

BETWEEN THE SPECIES

Animals and Causal Impotence: A Deontological View

ABSTRACT

In animal ethics, moral philosophers like Peter Singer and Mylan Engel, Jr. argue that we ought not to purchase or consume animal products because doing so contributes causally to unnecessary suffering. Others, such as Russ Shafer-Landau, counter that where such unnecessary suffering is not causally dependent on one's causal contributions, there is no duty to refrain from purchasing animal products, even if the process by which those products are produced is morally abhorrent. I argue that there are at least two plausible principles which ground the wrongness of purchasing animal products produced by morally abhorrent means. First, respect for the wishes and dignity of animals who have been wrongly tortured and killed requires treating their losses as losses, which entails a pro tanto duty to refrain from using their bodies in ways to which they would not consent. Second, we ought to refrain from rewarding wrongdoing, which we fail to do when we purchase or consume immorally produced animal products.

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I. Introduction

A central concern of animal ethics is whether there is some duty to abstain from consuming meat and animal products. It is also of concern *why* such abstention is obligatory, if it is. Peter Singer holds that it is obligatory on utilitarian grounds:

I am a utilitarian. I am also a vegetarian. I am a vegetarian because I am a utilitarian. I believe that applying the principle of utility to our present situation—especially the methods now used to rear animals for food and the variety of food available to us—leads to the conclusion that we ought to be vegetarian. (1980, 332-334)¹

That Singer is a vegetarian because he is a utilitarian is not initially surprising. Mylan Engel, Jr. (2000) makes this connection explicit²:

Engel's Basic Argument

1. It is wrong to cause unnecessary suffering.
 2. Meat-eating, along with purchasing meat, causes unnecessary suffering.
- ∴ Therefore, meat-eating, along with purchasing meat, is wrong.

On Engel's view, eating meat is wrong because of its causal consequences. Despite the *prima facie* power of Engel's argument, some have challenged the assumption that utilitarianism in fact grounds normative vegetarianism. For example, Russ Shafer-Landau:

The argument is very simple: one cannot, in one's purchase and eating of meat, have any direct influence on the amount of cruelty and harm inflicted on the animals in a factory farm. [...] The ordinary consumer of meat is so remote in the causal nexus of animal suffering, that one cannot properly attribute to any such consumer any causal, hence moral, responsibility for the admittedly wretched fates suffered by farm animals. One is morally free to do as one likes so long as one does no harm. Meat purchases do no harm. Therefore one is morally free to make them. (1994, 85)

Engel's arguments are explicitly criticized by Nathan Nobis:

But if an individual's purchases have no causal influence on the plight of animals, then many of Engel's entailments do not hold because, for the most part, an individual's not buying and eating meat and other animal products will not result in less pain, suffering, and death for animals or any less environmental degradation. Even if Engel is correct that a minimally decent individual "would take steps to reduce the amount of unnecessary pain and suffering in the world, *if s/he could do so with very little effort on his/her part*," since an individual's meat-abstention can't do anything to make the world a better place, at least not for animals, as Engel seems to suggest, his argument does not succeed. (2002, 145-146)

Finally, there is Alastair Norcross's restatement of the problem:

[I]f I did not buy and consume factory-raised meat, no animals would be spared lives of misery. Agribusiness

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is much too large to respond to the behavior of one consumer. Therefore I cannot prevent the suffering of any animals. I may well regret the suffering inflicted on animals for the sake of human enjoyment. I may even agree that the human enjoyment doesn't justify the suffering. However, since the animals will suffer no matter what I do, I may as well enjoy the taste of their flesh. (2004, 231)

Call this argument the *Causal Impotence Argument*. The argument consists of two basic parts. The first is empirical: purchasing or eating meat makes no causal difference to the amount of unnecessary suffering in the world. This is because “[i]t is very likely that, in most cases, uncoordinated individual consumer meat purchases will not increase the number of animals bred, reared intensively, and subsequently killed on factory farms” (Chartier 2006, 233). The second is that because eating or purchasing meat will make no causal difference to the amount or degree of unnecessary suffering in the world, hardly any meat-eaters or meat-purchasers are doing wrong. Yet this, as Nobis observes, is precisely what Engel (and Singer) believe is wrong with most non-vegetarians.

The problem is not restricted to utilitarians³, however, as Shafer-Landau makes explicit when he writes, “Those who hope for a stronger, more reliable justification for the obligation to refrain from carnivorousness may turn to deontology” (1994, 92). Deontology is a view in ethical theory according to which an act's deontic properties, like permissibility or impermissibility, are not *uniquely* fixed by the consequences of that act (as in consequentialism) or by the effects it has upon the actor's character (as in virtue ethics). There are a number of deontologists, or at least non-utilitarians, who regard vegetarianism as

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morally obligatory. Tom Regan (2014, 95-108) holds that non-human animals have rights which entail that meat-eating and meat-purchasing is wrong. No animal's rights are violated by the mere consumer of meat. Thus Shafer-Landau:

If animals have rights at all, it is the factory farmer and slaughterer who violate them. I might put the point crudely. An animal is either dead or alive. If dead, it hasn't any rights, so one's purchase does not violate its rights. If alive, the animal may be mistreated, but by the farmer, not the ordinary consumer. So a purchase does not violate the rights of the animal purchased. (1994, 93)

I shall argue that it is pro tanto wrong either to purchase or consume animal products, under the assumption that the process by which they were made was morally wrong. That such a process is deeply immoral is not denied by Shafer-Landau (1994, 96-98) or any of those who press the Causal Impotence Argument, and is in fact affirmed, if only tentatively. Indeed, the claim is that it is permissible to purchase these products *even if* they were produced immorally. By offering arguments demonstrating the wrongness of purchasing or consuming immorally produced animal products, therefore, I undermine the Causal Impotence Argument.

I offer two arguments against purchasing or consuming immorally produced animal products. First, doing so fails to treat moral losses as moral losses, wrongs as wrongs, and thereby fails to show minimally required respect for violated rights. Second, doing so rewards prior wrongdoing, which is likewise wrong. Lastly, my arguments will extend not only to purchasing and eating animal flesh, but also to whatever animal prod-

ucts are produced immorally. My arguments therefore remain neutral between, for example, ethical vegetarianism and ethical veganism, or between animal welfarism and animal abolitionism. They merely show that it is *pro tanto* wrong to purchase animal products produced immorally, no matter what those products may be.

II. The First Argument: Treating Losses as Losses

If I have rights, they ought to be respected. This entails at least two things, the first of which is that my rights ought to be respected in the sense that *their content ought to be abided by*. Thus, if I have a right not to be unjustly harmed, then you ought not to harm me unjustly; and if I have a right not to be lied to, then you ought not to lie to me. The second entailment, and the one which shall concern us here, is that my rights ought to be respected in the sense that a moral loss to me should be treated *by you* as a moral loss.

What does it mean to say that we ought to treat moral losses *as* moral losses? The requirement is simply this: when something morally bad occurs, one acts permissibly only if one treats that occurrence as if it were bad, not to be admired, taken advantage of, or participated in insofar as doing so can be reasonably avoided. More specifically, where doing so can be reasonably avoided, we ought not to perform acts the participation in which would complete (or otherwise complement) the intended purpose of a wrongdoing. To illustrate, consider the following example.

Suppose the individual who violated your rights did so for some purpose, *p*, and that, if the individual had not wronged you, he would not have accomplished *p*. In addition, suppose

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that accomplishing p requires not only your removal, but also a wrongful use of you. The Corpse Review, now under new leadership, comes to Los Angeles. Preserved human corpses and their parts are displayed throughout the museum. Schools usher students in to learn anatomy in a tactile way. An expose in the *Los Angeles Times* reveals that these corpses were not voluntarily donated, that in fact those to whom the corpses formerly belonged were selected and murdered by those now running the museum. These people, moreover, were in general not sick or otherwise less well off than the average individual. They were at the prime of their lives. Still others were sick or dead, but not did volunteer their bodies for exhibition. The owners' purpose, moreover, was to acquire and display bodies which were *not* provided voluntarily.

While it was illegal to murder these persons or steal their corpses, the laws surrounding the new Corpse Review are in limbo as attorneys have appealed the decision to shut down the exhibit. However, despite the legal complexities, visitors (including paying visitors) are at absolutely no risk of legal action against them. You are offered the opportunity to purchase a ticket.

Killing these people and stealing their corpses is not merely contingently required to create the new Corpse Review, as if your body resembled a dinosaur and they used it temporarily. Rather, creating the Corpse Review is, in a real sense, *bound up in*, or *about*, killing you or wrongfully using you (or both). Attending the exhibit is just to use the corpses in a way that continues a history of purposeful exploitation, as you know the corpses are being wrongfully used but decide to use (albeit in a different way) them regardless.

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Consider five other examples. In the first case, I have the opportunity to purchase a walking stick from a vender who, as I know, stole it from a homeless person. I make the purchase. In another example, I steal a stapler from a friend and bring it home to my partner. She knows I stole it but decides to use it anyway.⁴ Or suppose that on a whim I killed my neighbor's beloved kitten while my neighbors watch and, now that the wrong is done, they play soccer with the corpse. Or consider Christopher Heath Wellman's example:

Imagine, for instance, that your parents own slaves and therefore are able to provide a comfortable life for you. Among other things, they pay for your college tuition with the profits they garner from the slave labor. Should you accept this money from them? What would you think of a daughter of slave-owners who defended her privileged life by saying: "I agree that owning slaves is morally wrong, but that provides no reason to criticize me because *I* don't own any slaves!" (2014, 424)

Lastly, there is Shafer-Landau's own example:

There does, for instance, seem something morally repugnant about a willingness to utilize or purchase soap made from the bodies of concentration camp victims. This is so even though one's present refusal to use the soap could not contribute to any reduction of cruelty. (1994, 96)

In each case, it's very clear that the performed actions constitute participation in a purpose bound up in, or about, a wrongful use of right-bearers, a participation in which is wrong.⁵ What is minimally true of these cases is that the moral losses are not respected as moral losses.

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It should be fairly obvious from the example of the Corpse Review how all of this relates to eating or purchasing animal products. To make matters simple, let's assume that the discussion of wrongness herein is strictly pro tanto and restricted to cases where animals were wrongly killed. Thus, while it might be sometimes permissible to consume or purchase animal products, there is a presumption against doing so in cases where the animal was wrongly killed or used.

Unjustly killing or using animals for food, we are supposing, violates their rights. Not only does it violate their rights, but killing or using animals for food is in a significant sense bound up in, or about, wrongfully killing or using animals. One participates in this purpose by doing what the wrongdoers sought to do, namely, use the animals. When agents fail to treat moral losses as losses, they act wrongly.

One objection we might raise is that such a principle is too broad. After all, we are benefactors of numerous past wrongs such as slavery, broad colonialism, and genocide against Native Americans. Many of us likewise benefit from contemporary evils like government-sponsored torture, paternalistic wars, and weak child labor laws in foreign nations. Ought we therefore to renounce our citizenship in order to avoid benefitting from the aforementioned horrors?

There is cause for sympathy to this objection, but it is not obviously persuasive. Some benefits obtained through immoral means are such that foregoing them would be an *unreasonable burden*, whereas others would not. Consider a case where you are in need of a blood transfusion. You learn that the blood you will receive comes from an involuntary donor; that is, someone who did not consent to have her blood taken. In fact, she was

coerced into donating blood. Regrettably, this is the only blood available for your transfusion, and without the blood you will die (or, less strongly, you will faint or become ill). In a case like this, avoiding the immorally produced product places upon you a burden that is unreasonable to expect you to bear. We might compare this to the burden of immigrating to a foreign country or foregoing any and all income produced in a system built on the backs of slaves (i.e., virtually all one's income).

Think now of a different case. Two blood bags are available to you and they differ in only one respect: one contains blood taken from a voluntary donor whereas the other contains blood taken from an *involuntary* donor. Your need for blood transfusion is not so urgent that you lack the time or the ability to make an informed decision about which blood you will accept. In a case like this, where no harm will befall you if you opt for the blood taken via voluntary means, you should choose that blood rather than the blood taken via involuntary means. For at least most of us, this is an analog to many cases of purchasing meat or other animal products: We can, with very little effort, forego a host of animal products, such as meat and dairy and fur. Consequently, foregoing these products, if they are produced immorally, places no unreasonable burden upon us, and therefore the pro tanto obligation to avoid purchasing immorally produced products stands.

III. An Interlude: Grounding?

Very plausibly, in almost none of these cases do you harm *the victim*. Those in the Corpse Review are dead; the kitten is dead; the concentration camp victims are dead. They therefore cannot be harmed and, on some accounts, they (as non-existent things) now lack rights altogether.⁶ After all, one might argue thusly:

The ‘No Existence Means No Rights’ Argument

- (1) You have some right(s) only if you exist.
 - (2) You do not exist.
- ∴ Therefore, you have no right(s).

This introduces a problem for the view I have defended here. But whereas no *current* right might explain the wrongness of using former right-bearers in this way, there are other ways of explaining it.

First, some past right might have grounded a current duty to the (now-former) right-bearer’s wishes. Think of this in terms of a claim-right, or a right that entails an obligation for others. The entailment looks like this:

You have a claim-right against me to $x \rightarrow$ I am obligated to x .⁷

Sometimes it is assumed that your claim-right *uniquely* grounds the entailed duty, such that if you no longer exist and thus no longer have a claim-right against me, then I lack any duty to you.⁸ But that might be challenged. Suppose I promise you that, after your death, I will see to it that no one disturbs your buried remains. In virtue of the promise, you now have a claim-right against me that I watch over your remains. Does my duty to watch over your remains end when you die and effectively lose all your rights? It seems not,⁹ but then although your claim-right entailed a duty, the duty is ‘free-standing’ in that it does not depend on whether you exist or, more to the point, whether you currently have any rights.

Another possibility is that our obligation to treat moral losses as moral losses derives not from previously existing rights of the right-bearers, but instead from a general moral requirement.¹⁰ Here, there are numerous candidates for grounding. The first and simplest candidate is that if some wrong occurred, then it is wrong (other things being equal) to celebrate, participate in, or benefit from it. Meeting this requirement might differ across cases, but in those cases where a right-bearer was wronged by some purpose p , it would be pro tanto wrong to participate in p .

IV. The Second Argument: Rewarding Wrongdoing

On commonsense moral views, there is a presumption against acting such that people would have made morally worthwhile sacrifices for nothing. As one popular expression has it, ‘They shouldn’t die for nothing!’ There is a similar principle to support my thesis: We should (other things being equal) avoid acting in some way such that, if we acted in that way, the evil efforts of others would not be in vain. Said another way, we should actively frustrate the evil plans of others when we can reasonably do so. An obligatory respect for rights likewise entails refraining from rewarding prior rights violations and requesting further rights violations. Rights theory aside, it is clear that wrongdoing should not be rewarded.¹¹

Imagine that a community wants Sawyer dead, and hit-man Hugo is ideally suited to conduct the assassination. Hugo is hired and kills Sawyer. The town’s citizens are pleased; they have what they want. The community, however, has not yet raised the funds to reimburse Hugo for his now-completed work. You overhear that countless citizens will donate tomor-

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row, and you know this to be true. Whether you donate or not, Hugo will be reimbursed for killing Sawyer.

A contribution to the donation box cannot plausibly be construed as a *request* to kill Sawyer, because that much has been done.¹² However, it *can* be construed as a *reward* or *reimbursement* to Hugo for killing Sawyer. Here, the donation box exists for the primarily (if not singular) purpose of reimbursing Hugo. Acting as a donor for such a fund is therefore to reward wrongdoing, in this case a rights-violating assassination. By analogy, purchasing animal products rewards/reimburses those who produce it, which is to reward immoral actions. But immoral actions should not be rewarded.

Three objections immediately arise. The first concerns the doctrine of double effect, according to which it is possible for a consumer of animal products to have merely *foreseen* but not *intended* to request or reward wrongdoing, but merely (say) to purchase food for one's family. The second objection is that the causal chains of animal product production are so complex that it is implausible that wrongdoers are rewarded or that the consumer of animal products requests further wrongdoing. After all, one might just as easily be rewarding those who ship the animal products or those in the accounting office, and *they* are not wrongdoers. Indeed, those who violate the animal's rights by killing or using the animals may themselves not benefit financially from you at all. The third objection is that appeals to "reasonable burdens" are so under-described that the argument against rewarding wrongdoing holds little weight. Call these objections the Double Effect Objection, the Complex Network Objection, and the Reasonable Burden Objection, respectively.

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Regarding the Double Effect Objection, there are two replies, each of which is decisive. If it is my intention to acquire your car but not my intention to pay you for it, I nonetheless reward you for your car if I give you money. In other words, intending to reward is not a necessary condition for rewarding. Another consideration is that, in similar cases, we would not accept the double effect excuse; or, if we did, it would be under circumstances where the countervailing costs of not eating wrongfully produced animal products would meet some high threshold. If I am grocery shopping and decide to purchase Soylent Green for my family, we would regard this as wrong unless I had some plausible justification. Therefore, double effect does not excuse those who purchase wrongfully produced animal products unless further and extreme special circumstances arise.¹³

Regarding the Complex Network Objection, there is again a decisive reply. Consider that in complex causal networks where source-identifiable resources are placed in a giant financial pot, those resources lose their source-identifiableness. In other words, if you place \$100 in a financial network of rewards and the network distributes all contributions to various companies, agents, and so on, then your \$100 (qua *your* \$100) is no more *this* money over here than *that* money over there. On one view, this makes who or what you're rewarding *underdetermined*: you aren't rewarding anyone. On another view, your contribution is *overdetermined*: you're rewarding everyone. Clearly, in such cases, we should favor the view that your contribution is overdetermined, and here's why: if we didn't, we could easily justify giving to terrorist groups and other evil causes if our contributions were part of a larger financial network where more than those groups are rewarded.

In reply to the Reasonable Burden Objection, observe that my arguments appealing only to the intuitive idea that some burdens are reasonable to expect agents to bear, whereas others aren't. Admittedly, the line is not always clear, but we often use it to make moral decisions. For example, it would be unreasonable to expect my friend to be tortured for a thousand years in order to spare me the momentary and slight pain of a needle prick, but it wouldn't be unreasonable to expect my friend to get his shoes wet to save me from drowning. Thus, talk of reasonable and unreasonable burdens is itself neither strange nor unhelpful.

Nevertheless, some might object that a duty to refrain from using or consuming immorally produced animal products is an example of an *unreasonable* burden, since such products are ubiquitous. One reply is to point out that I have not said *which* animal products are immorally produced, and therefore my arguments need not shoulder this burden unless it is shown that such products are ubiquitous. But such a reply would be unhelpful to substantive animal welfare and animal rights views for which the Causal Impotence Objection is problematic. Thus, I offer a further reply.

Recall the blood donation analogy. If you are must select either "voluntary blood" or "involuntary blood" for your needed transfusion, it seems initially clear that you should, other things being equal, choose the former. Things are not always equal, however. If you are seriously injured and must decide quickly to avoid risking further serious harm to yourself, it might be unreasonable to expect you to pay much attention to the differences (moral or otherwise) in the choices before you. Similarly, if a person has gone without food for some medically significant period of time, it might seem unreasonable to

expect them to choose a salad over a steak. Such desperation, however, is atypical for the vast majority of persons living in modern, industrial societies. We can avoid using or consuming many animal products with ease, without worrying about severe hunger or other health necessities.

V. Conclusion

We began with the Causal Impotence Argument, which purports to show that eating or purchasing animal products makes no causal difference to the amount of animal suffering and death in the world. Thus, for ethical theories in which the central or only moral consideration is whether or not one causes unnecessary suffering or death, consuming or purchasing animal products are either not very wrong or not at all wrong. Russ Shafer-Landau, one of the primary proponents of the Causal Impotence Argument, concedes that it might nevertheless be true that there are other, non-utilitarian wrong-making properties of eating or purchasing the products of animals. He considers several proposals and rejects them, while noting that there might be other proposals.

We then put forward a proposal in which respect for the loss of right-bearers, and respect for rights violations, entails treating those moral losses as moral losses. In particular, it entails at the very least not participating in processes or purposes which were about wrongfully ruining, ending, or using the lives of right-bearers. Where the purpose in question is a wrongful use of the right-bearer's body, as in recreational cannibalism,¹⁴ consuming the bodily products constitutes participation in the evil process of using the right-bearer's body. The same is true of eating or purchasing the products of animals who have been wronged.¹⁵

Endnotes

¹ For more on Singer's views, see Singer (1974) and Singer (2006).

² Engel's appendix, which includes all of his utilized principles, can be found on p.888.

³ The problem is perhaps clearer and more pressing for utilitarians, given their emphasis on causal outcomes. Cf. Kagan. (2011), 107-108. For further problems regarding a utilitarian basis for vegetarianism, see Regan. (1980), 305-324. See also Singer's response in Singer (1980).

⁴ I am grateful to Bob Fischer for this example.

⁵ This argument bears some resemblance to a similar line of argument addressed by Jonathan Glover (1986), 138-140. Glover considers the Solzhenistyn Principle, according to which it is wrong to permit some unavoidable evil to be done through oneself. Said another way: One should never permit oneself to be a 'conduit' of evil. The argument given here is a more finely-grained variation on the Solzhenistyn Principle, showing why it's impermissible to do this.

⁶ Shafer-Landau (1994, p.93) makes this move explicitly and raises it as problematic for deontologists.

⁷ I borrow here from the clear explication given by Rodin (2002), 17-21.

⁸ It can't be reasonably claimed that such a view follows logically from the basic conception of claim-rights, because the following argument is invalid:

(1) If you have a claim-right against me to x, then I am obligated to x.

(2) You have no claim-right against me to x.

Therefore, I am not obligated to x.

⁹ Suggesting otherwise leaves one with two rather strange options. Either such duties can never get off the ground in the first place because they require it to be true that one is obligated to honor your wishes even after you lose all your rights; or that, somehow, it can be true that "I (*pro tanto*) ought to guard his remains after he dies" and false that "he died and I (*pro tanto*) ought to guard his remains."

¹⁰ Perhaps, as Rossians might claim, it's a *pro tanto* duty.

¹¹ A utilitarian argument along these lines was developed by Engel (2000), 860. According to Engel, "Unnecessary cruelty is wrong and *prima facie*

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should not be supported or encouraged.” The same extends, presumably, to reward, which is a kind of support. In contrast to utilitarian objections to supporting and encouraging wrongful practices, where the presumed grounds of the wrongness is the effects such support or encouragement would have, the argument developed here assumes that it is wrong in itself to request or reward wrongdoing.

¹² It could be so construed if, for example, you were unaware that Sawyer had already been killed, but in the thought experiment you are *ex hypothesi* aware of this fact.

¹³ On the Double Effect Objection, see Norcross (2004), 234.

¹⁴ I borrow the term from Irvine (1989), 13.

¹⁵ My thanks to Bob Fischer for comments on several early drafts of this paper, and to the Department of Philosophy at Bethel University in Saint Paul, Minnesota where this paper was invited and first presented.

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