

BETWEEN THE SPECIES

Reviews of

Why It's OK to Eat Meat

Dan C. Shahar
Routledge. 2022.

and

*Animal Suffering, Human Rights,
and the Virtue of Justice*

Per Bauhn
Palgrave Macmillan. 2023.

JOSH MILBURN
Loughborough University

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It's tricky to find decent defences of meat-eating. I don't mean defences of eating (say) roadkill or cultivated meat. I mean defences of the meat-eating practiced by most westerners. This is jarring when putting together reading lists.

I was thus intrigued to pick up two short books defending meat-eating. Dan Shahar's *Why It's Ok to Eat Meat* (2022) is in Routledge's series of short books called *Why It's OK: The Ethics and Aesthetics of How We Live*. Per Bauhn's *Animal Suffering, Human Rights, and the Virtue of Justice* (2023) is from Palgrave Pivot, which publishes books falling somewhere between journal articles and monographs.

Shahar's book is worth reading: it's well-written, raising interesting questions, and offering a coherent defence of meat. I don't recommend Bauhn's book.

Why It's OK to Eat Meat

Meat-eating could be wrong in principle (no matter how we produce meat) or wrong in practice (because of how we produce meat). We can't carve up cases for veganism so straightforwardly – and there's room for argument about how these two claims interact – but it's a useful distinction.

Shahar's second chapter argues that meat-eating is not wrong in principle – or, specifically, that raising and killing animals for food is not inherently wrongful. Conscientious, humane farming is conceivable and morally acceptable.

It'd be inherently wrong, Shahar accepts, to kill and eat humans. We owe humans respect (roughly, deontological constraints), but we owe animals only compassion (roughly, humane treatment). Shahar gives over most of the chapter to

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responding to efforts to argue that we have duties of respect to animals as well as humans.

Shahar observes that philosophers' grounding of duties of respect to humans rely upon various 'distinctive human characteristics' (2022, 31), like the potential for a meaningful life and the ability to cooperate with others. If we want to extend respect to animals, we need an 'alternative explanation' for the basis of respect (2022, 33) – one that doesn't 'make it mysterious why *anyone* merits respect instead of only compassion' (2022, 32, emphasis Shahar's). (Incidentally, some consequentialists happily 'reduce' all to objects of compassion. Shahar doesn't mention this.)

But Shahar isn't willing to follow through on the consequences of his argument. Might some animals have these 'distinctive human characteristics'? Shahar remains quiet. Might some humans *lack* the 'distinctive human characteristics'? Well, yes. Shahar offers an indirect duty argument for respect for humans lacking these capacities (2022, 37). But that's not enough; if he wants to defend the claim that raising and killing humans lacking 'distinctive human characteristics' for food is inherently wrong, he must (given his argument that raising and killing animals *isn't* inherently wrong) defend the moral import of bare species membership.

This 'demand[s] more attention than [he] can give' it (2022, 38). But he does note that the conclusion about the acceptability of farming humans 'seems unacceptable', offering 'some motivation for thinking it's desirable ... to show partiality toward ... humans' (2022, 38). That's one way of looking at it. Another is that the seeming unacceptability shows that we should reject Shahar's arguments in defence of raising and killing beings

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lacking ‘distinctive human characteristics’. It doesn’t bode well that Shahar can’t stomach the conclusion of his own argument.

Even if eating meat is not wrong in principle, Shahar seems to accept that raising and killing animals in intensive animal agriculture is wrong in principle. But might it be acceptable to purchase and eat the products of this kind of farming in practice? He thinks so, and explores this in chapters three to six.

Central to Shahar’s argument is the ‘Inefficacy Thesis’ (2022, 95): individual meat-eaters/meat-abstainers have no effect on the animals raised and killed. Buying a steak is dis-analogous to killing a cow. Buying a steak, counterintuitively, doesn’t harm any animals.

I’m minimally sympathetic, but note two things that Shahar doesn’t. First, the Inefficacy Thesis does what he needs it to because, I think, he doesn’t think the things we do to animals are *that* bad. If we were talking about an industry doing comparable harm to humans, I suspect Shahar wouldn’t think that inefficacy claims can carry so much weight. Second, the Inefficacy Thesis leaves open the possibility that it is wrong to hunt, fish, or farm animals – it only ‘allows’ us to buy animal products. (And probably only from large operations.)

But meat-abstainers do have a *collective* impact (2022, 106). Shahar accepts that this impact is positive (2022, 107). He is sympathetic to the idea that if *very few* ate (objectionably produced) meat, we should abstain, lest we ‘undermine a valuable cooperative arrangement that was successfully resolving important problems’ (2022, 130). But that’s not the world we live in. In reality, vegetarianism is one of many worthy causes, and ‘no one is obligated to promote every worthy cause in every possible way’ (2022, 107) – though ‘each of us’ *does* have ‘a

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moral duty to pitch in somehow to make things better' (2022, 171). This could (but needn't) include vegetarianism.

I'm not fully clear on the difference between impermissibly 'undermining' a 'cooperative arrangement' and permissibly 'failing to promote' and 'worthy cause'. This might come down to Shahar's (reluctant?) acceptance of 'conditional cooperation' with vegetarianism: if all/most are vegetarian, we should be. Going vegetarian is thus explicitly like fitting a catalytic converter. It's a good thing to do, but not mandatory unless lots of others do it too.

Catalytic converters were ultimately successful in improving air quality because 'the government started mandating them' (2022, 142). So does Shahar support a ban on (most) animal farming, so that the worthy cause of the vegetarian movement can have the same gains as the worthy cause of clean air advocacy? Not explicitly, even though that's where his argument seemingly leads. But he does encourage 'activists [to] push for regulatory reforms, technological breakthroughs, or new approaches to farming' (2022, 142).

Maybe explicitly calling for banning '99%' (2022, 57) of meat production would leave the book's title a little hollow. But that's what Shahar should have done.¹

Animal Suffering, Human Rights, and the Virtue of Justice

Animal ethicists reading Bauhn's book will find their eyes rolling as he explores some atrocious arguments. Just one

¹I welcomed a clarification from Shahar, in private correspondence dated 13 September 2023, that he has 'no objection to efforts to ban factory farming.'

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example: a silly ‘lions eat meat, so why can’t I?’ line recurs throughout.

‘If we think of chimpanzees as our moral equals’ he asks, ‘why should we not also permit ourselves to eat meat as chimpanzees do?’ (2023, 22) ‘I agree that it is pointless and irrational to hold a wolf morally accountable’, he later says, ‘but why should it be considered morally wrong for a human to do something to a sheep that it is morally neutral when done by a wolf?’ (2023, 33) ‘Nature has no problem with carnivores and omnivores eating other animals’ Bauhn observes, ‘so why should human agents make it a problem for themselves?’ (2023, 60)

Tom Regan argues that only agents can violate rights: it’s right-violating for humans, but not wolves, to kill sheep. Bauhn argues that Regan shows that sheep don’t have rights to life, because if they did, we’d have to protect them from wolves. If sheep lack rights to life, ‘how could it be morally wrong for [humans] to kill [them]?’ (2023, 34) At risk of stating the obvious, perhaps sheep don’t have positive rights to assistance, but do have negative rights against being killed. This doesn’t occur to Bauhn.

Martha Nussbaum argues that maybe we *should* protect wild animals from their predators. But Bauhn rejects Nussbaum’s argument, claiming ‘it would be more consistent with respect for nature and with the principle of animal equality if humans simply allowed each species – including the species of humans – to act in accordance with its own natural interests’ (2023, 24). This is a category error. Species don’t have ‘interests’, and Nussbaum is concerned with individuals, not species.

This response is typical of Bauhn, who saturates his book with appeals to the significance of species. He proclaims his

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own speciesism, and repeatedly levels confused accusations of speciesism at animal protectionists.

Bauhn's ethical framework starts with Alan Gewirth's theory of rights. According to Gewirth, all human agents 'logically must claim rights to the generally necessary conditions of successful agency' (2023, 42). Then, 'once the agent universalizes the ground for her rights-claim ... she is logically compelled to accept that *all* agents have similar rights to the necessary goods of agency' (2023, 43, emphasis Bauhn's). Rejecting Gewirth's own claims about animals (2023, 44) and Evelyn Pluhar's Gewirthian animal rights (2023, 45), Bauhn seemingly believes that ascribing agency (in the relevant sense) to animals is projection. He doesn't bother engaging with the science, instead quoting Jacques Derrida and Doris Lessing (Bauhn 2023, 46-7).

This putative lack of agency means animals don't have rights. But Bauhn quickly shifts the goalposts when it comes to non-agent humans. Then, what matters is whether individuals are non-agents by 'accident' or 'nature' (2023, 51). Bauhn's speciesism (as far as I can tell – I can't see an argument) leads him to conclude that humans are *accidentally* non-agents, while animals are *naturally* non-agents. The next paragraph, Bauhn's argument takes another turn. What *then* matters whether 'humans *in general* have capacities for moral reasoning'; he asks 'what is typical of a particular species' (2023, 51-2, emphasis Bauhn's).

Bauhn *does* note 'that to the extent that humans lack capacities for moral reasoning, their moral rights ... are also correspondingly restricted' (2023, 51). But this is soon qualified. Such people 'must be treated with the respect due to a human

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being who would have been an agent' (2023, 52). We must forgive readers who have lost any sense of what *this* 'respect' is among all Bauhn's goalpost-shifting. Perhaps it's the same we owe to human agents? A 'justified form of speciesism', we're told, rests upon 'the intimate connection between being a human and being an agent' (2023, 52). I can't make much of that claim.

In any case, there's still room for condemning mistreatment of animals on Bauhn's theory. We're duty-bound to cultivate the virtue of justice (2023, 73), meaning we 'should refrain from all acts of wanton cruelty' (2023, 74).

This isn't, Bauhn notes, a Kantian indirect duty argument. Kant appeals to empirical relationships between animal mistreatment and human mistreatment. Bauhn's argument is conceptual.

Cruelty is 'subjecting a non-human animal to pain for the sake of human entertainment' in contrast to 'killing ... to provide ... humans with necessary nutrition' (2023, 75). Consistently applied, this leaves as 'cruel' most western meat production, which is nothing to do with 'necessary nutrition' and everything to do with 'entertainment'.

Or maybe cruelty 'involves an agent's "knowingly causing unnecessary pain and/or suffering"' (2023, 75, quoting Julia Tanner). Again, this should rule out most western meat production, which involves the knowing infliction of pain that's unnecessary – we *could* produce food without hurting animals.

Bauhn opposes using animals to test cosmetics. This is 'non-essential', as the products are 'not essential from a human health perspective' (2023, 79). Such testing is 'an act of wanton

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cruelty', comparable to bullfighting (2023, 79). Is meat-eating different?

Bauhn nods to how some people lack the money/time to thrive on a vegetarian diet (2023, 65) and to the relationship between health and vegetarianism (2023, 65-6). He's much too quick to reach the stark conclusion that 'the human right to well-being involves having access to meat' (2023, 66). Bauhn quotes Daniel Engster, for whom we can 'set aside our sympathies for animals where our own lives or functioning ... can only be sustained by taking or limiting the lives of animals' (2023, 66). Perhaps so – but is my life/functioning threatened if I (continue to...) abstain from meat? Is Bauhn's?

There's no real argument for this conclusion, and that's what Bauhn needs. Otherwise, he'll have to condemn most meat-production as cruel, and thus contrary to the virtue of justice.

Closing thoughts

Let me draw out two commonalities between Shahar and Bauhn.

Both are speciesist, but arguments for speciesism are minimal. That's regrettable.

Both *could* oppose meat. Perhaps Shahar *should* (though doesn't) explicitly support banning most animal agriculture. Perhaps Bauhn *should* (though doesn't) condemn most animal agriculture as cruel. That's interesting.

Shahar's book is worth including on reading lists about the ethics of meat-eating. But unless you are very interested in Kantian indirect duties or Gewirthian rights, better to leave Bauhn's on the shelf.