

In Defense of Eating Meat

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Abstract Some arguments for moral vegetarianism proceed by appealing to widely held beliefs about the immorality of causing unjustified pain. Combined with the claim that meat is not needed for our nourishment and that killing animals for this reason causes them unjustified pain, they yield the conclusion that eating meat is immoral. However, what counts as a good enough reason for causing pain will depend largely on what we think about the moral status of animals. Implicit in these arguments is the claim that sentience is sufficient for having moral status. These arguments, however, fail to specify the conceptual connection between the two. I argue in this paper that sentience is not sufficient for moral status. Thus, although animals experience pain as it is physically bad, their experience of it is not in itself *morally* bad. They are harmed in feeling pain, but this harm is not of a moral kind. This distinction parallels the more familiar distinction between moral and non-moral goods. When considered, this significantly mitigates the force of sentience-based arguments for moral vegetarianism. Since animals lack moral status, it is not wrong to eat meat, even if this is not essential to nutrition.

Keywords Animal ethics · Vegetarianism · Moral status · Sentience

Some arguments for moral vegetarianism proceed by appealing to widely held beliefs about the immorality of causing unjustified pain.¹ Combined with the claim that meat is not needed for our nourishment and that killing animals for this reason causes them unjustified pain, they yield the conclusion that eating meat is immoral.

¹ See for example Engel (2000, 2001), Norcross (2004), Rachels (2004), Nobis (2008), DeGrazia (2009). Also see Hooley and Nobis (forthcoming: 2015) for an application to veganism.

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However, what counts as a good enough reason for causing pain depends largely what we think about the moral status of animals. Implicit in these arguments is the claim that sentience is sufficient for having moral status.² These arguments, however, fail to specify the conceptual connection between sentience and moral status. I argue in this paper that sentience is not sufficient for moral status. Thus, although animals experience pain as it is physically bad, their experience of it is not in itself *morally* bad. They are harmed in feeling pain, but this harm is not of a moral kind. This distinction parallels the more familiar distinction between moral and non-moral goods. When considered, this significantly mitigates the force of sentience-based arguments for moral vegetarianism. Since animals lack moral status, it is not wrong to eat meat, even if this is not essential to nutrition.

Introduction

Most of us have the intuition that it is wrong to inflict pain upon someone without a morally good reason. If causing unjustified pain is wrong, then the ability to feel pain would appear to be a morally salient property that provides us with a sufficient condition for having moral standing. Now if it is wrong to cause unjustified pain, then it is also wrong to support or partake in practices that involve this. One class of arguments for moral vegetarianism employs these widely shared beliefs in arguing against the consumption of meat. Since it is possible for us to nourish ourselves without eating meat, the act of killing animals for consumption causes them unjustified pain, from which it then follows that eating meat is *prima facie* morally wrong. This is sometimes bolstered with empirical claims about the inhumane conditions of “factory farms” and animal agribusinesses. This strategy, which Rachels (2004) calls the “basic argument” for vegetarianism, can be formulated as follows:

- (1) It is wrong to cause pain without a morally good reason.
- (2) If it is wrong to cause pain without a morally good reason, then it is also wrong to support practices that cause pain without a morally good reason.
- (3) If we can nourish ourselves without eating meat, then nourishment is not a morally good reason to cause pain to animals or to support practices that cause pain to animals.³
- (4) We can nourish ourselves without eating meat.
- (5) Therefore, nourishment is not a morally good reason to cause pain to animals or to support practices that cause pain to animals (from 3,4)
- (6) Therefore, it is wrong to eat meat (from 1–2, 5)

² I use the terms “moral status,” “moral subject,” and “moral being” interchangeably in this paper.

³ There is debate as to what these practices would amount to. Advocates of moral vegetarianism/veganism do not themselves agree on the extent to which individual persons should cease engaging in dietary/non-dietary practices that are associated in some way with animal suffering. Whatever these practices are, I will take such practices to include the dietary consumption of animal products. A full discussion of this point goes beyond the scope of this paper.

This is a powerful argument. An advantage of this strategy is that it circumvents the need to defend a complex theory of animal rights, since it relies on a modest and uncontroversial thesis regarding pain. As Engel (2000) points out, this strategy appeals to premises that are already (at least implicitly) accepted by nearly everyone. DeGrazia (2009) refers to this as “moral vegetarianism from a very broad basis.”

Critics of this argument can respond in several ways. Some grant the moral relevance of sentience, but argue that this only implies that we should strive to reduce or eliminate animal pain when slaughtering them. One also might question the premise that we can nourish ourselves without eating meat. Another objection is that one’s individual actions are causally impotent in stopping the practices of large animal agribusinesses. Whatever the merits of these responses, I will not consider them here. Indeed, I concede for the sake of argument that eating meat isn’t nutritionally necessary and that our individual actions do make a causal difference.

Instead, my response consists of denying the third premise and maintaining that our nutritional interests—even if they can be satisfied without eating meat—provide a good enough reason to engage in or support practices that obtain meat from animals. On this point, the concept of a “morally good reason” needs explication. *Morally* good reasons are distinct from good reasons considered generally. Whether or not some reason is “good” will depend on whether it adequately justifies, grounds, or motivates some course of action. Good reasons need not be moral reasons. If my goal is to be a good athlete, then my wanting to be a good athlete is a good reason to practice hard. If my goal is to arrive to a meeting on time, then arriving on time is a good reason to leave early. Neither of these are necessarily moral activities, since they hinge on the acceptance of a conditional premise. *Morally* good reasons are good reasons that appeal to moral facts for the purpose of guiding action. The claim that eating meat is wrong because it involves unnecessary pain to animals appeals to one such reason. The proponent of the basic argument is committed to the thesis that sentience is a morally salient property, the possession of which is sufficient to confer moral standing.

Now if some reason x is a morally good reason for which to act upon some y , then acting upon y for the sake of x will be at least morally permissible. Whether this is the case will depend on both what x and y are. It is plausible to say that if x involves a welfare interest of a member of the moral community, and if y is not a member of the moral community (i.e. it does not have moral status), then it would be morally permissible to act upon y for the sake of x . This is simply an extension of the commonsense principle that moral interests are categorically more important than non-moral interests. Moral interests are welfare interests of members of the moral community. They refer to things that members of the moral community need in order to flourish. Non-moral interests are welfare interests of non-moral entities. Barring cases where acting against a non-moral interest may indirectly affect a moral-interest, moral interests seem *always* to take precedence over non-moral interests.

In light of these preliminary points, my argument is that animals lack moral status altogether. More specifically, I mean that animal pain is bad, but not *morally* bad. It is only a certain type of pain experience—namely those of beings capable of

rational agency—that matters in a moral sense. This distinction between pain as it is physically bad and pain as it is morally bad is entailed by a more basic distinction between moral and non-moral goods. If animals lack moral status, then given the principle that the welfare interests of moral beings take precedence over those of non-moral beings, it follows that our moral welfare interest in eating meat takes precedence over the non-moral welfare interests of animals. If this strategy works, then we have a basis for putting our own welfare interests over the welfare interests of animals when it comes to their use as food. Note that I am *not* taking the Cartesian position that animals are incapable of feeling pain, a thesis that is contradicted by an overwhelming amount of physiological and neurological evidence. Nor am I denying that it is wrong to cause unjustified pain. It is indeed wrong to cause unjustified pain, but what counts as “justified” and “unjustified” will depend on what kind of thing we are dealing with. We can formulate the argument in defense of eating meat quite simply:

- (7) Moral welfare interests trump non-moral welfare interests.⁴
- (8) Human consumption of meat for the sake of nutrition is a moral welfare interest.
- (9) The interests of non-human animals in not feeling pain is a non-moral welfare interest.
- (10) Therefore, human consumption of meat for the sake of nutrition trumps the interests of non-human animals.⁵

From this, we may infer that it is morally permissible to eat meat. Premises (7)–(9) entail the falsity of premise (3) of the basic vegetarian argument. One explanatory virtue of the argument I offer is that it plausibly resolves an apparent conflict between two competing intuitions in a way that the basic argument cannot. Proponents of the basic argument argue that our commonsense intuitions about pain entail the further claim that it is wrong to eat meat. This appeal to modest premises is touted as a strength of the argument. But at the same time, proponents of the moral permissibility of eating meat cite commonsense intuitions indicating that humans are more important than animals and that animals may be used for certain purposes. In response to this apparent conflict of intuitions, a proponent of the basic argument will simply say that the former turn out to be more compelling than the latter, and as such we should either abandon or at least heavily adjust our beliefs about animals. But if the argument I offer is successful, then we have a way of maintaining both sets of intuitions and their associated beliefs without abandoning or heavily adjusting one of them. In this respect, the argument in defense of eating meat has more explanatory power than the basic argument for vegetarianism.

Premise (7) holds that moral interests trump non-moral interests. It is hard to see how this could be disputed, given that moral reasons by definition are reasons that

⁴ I use “interests of moral beings” and “moral welfare interests” interchangeably in this paper. Both refer to the welfare interests of members of the moral community.

⁵ Although my concern in this paper is only with defending the moral permissibility of eating meat, this argument can easily be adapted into an argument for moral omnivorism.

possess a special kind of privilege that makes them weighty in the face of countervailing non-moral reasons. Indeed, for something to be moral is for it to matter in this special way. Hence to be a part of the moral community is to have one's welfare interests matter *categorically*. Members of the moral community are superior in a way that is different in kind from those outside of the moral community.

The most controversial premise of the argument I have offered will likely be (9), which asserts that animals lack moral status. I now turn to a defense of this particular premise. Objections will be discussed in section "[Conclusion](#)".

How to Think About Moral Status

What exactly *is* moral status? At its most general level, to have *status*, *standing*, or to be a *subject* is to have membership within a community. Consider the concepts of educational status and religious status. One's status in each of these areas is dependent upon the nature of the relevant institution. Given the nature of educational institutions, someone who is enrolled in a school may be said to have standing as a student, while someone who is not enrolled may lack standing altogether or possess a different kind of standing. Similarly, an atheist, under certain conceptions of what it means to be religious, will not have standing in religious bodies because he does not share a belief in the divine. Those within a community will often be subject to and enjoy certain rights, rules, and regulations that are relevant to the goals of that community. For instance, students in a school have the right to learn in a safe and distraction-free environment. At the same time, they are subject to rules regarding dress code, attendance, and homework. Depending on the community, not all members of the community may share the same amount of standing (teachers and religious figureheads, for example, will have higher standing than students and laypersons). Hence, status within a community may come in degrees of significance.

Likewise, the concept of moral status refers to membership within the moral community. According to Beauchamp and Childress (2013: 94), the concept of moral status "basically entails that any being X has moral status if moral agents have moral obligations to X, X has basic welfare interests, and the moral obligations owed to X are based on X's interests." Like other communities, members of the moral community are subject to and enjoy certain rights and responsibilities that are pertinent to their flourishing as a member of that community. Within the moral community, there may be more specific categories that build upon moral status simpliciter. These categories may include distinctions between moral agents and moral patients, persons and non-persons, saints and sinners, and so forth.

But what is the *moral* community? Communities are groups of individuals (or smaller subgroups) ordered around a common factor or objective shared by each member.⁶ The conditions for membership within a certain community are

⁶ See Finnis (1980: 153). "[A] group... whether team, club, society, enterprise, corporation, or community, is to be said to exist wherever there is, over an appreciable span of time, a co-ordination of activity by a number of persons, in the form of interactions, and with a view to a shared objective."

determined by that community's nature or purpose. Educational status in a university, for example, depends on meeting certain minimum admissions criteria pertinent to the goal(s) of the university. The concept of membership, like the concept of status, makes sense only when understood in relation to a group organized around a common factor. These common factors can either be a natural property (such as in biological kinds) or stipulations made by an organizing authority (such as in a club). We cannot know what it means to have standing in a certain community without first knowing the common factor around which that community is structured. So too with the moral community. The defining feature of the moral community is related to the nature of morality itself. Hence, to know what the moral community is, we first must have some idea of what morality is and what it is about.

We should also distinguish the *concept* of moral status from the *grounds* of moral status. In order to draw distinctions between what is and what isn't relevant to moral standing, one needs to begin with an understanding of what moral status is. However, theories of the grounds of moral status are very often put forth with little to no theoretical elaboration tying the purported morally relevant property or properties to membership in the moral community. Many times the only reason in favor of adopting a specific conception of the grounds of moral status is just an assertion that its moral relevance is intuitively "obvious." But this will not do, especially given that many theories that claim intuitive support are mutually exclusive. What we want from a theory of moral status is a robust conceptual framework for understanding moral status, not just a list of properties that are justified by a mere appeal to intuition. There will need to be theoretical elaboration on *why* a supposed property or list of properties is relevant to membership in the moral community. Appeals to intuition, though helpful, do not go far in satisfying this requirement. It may be intuitively obvious that some property is in some way relevant to moral status, but this in itself does not tell us *how* it is relevant (which may reveal crucial points that cannot be uncovered by mere reflection on one's intuitions).

The defender of the basic vegetarian argument is committed to the claim that sentience is sufficient for conferring moral status. However it is not clear what the connection is supposed to be. To see this, consider the distinction between moral and non-moral goodness. This distinction holds simply that things can be good in ways other than their being morally good, and that moral goodness is a subset of goodness considered generally. "Good" is a term that is used to assess the worthiness of a particular thing in relation to some end, kind, or purpose.⁷ That is to say, something is good in that it is good *for* some *x*. If I say that a toaster is good, I mean that it is particularly adept at doing the sort of thing that toasters are supposed to do, which is toasting bread. But being good in one respect is conceptually distinct from being good in other respects. Hence, although a toaster might be good for the end of toasting bread, it is not good for the end of telling time. A good toaster, good

⁷ See Geach (1956). I situate the moral/non-moral good distinction within the context of the attributive account for illustrative purposes. One need not accept the attributive account of the good in order to see the distinction I am trying to introduce.

watch, good firefighter, and good person are all “good” in different ways. In each case, the content of the good depends on the thing of which it is attributed. Goodness can be spoken of in many different ways, with moral goodness being just one way in which something can be said to be good. Thus, that something is good in some sense does not in itself entail its being morally good as well, for not all goods are moral goods. In order for one to infer that something is morally good based on its being good *simpliciter*, more needs to be said. Now just as the good of a firefighter is determined by the nature or end of firefighting, the moral good is determined by the nature or end of morality. What this amounts to will be discussed at further length later on. For now, it is sufficient to say that a moral good is one that is relevant to moral purposes, such as the flourishing of a moral subject or the fulfillment of a duty. These points apply *mutatis mutandis* to the distinction between moral and non-moral varieties of badness.

Now why should we think that sentience is sufficient for moral status? An obvious answer is that causing pain *harms* the being that suffers. Since we ought not harm others without a morally good reason, it follows that it is morally wrong to cause unjustified pain. But this will not do. Each living being possesses a set of welfare conditions according to which its life can be evaluated as well or ill. Humans need oxygen or else they will suffocate, cows need grass or else they will starve, and plants need water or else they will wither. Some non-living things also possess welfare conditions. A car that is improperly maintained or a computer infected with a malicious program is not functioning as it should. A harm is just a setback to one or more of a being’s welfare conditions, with the harm of pain consisting in the impairment of a subject’s physical and mental well-being.

This answer by itself is insufficient to establish sentience as morally salient, for clearly not all instances of harm are moral harms. What is missing is the conceptual connection between harming *simpliciter* and moral harm. The language of harm is just another way of saying that things can go badly for something; and just as there is a distinction between something’s being good and its being good in a moral sense, so there is a distinction between something’s being bad and its being morally bad. If I cut a flower from my garden, I harm a plant; if I introduce an antibiotic into a bacterial culture, I harm millions of bacteria; if a malicious program infects my computer, my computer is harmed. In no case do I necessarily inflict moral harm. Welfare conditions vary from entity to entity, and not all entities have a welfare that matters morally. There is an inferential gap in moving from the possession of welfare conditions to the possession of moral welfare conditions. If sentience is morally valuable, then its moral value cannot consist solely in the fact that it provides a measure of welfare. The question we should ask, then, is this: What is it about pain that makes its harm a distinctively *moral* harm? Stated differently, what does pain *add* that makes it different from the violation of just any other welfare condition? It will not do merely to appeal to intuition, for although we do have a strong intuition that pain is linked with moral badness, this intuition does not tell us whether the moral badness of pain derives from the very nature of pain itself or from some *further fact* that makes pain experiences morally significant. If the latter turns out to be the case, then our intuitions about pain contain a masking effect that affects our ability to discriminate accurately between relevant and irrelevant forms

of pain experiences. That is, our intuitions may cause us to focus too much on irrelevant features that present themselves strongly to us, with the result that we miss other subtle but relevant ones.

Perhaps the moral relevance of sentience consists in the fact that pain experiences imply the existence of a subject who is consciously aware of his or her experience of pain. Kuhse (1985) and Singer (1989), for instance, acknowledge that a variety of living and non-living things can have welfare conditions, but maintain that only those welfare conditions that bear on consciousness have moral import. However as Oderberg (2000b) points out, there is still a gap between being a *psychological subject* and being a *moral subject*. The possession of beliefs, desires, and other mental properties certainly adds another dimension to a being's flourishing; namely, those involving their fulfillment or frustration. But why we should regard their possession as sufficient for moral status? The conceptual connection still appears to be absent. Thwarting a desire counts as an instance of mental harm in the same way that thwarting growth counts as an instance of physical harm. In neither case can we infer that they are intrinsically moral harms. Thus, although the presence of conscious states or mental properties certainly makes a being's welfare more *complex*, they do not seem to add anything beyond a new set of welfare conditions. Even though it does intuitively seem as if consciousness of a certain kind is relevant to moral status, consciousness *as such* is not what confers moral status. There needs to be a further fact that conceptually links the two together. I now turn to the question of what in fact grounds moral status.

Why Animals Lack Moral Status

Earlier it was said that communities are organized around common factors. The moral community is likewise organized around something shared in common by all of its members. This common factor is none other than the capacity for rational agency. Moral philosophy studies topics such as the good, obligatory and forbidden actions, responsibility, virtue, habits, attitudes, emotions, and practical reasoning. All of these have to do in some way with the *pursuit* of the good life. Virtue, for instance, is typically understood as being a disposition towards a certain kind of *action*. The terms "action" and "pursuit" refer to more than just a mere tending towards an end, such as digestion or the heart's pumping blood. Moral action is free action, which requires (among other things) that an agent have the ability to *know* his reasons for action. Thus, Oderberg (2000a: 1) notes that "knowledge and action are the two essential objects of ethics, what the person who wants to 'be moral' or 'act morally' has to aim at." Morality itself, then, is concerned with delineating standards for the purpose of guiding behavior. Gert (1998) defines morality as "an informal public system applying to all rational persons, governing behavior that affects others, and has the lessening of evil or harm as its goal." The purpose of morality is to provide a code of conduct that those in the moral community can use to guide their behavior with the final aim of flourishing or living the good. Many disputes within moral theory center around questions pertaining to the *content* of flourishing and *how* it should be pursued. This presupposes that those in the moral

community are *able to act* for moral reasons. The moral community is thus a community of rational and free beings. It is this common factor that defines the moral community as moral.

From this we can conclude that the capacity for rational agency is both necessary and sufficient for having moral status, for morality is essentially about action in pursuit of one's flourishing. Now in order to pursue something, one needs to be capable of knowing *what* it is he is pursuing and *that* he is doing it. To pursue something is to aim for it as an end, and one cannot formulate a plan of action if he cannot know what he is aiming at. Moral subjects must therefore be capable of knowing, understanding, deliberating, choosing, and acting for the sake of the good. Furthermore, since morality is about the pursuit of the good, and because the good is species-specific, a moral subject must also have the further ability to know *his own* good and the good of *others* in the moral community. This in turn requires that a moral subject have the ability to have at least partial knowledge of his nature and the nature of others like him, which requires that he possess an intellect capable of grasping the essential nature of things and abstracting it as something held in common by many.⁸ This intellect must be capable of classifying, generalizing, and recombining concepts in order to reach new insights, for cognition of this sort is necessary to internalize the good as a reason for action.

It is unlikely that animals have any of these cognitive powers. We come to know what something is through observing its actions. That is, we know what kind of being/entity something is by seeing how its powers, capacities, and dispositions are manifested. I know what a plant is by observing its physical structure and growth patterns. I know what a dog is by observing its behavior. If some animals really are capable of rational agency, then we should expect them to manifest some of the characteristics indicative of it. But any evidence of this sort is completely absent in animals. This can be seen simply by noting the huge gaps in achievements between humans and animals. Our nature as rational agents provides the basis for the intellectual and technological achievements typical to human civilization. If animals possessed the same sort of intelligence, then we would expect to see similar achievements in the animal world. We would expect their intellectual, moral, social, and cultural development to parallel our own. Yet this is obviously not the case. It is only humans who appear to be capable of engaging in the type of abstract thought that gives rise to civilization. Animal knowledge, by contrast, is limited only to the here-and-now, with thought patterns being determined and limited by instinct.

Moreover, if animals possessed the cognitive powers required to make them moral agents, then at least some of them would be under *duties*. But this does not seem to be the case for any animal. Advocates of animal rights themselves acknowledge this when they characterize animals as "moral patients." A lion that devours a zebra does not act immorally, since neither the lion nor the zebra is capable of having duties of any sort. If I am mauled by a grizzly bear, the grizzly bear is not morally blameworthy for mauling me because it has no duty to respect

⁸ "An act of understanding is the grasping of, or awareness of, a nature shared in common by many things. In Aristotle's memorable phrase, to understand is not just to know water (by sensing or perceiving this water), but to know what it is to be water." (Lee and George, 2008: 53).

my rights. Should we put carnivorous predators on trial, punish them, and create provisions to protect them from harming each other? Most of us would rightly balk at such suggestions. Whatever intelligence animals do possess, our reluctance to attribute duties to them on the basis of such intelligence is evidence that it is not the kind of intelligence relevant to moral standing.⁹

Objections

So far I have argued that rational agency is a necessary condition for having any sort of moral standing. One common objection to accounts of moral status like this is that they exclude so-called “marginal cases” or “moral patients” from moral consideration.¹⁰ The very young and handicapped are not capable of acting morally and thus would seem to be excluded from the moral community under this view. These cases can be accounted for by distinguishing between two different types of capacities. Although the aforementioned cases lack an *immediately exercisable capacity* for rationality, they nevertheless—in virtue of being a member of a certain natural kind—possess a *root capacity* for rational agency. As we will see, it is this latter capacity that forms the basis of moral status.

Note first a difference between a capacity and the *manifestation* of that capacity.¹¹ We can think of a capacity as an active or passive power, disposition, potentiality, or function that brings about some end state when appropriate conditions are met. Just as causes are distinct from their effects, the end state that a capacity realizes is distinct from the capacity itself. Thus, the act of seeing is distinct from the capacities that realize it. Capacities are characterized by their *directedness towards* some end, a feature that ends may sometimes lack. If *directedness towards* x is identical to x , then it would make no sense to speak of failure, defects, or disorders of any kind. Since the two are distinct, the lack of an end does not in itself show the lack of directedness towards that end.

⁹ Some have argued that certain groups of animals manifest characteristics that are indicative of rational agency. Shapiro (2006), for example, points to seemingly virtuous behavior amongst macaques that are suggestive of a primitive rational agency. These features, however, all appear to be irrelevant. As was noted, genuinely moral behavior flows from a certain mindset, namely one that is able to grasp and understand reasons for action (namely, those relating to the flourishing of oneself and others). Moral agents must, among other things, have the ability to *critically reflect* on their own actions, the ability to understand the idea of having made a *mistake*, the ability to *improve* their conduct for the proper reasons, and the ability to *promulgate* virtues to others. All of this requires a type of abstract thought that animals very plausibly lack. To have this type of mindset is to have a cognitive makeup similar to that of humans, something for which we have no evidence for in the animal world. The apparent inability of non-human animals to *give* reasons only compounds this difficulty. Although animal behavior may often outwardly mirror moral conduct, this resemblance is only superficial.

¹⁰ Norcross (2004: 244) argues that “any attempt to justify the claim that humans have a higher moral status than other animals by appealing to some version of rationality as the morally relevant difference between humans and animals will fail on at least two counts. It will fail to give an adequate answer to the argument from marginal cases, and, more importantly, it will fail to make the case that such a difference is morally relevant to the status of animals as moral patients as opposed to their status as moral agents.”

¹¹ Feser (2014).

We do sometimes speak colloquially of someone's not being capable of something in the sense that he is not *immediately* capable of it. Capacities can be divided into hierarchies ranging from higher-order (root) capacities to lower-order (developed) capacities, with lower-order capacities being grounded in higher-order capacities. This division of capacities into hierarchies is useful for illustrating that when one speaks of capacities being lost or gained, one typically refers to root capacities that may have various *degrees of realization*. The various stages throughout the realization of some capacity can be arbitrarily divided into stages that pick out real points along its manifestation. The loss of a lower-order capacity does not imply the loss of a more basic higher-order capacity.

Granting all of this, one might still wonder which type of capacity is relevant to moral status and responsibility. Consider a hierarchy of capacities ranging from C_0 to C_6 , where C_0 denotes the root capacity for rationality and C_6 denotes its fully developed version. At which stage should does a being acquire moral status?

It cannot be C_6 , for individuals who are sleeping, drugged, or who otherwise lack the immediate capacity for rational agency still retain moral status. Nor can C_5 be what matters, for those who are temporarily comatose or who take several weeks to fully recover from a severe concussion retain their moral status during this time in virtue of an even higher-order capacity. But *which* higher-order capacity? C_5 is higher-order relative to C_6 , but lower-order relative to C_4 . It seems quite arbitrary to ground moral status in any lower-order stage along this continuum, because for any lower-order capacity we pick out there is a corresponding higher-order capacity to which we may appeal as the ground of moral status. As DiSilvestro (2009) points out, we often appeal to higher-order capacities to account for the possession of moral status during certain temporary changes in which we lose lower-order capacities. If we iterate the structure of this argument backwards, we arrive at c_0 , the ultimate capacity for rational agency, one that is rooted in an organism's species-membership. Possession of this capacity is sufficient for having moral status, for the various intermediate capacities of rational agency are really just different stages of this underlying capacity.

Capacities originate from a nature or essence. Having a certain nature explains why a being has the capacities it has, their unity as capacities of a single individual, and allows us to identify what activities are proper to it (which gives us a basis to distinguish between what is normal and defective). Possession of a human nature is a sufficient condition for having the capacity for rational agency. All humans, including infants, the cognitively disabled, and those similarly situated possess the same set of root capacities.¹² Although they may lack the manifestations of those capacities, the very concepts of *immaturity*, *disability*, and *mental illness* presuppose

¹² An anonymous reviewer asks, "Couldn't pro-life activists use the same argument to argue for the moral status of fetuses and even embryos?" The answer is yes. Many pro-life philosophers have argued along these same lines for the moral status of human fetuses and embryos (and indeed, many of my arguments here have been motivated from my reading of them). Someone who disagrees with this extension of the argument, as the reviewer presumably does, cannot simply dismiss it as counterintuitive, but must engage seriously with the arguments made by pro-life philosophers. See Schwartz (1990), Moreland and Rae (2000), Oderberg (2000a, b), Beckwith (2007), Lee and George (2008), George and Tollefsen (2008), DiSilvestro (2010) and Kaczor (2011).

the existence of capacities whose manifestations are blocked or destroyed. That is, talk of such concepts presupposes a norm that individuals should be fulfilling. These norms exist only because of capacities directed toward certain end states. Thus, all human beings—including those disabled or diseased—have a root capacity for rationality.¹³

Perhaps one might object by saying that lines can still be drawn even if any line we draw will be to some extent arbitrary. For example, there is a clear difference between day and night, even if one cannot pinpoint with exact precision when it ceases to be day and when night begins. While we can think of moral status in this way, this response misses the point of the argument. First, the temporary change argument is offered as an argument to the best explanation. In other words, it is plausible to suppose that moral status is grounded in possession of any higher-order capacity for rationality, given that higher-order capacities are what account for our persisting moral status during temporary changes. The advantage that this account provides over the alternative being considered is that it offers a non-arbitrary point at which to ground moral status, namely, the possession of the root capacity for rationality. But second, even if I am wrong about what level of rationality generates moral status, this does not detract from my conclusion that animals lack moral standing. Although I am persuaded that all human beings possess moral standing, this premise is not essential to my main argument. The key claim of my argument is that a certain type of capacity, namely the capacity for rationality, is what grounds moral status. I have argued that animals lack this capacity completely, while humans possess it to various degrees.¹⁴ There may be reasonable debate as to what *level* of this capacity is sufficient to bestow moral status (I have argued that a root capacity is sufficient), but whatever answer we take is compatible with the general claim that *some* capacity for rationality is essential for moral status.

If the argument sketched in the third section is successful, then it is doubtful that any distinction between “moral patients” and “moral agents” will be of much help. On the account of moral status I have sketched, the idea of a moral patient makes sense only in light of rational agency. Put another way: a necessary and sufficient condition for being a moral patient is that one have a capacity for rational agency. We can think of moral patients as impoverished moral agents: moral patients have as part of their nature the exercise of rational agency. The actual exercise of this underlying capacity, however, is unrealized due to defect, disability, or immaturity. Since animals lack even this capacity, they are neither moral patients nor moral agents.

One might object, as does Engel (2001), that we should surely attribute *some* amount of moral standing to animals on the basis of their sentience, even if it turns out that they do not have *significant* moral standing because they lack a certain type

¹³ Lest one think this is circular, my argument is not that humans have moral status because they belong to the human species. Rather, it is that humans have moral status because they possess a capacity for rationality. In other words, all members of the kind “human” have moral status because they possess a capacity for rationality.

¹⁴ In other words, it is not the case that we have more of something and animals have less. Rather, we have a capacity that we do not share with animals, and this capacity (in whatever form) is what is essential to moral status.

of mental life. Some philosophers hold that moral status may come in degrees, and according to DeGrazia (2008, 2009), any theory of moral status that fails to attribute any amount of moral status to animals is fatally flawed because it cannot plausibly account for the wrongness of cruelty towards them. According to DeGrazia and others, a necessary wrong-making feature of animal cruelty is that it harms animals. This explanation is unavailable to someone who denies that animals have moral status.

But sentience confers some degree of moral status only if sentience is relevant to moral status *simpliciter*, so this response adds nothing unless one specifies the connection between the two. Most moral theories which consider sentience to be a sufficient condition for moral status assert it as intuitively obvious. Yet as we saw earlier, merely appealing to intuition will not do.

What of the complaint that any moral theory that denies moral status to animals is unable to account adequately for the wrongness of cruelty? Here it is not clear why someone who denies that animals have moral status cannot be committed to the thesis that animal cruelty is wrong *in part* because of what it does to the animal. Animals, along with all living things, possess welfare conditions, and so acts of cruelty harm them in a real sense. Even though it is persons (either oneself or others) who are *morally harmed*, it is not incorrect to say that that animal cruelty is wrong in part because it harms animals, since it is through harming animals that persons are morally harmed. In other words, the harm dealt to animals is a necessary—but not sufficient—feature of what grounds the wrongness of animal cruelty. The further question of the exact conditions under which an act may be evaluated as cruel is beyond the scope of this paper.¹⁵ For our purposes, it is enough to show that one can be committed to the position that animals lack moral status and still maintain that animal cruelty is wrong (in part) for reasons pertaining to their welfare.

But perhaps an advocate of moral vegetarianism might have a way out. As an anonymous reviewer points out, “whether a particular treatment is cruel, very much lies in the eyes of the beholder. As a consequence, people might have different views about what harms the moral status of humans. As such, the moral status of animals becomes irrelevant for determining whether eating meat is immoral. It all depends on how much harm a particular object inflicts upon the moral status of humans.”

It is true that what constitutes cruelty will, to some extent, be person-relative. Nevertheless, this is not enough to support a general argument for vegetarianism. Cruelty, whatever else it may be, consists of practices that inflict needless or excessive suffering (i.e. suffering beyond what is required) or suffering for its own sake. In other words, one way that cruelty may be perpetrated is if someone inflicts more harm than is required to accomplish some end, even if that end is morally

¹⁵ One objection made by DeGrazia (2009) is that indirect duty views cannot account for all instances of animal cruelty, for there are cases where any negative empirical spillover to persons is non-existent. But indirect duty views need not be committed to this claim. If humans have duties to themselves to develop and cultivate a certain character makeup, then we may plausibly say that every act of harming animals for no morally good reason necessarily harms the person himself, independent of any causal spillover to third parties. As Oderberg (2000b: 142) points out, “[e]very act of cruelty for cruelty’s sake disgraces and degrades us.”

legitimate. Implicit in this analysis is that practices that are proportionate to some morally legitimate end do not count as cruel. By “legitimate end,” I mean any practice that contributes to our flourishing. Since animals lack moral status and can be used for the purpose of satisfying a legitimate welfare interest (i.e. nutrition), then their use for this end is morally permissible in principle. Acts of harming animals that are disproportionate to the end of nutrition, would, under this analysis, rightly be immoral. Perhaps this requires drastic changes to current practices, perhaps it doesn’t. My goal here is not to defend current practices involving the use of animals for food, but to critique the more general idea that we ought to be vegetarians because nourishment is not a morally good reason to cause pain to animals or to support practices that cause pain to animals.

Conclusion

If the arguments presented here are sound, they mitigate the force of sentience-based arguments for moral vegetarianism. Since the interests of animals are not moral interests, it is not morally wrong for us to use them for the sake of providing food for us. Since nutrition is one of our welfare interests, and eating meat is one way of meeting that interest, then our wanting to eat meat is a sufficient reason to use animals for that purpose. Since moral welfare interests take precedent over non-moral welfare interests, it is permissible to eat meat even if eating meat is not necessary to meet the end of nutrition. This is not to say that all instances of using animals for food are morally acceptable. While we may in principle use animals for a variety of purposes, certain instances of animal use may become immoral due to external factors such as waste, inefficiency, or cruelty. These points apply equally to the use of animals in other contexts, such as biomedical research.¹⁶

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¹⁶ Pranav Bethala, Timothy Wilson, C’Zar Bernstein, and an anonymous referee provided helpful feedback, discussion, and corrections on earlier versions of this paper.

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