselves or other rational free beings as mere means)—there is no reason why this must continue to be so in the future. In the future, rational free beings might draw a very sharp line indeed between (say) moronic and non-moronic human beings, and, as a con-

13. Immanuel Kant, "Our Duties to Animals and Spirits," in *Lectures on Ethics*, trans. Louis Infield (New York: Harper & Row, 1963). Relevant portions are reprinted in *Animal Rights and Human Obligations*. For a critique of Kant's views on the wrongness of cruelty to animals, see my "Exploring the Idea of Animal Rights" in *Animal Rights: A Symposium* (London: Centaur Press, 1978). See also Alexander Broadie and Elizabeth Pybus, "Kant's Treatment of Animals," *Philosophy*, October 1974. For a defense of Kant against their line of criticism, see my "Broadie and Pybus on Kant," *Philosophy*, October 1976.

sequence of this distinction, they might have radically different attitudes and feelings about members of the two classes. From a psychological point of view it does not seem implausible to suggest that, if people drew a sharp enough distinction between what they believed about and felt toward moronic and non-moronic human beings, there would cease to be a strong or widespread tendency (assuming it exists at present) that leads those who treat morons as mere means to treat themselves or other rational free beings as mere means also. However, if this actually were to come to pass; and if the grounds for judging it wrong to treat morons in the ways in question were Kantian, then we should be prepared to alter our judgment accordingly: though it is wrong *now* to treat them thus, it would *cease* to be so in the future, if the future held the consequences we have imagined. Once more, though, I do not think anyone not already committed to a Kantian-type theory would alter the judgment for these reasons. This leads me once again to conjecture that there is something else that underlies our present judgment that it is wrong to subject group *G* to treatment *T*.

It is not only utilitarianism, therefore, that must face the kind of difficulty I have been tracing. But now, if I ask myself how to avoid this difficulty, I find that I am ineluctably drawn to the idea that morons (even) have certain rights, that we *owe it to them* not to treat them in certain ways, not out of niceness, or sentimental interest, or because they provide a sort of “warm-up” for the really serious moral game played between rational free beings,<sup>14</sup> or because treating them thus is optimific—rather, we owe it to them not to treat them in certain ways because they themselves have a moral right not to be treated in these ways. It is only, I think, if rights are postulated *even* in the case of morons that we can give a sufficiently firm theoretical basis for our conviction that it is wrong to treat them in the ways in question.

For a certainty there is much in the preceding that is left up in the air. For example, I have not shown that human morons do have any

14. See Ross' analogous observation: “If we think we ought to behave in a certain way to animals, it is out of consideration primarily for *their* feelings that we think we ought to behave so; we do not think of them merely as a practicing ground for virtue.” W. D. Ross, *The Right and the Good* (Oxford: The Clarendon Press, 1930), p. 49. Ross' grounds for denying rights to animals are subjected to a critical review in my “Exploring the Idea of Animal Rights.”

rights. To do this I would have to show that what I believe is true, actually is true—namely, that (1) it is *only* if they have rights that we can give a sufficiently firm theoretical basis for the conviction in question, (2) that this conviction is true, and (3) that the adequacy of theories depends on their ability to illuminate and account for such convictions. To show this, however, I would have to show that *every* alternative theory fails to give this conviction a sufficiently firm basis. I have not shown this. I am not even sure how I might try. That effort, if it comes, will have to come at some later date.<sup>15</sup> Moreover, I have not ventured any analysis of what rights are (Are they valid claims? Entitlements? Powers?), nor have I advanced anything approaching a complete account of the range of rights morons can or do have, assuming that they can or do have some. For example, I have not endeavored to argue for or against the view that they have a right to life, or to pursue happiness.<sup>16</sup> There are many complicated questions that would have to be considered in each of these (and other) cases. I cannot explore them here. However, while conceding (or, rather, insisting) that there is much in the preceding that is left unsaid, the relevance of what has been said to the question of animal rights can now be brought into sharper focus. For if, as I think, in our search for the most adequate theory to account for our settled moral convictions we are driven to postulate that morons (even) have certain rights, it remains to be asked what there is about them that could serve as the grounds or basis of the rights they have, if they have them. Singer, I believe, has argued persuasively that it cannot be the fact that they are human beings, that they belong to the species *homo sapiens*, which accounts for this; that is to mark moral boundaries in a way which invites comparisons to racism and sexism. Nor can it be argued that morons have the rights they do, if they do, because they are autonomous or very intelligent; they are not. Nor, again, will it do to argue

15. I have explored some of the relevant problems in my "An Examination and Defense of One Argument Concerning Animal Rights," *Inquiry*, Summer 1979.

16. I take up this question in my "The Moral Basis of Vegetarianism," pp. 205ff. Singer subjects my views to a careful critical examination in his "Animals and the Value of Life," in Tom Regan, ed., *Matters of Life and Death* (New York: Random House, 1980). See also my "Exploring the Idea of Animal Rights."

that they belong to a species whose members normally are rational and the like.<sup>17</sup> Rather, if there is some basis for their having rights, *it must be something about the capacities of the morons themselves* that forms the grounds of their having them. What this is, is controversial, to be sure, but if we search round for the most promising candidates, what we find is that many, many animals will satisfy the grounds in question.<sup>18</sup> Take, for example, Singer's mention of "the capacity to experience pain and/or enjoyment." That seems to me to be a very strong candidate for grounding rights in the case of human morons. But if that is so, then we seem to be inconsistent at best if we withhold ascribing any rights whatever in the case of those animals who have the capacity in question. I do not mean to suggest that it is a *simple* matter to say what the grounds are for attributing rights to human morons, or to humans generally. Far from it. What I do mean to suggest is that the strongest arguments describing how it is that human morons have rights will rationally compel us to ascribe similar rights to many animals, if I am correct in thinking that (1) it is wrong to treat human morons in the ways in question; (2) we would not (and should not) change this judgment in the ways utilitarianism, egoism or Kantianism would require, if the future happened to change in the ways described earlier; (3) if, in our search for the most adequate moral theory on which to ground this belief, we are driven to postulating that human morons (even) have certain rights; and (4) if the grounds underlying their possessing the rights they possess are common grounds, as it were, between them and many other animals. If all this is correct, then I think the case for animal rights is very strong indeed. But even if none of it is right, this must be because my arguments are unsound, not because there are no arguments at all. Though I might be confused in my reasoning, I *think* I can tell the difference between reasoning and rhetoric.

17. On this point see my reply to Fox, "Fox's Critique of Animal Liberation," pp. 129ff.

18. I examine this controversy at length in my "An Examination and Defense of One Argument Concerning Animal Rights."