

Introduction: The New Animal Debate

The Rise of New Omnivorism

One of the traditional assumptions of the debate over the ethical status of animals has long been that someone who is committed to reducing animal harm should not eat meat. Peter Singer, Tom Regan, and other philosophers associated with the animal rights movement – which is better referred to as the animal protection movement, for reasons outlined below – have advocated not eating animals. On the other side of the debate, philosophers who have rejected animal protection have commonly argued that animals occupy a lower moral status than protectionists aver before going on to invoke this as a premise in arguments for meat-eating. Despite the disagreements between the two camps, both have traditionally taken it for granted that the philosophy of animal protection and the practice of avoiding meat rise and fall together.

This book is about a new position in the debate. This position, which I term *new omnivorism*, endorses animal protection as philosophy but goes on to defend eating animals. Some versions of new omnivorism argue that eating animals is permissible even if protection theory is true. Others go further and argue that protectionist arguments actually *oblige* us to eat animals. What all versions of new omnivorism have in common is that they are impossible to capture in the debate's traditional terms. In order to understand the different forms of new omnivorism, therefore, it is helpful to briefly chart their rise and note how they differ from traditional challenges to animal protection.

The modern philosophical debate over the moral status of animals began in the 1970s.¹ Singer, Regan and other philosophers argued for improved

¹ For philosophical debates regarding animals before the modern period, see Sorabji (1995) and Garrett (2000).

treatment of animals while disagreeing on such questions as which ethical theory is best. Despite their disagreements, the thinking of protectionism's pioneers converged at the level of dietary ethics. Singer devoted a chapter of *Animal Liberation* to "Becoming a Vegetarian," while Regan in *The Case for Animal Rights* included a section titled "Why Vegetarianism is Obligatory" (Singer 1975: 159–84; Regan 1984: 330).

In the 1980s and 90s protectionist arguments were subject to sustained criticism by philosophers such as R. G. Frey (1980, 1983), Peter Carruthers (1992) and P. T. Leahy (1991). While these first-wave critics mounted their challenges in the name of different philosophical theories, such as utilitarianism (Frey), contractualism (Carruthers), and Wittgensteinianism (Leahy), they shared the view that protectionism was misguided. They generally argued that the common sense of society regarding animals at the time of writing was by and large defensible when it was not already too sensitive to the moral claims of animals. Carruthers for example saw his project as taking place in the wake of a "recent explosion of interest in animal rights," a philosophical development he regarded as pernicious (1992: xi). "Just as Nero fiddled while Rome burned, many in the West agonise over the fate of seal pups and cormorants while human beings elsewhere starve or are enslaved" (xi). Carruthers and other early critics rejected protectionism at the level of both its philosophical claims and its action-guiding recommendations. It was common, for example, for their works to criticize core protectionist notions such as the idea that animals can have welfare interests or that species membership is morally irrelevant. Similarly, where protectionists challenged factory farming, hunting, and other practices, these practices were, with occasional exceptions, defended by their first-wave critics.

Around the turn of the century, first-wave critiques of animal protection began to give way to a different kind of response. This response sought not to challenge protectionism at the level of first principles, but to disassociate such principles from the conclusion that eating animals is impermissible. Even if the philosophical claims protectionists have argued for are correct, these new defenders of omnivorism maintained, it does not follow that we are obliged to stop eating animals. We are either permitted or obliged to continue doing so, depending on the particular version of new omnivorism being advanced. Such arguments now appear in a diversity of forms, but all have in common the fundamental fact that they reject the link between protection theory and meatless eating that was once considered axiomatic by both defenders and critics of animal protection.

The difference between first and second wave critics of animal protection illustrates a distinction political theorists have drawn between *rejectionist* and *immanent* social critics (Walzer 1987: 64).² A rejectionist challenges a given social order from an independent or external point of view, while an immanent critic judges a society wanting according to values that its members widely accept. First-wave critics of animal protection criticized a school of philosophy rather than a society, but their stance toward that philosophy was nonetheless rejectionist. Arguments for new omnivorism are immanent critiques insofar as they employ protectionist values as premises, but conclude that those very values call into question protectionism's traditional recommendations regarding diet. Just as individual social critics have at times combined rejectionist and immanent arguments in a single work of criticism, the same has been true of critics of animal protection (e.g. Leahy 1994: 201; Posner 2004). But at the level of the overall debate, first-wave rejectionist responses to animal protection have been noticeably joined by second-wave immanent critiques. The more one engages the animal ethics literature now, the more one encounters defenses of meat-eating that take this form.

Varieties of New Omnivorism

Steven Davis (2003) is a paradigmatic example of a second-wave critic. What makes Davis's argument noteworthy is that it takes as its point of departure Regan's own argument for animal rights. Davis's twist is to argue that a diet that contains free-range beef is more consistent with Regan's theory than the plant-based diet Regan has long advocated. Davis arrives at this conclusion by pointing out that mice and other field animals are killed during crop cultivation. He posits that more animals are actually killed in the production of a plant-based diet than in the production of a diet containing free-range beef. In Davis's hands, such empirical claims are combined with a canonical theory of animal protection to entail a dietary ethic that, contrary to what protection theorists have long argued, ranks a meatless diet second-best to one containing some meat. Davis's view, which I term *burger veganism*, has now inspired other critics to offer variations on his argument that invoke protectionist premises to justify eating not only free-range beef, but free-range meats made from sheep,

² Walzer refers to *disconnected* rather than *rejectionist* criticism, but theorists who employ his distinction generally employ the latter label (e.g. Beiner and Nedelsky 2001: 289; Ober 2011: 48–9).

goats, kangaroos, and other species (Schedler 2005, Bruckner 2016; cf. Archer 2011a).

A different form of new omnivorism finds inspiration in the work of Temple Grandin. Grandin, who is well known as a leading representative of people with autism, has also designed a method of slaughtering animals that is more humane than the factory farming that was the norm when Singer and Regan wrote their pioneering works. Grandin's slaughter system is designed to exploit animals' natural behaviors so that they move through slaughter facilities on their own accord. Cattle, for example, are sensitive to loud noises, bright lights, and shadows, so Grandin's abattoirs eliminate such distractions. This removes the need for a handler to intervene with a cattle prod, to the point that cattle and other animals will freely insert themselves in the apparatus that restrains them as they are killed. Such a system sees the vast majority of animals rendered unconscious moments before slaughter, which makes the process less painful.

Grandin's system has achieved popularity in part because it is a manifestation of the increasingly popular view that while we have moral obligations to animals, they require only that we minimize their suffering and do not prohibit killing. So long as killing is done painlessly, this view holds, taking the life of a food animal is permissible. But while Grandin's writings contain articulations of this idea, her primary contribution to the debate over the ethical treatment of animals is not as a philosopher but as an engineer. Her technology has featured in a prominent critique of Singer that views his philosophy of animal liberation as having less radical implications than Singer has argued for. On this reading, which has been advanced by Gary Francione and other critics, Singer's argument for animal liberation entails not veganism, but the replacement of traditional slaughter methods with Grandin's (Francione 2008). This interpretation of Singer argues that no basis for an objection to painlessly killing animals for food and other purposes can be found in his work. On this account, the widespread belief that Singer's theory is a vegan or even vegetarian philosophy is based on little more than historical coincidence, resulting from the fact that Singer developed his theory in the pre-Grandin age, when our dietary alternatives were factory farmed meat or no meat at all. Today, however, Grandin's system is increasingly common. Singer's theory, it is argued, must therefore be decoupled from any systematic connection to vegetarianism, let alone veganism. As burger veganism does in the case of Regan, this critique leaves Singer's starting premises intact but calls into question one of their most important action-guiding conclusions.

In addition to the work of Davis and Grandin, new omnivorism finds a third source of support in the work of so-called “plant neurobiologists.” This controversial group of botanists holds that the signaling and related capabilities of plants are more sophisticated than has been traditionally recognized. Philosophers sympathetic to plant neurobiology have gone so far as to argue that plants are actually sentient. In this way their work employs a concept crucial to protection theory, which has long been concerned with elucidating the moral standing of sentient animals. The fact that animals are sentient and plants are not is a bedrock feature of the protectionist case for granting moral standing to animals and withholding it from plants. The plant neurobiology view, however, “casts doubts upon the utility of the traditional rigid division made between plants and animals” (Pelizzon and Gagliano 2015: 5). The empirical claims of plant neurobiology are now cited as grounds not to draw dietary or other distinctions between animals and plants. Plant-based diets on this view are drained of any moral superiority over omnivorous ones, again in a manner that does not dispute the protectionist case for the moral standing of animals.

Burger veganism, Grandin’s system of humane slaughter, and the neurobiology school of botany are all products of the twenty-first century. But if the turn of our century marks the beginning of the new omnivorist era, one immanent argument has a much older history. This argument takes over from protectionism the idea that animal lives have value. But it invokes this value to defend eating them on the grounds that food animals are only brought into the world to be eaten. The logic of the larder, as this argument is called, views plant-based diets as morally impermissible insofar as their widespread adoption would result in a world that lacked the value represented by the lives of food animals. An influential version of the logic of the larder was formulated in the late nineteenth century, making it more venerable than the above-mentioned forms of new omnivorism. The logic of the larder, however, shares with other forms of new omnivorism the fact that it obliges meat eating in a manner that is consistent with protectionist premises about the value of animal lives. This may be why it has been the subject of renewed interest during the same period in which immanent arguments have achieved prominence (Hare 1999: 240; Scruton 2000: 100, 60; Schedler 2005: 502–3; Callicott 2016: 59, cf. Matheny and Chan 2005; Višak 2013: 129–33).³

³ To my knowledge the first writer to mention the logic of the larder during the modern debate over the ethical status of animals was Robert Nozick, albeit in the context of defending a traditional conception of animal rights and vegetarianism rather than new omnivorism (1974: 38).

A final challenge to protectionist dietary codes is represented by another product of the twenty-first century: in vitro meat. It is created by taking a cell from an animal and growing it in a laboratory into edible flesh. In vitro meat is thus identical to the real thing but for the fact that it is not carved out of the carcass of an animal. Current production methods involve the use of fetal bovine serum, a growth hormone taken from the fetuses of cows that are pregnant at slaughter. In this way, in vitro meat continues to involve harm to animals. Scientists involved in the creation of in vitro meat, however, are already working to develop plant-based alternatives. Given the realistic possibility of such a development, the long-term future of in vitro meat raises the possibility of a new form of meat that involves no harm to animals. As such, it represents yet another form of meat-eating that is arguably consistent with arguments for animal protection.

Assessing New Omnivorism

The purpose of this book is twofold. The first is to highlight how the animal debate has changed. In arguing with old-fashioned rejectionist critics, protectionists could simply make the case for their first principles. In protectionism's early days, such arguments were innovative, original, mind-expanding. Even though we live in a society that still assigns animals a lower moral status than protectionism argues for, in the context of the debate among philosophers, simply making the basic case for a higher status is no longer bold or innovative. Indeed, the philosophical literature now sees variations on protectionism advanced within the framework of equal consideration, rights theory, utilitarianism, contractualism, virtue ethics, and Kantianism – every prominent moral philosophy now has been applied to animal ethics. There is some value in having so many diverse arguments for protectionism, even if their conclusions sometimes seem repetitive. But it no longer suffices to make a basic case for protectionism. Something also needs to be said in reply to the critics who use traditional protectionist arguments against traditional protectionist conclusions. Their arguments are the philosophical equivalent of jiu-jitsu, which uses an opponent's own energy against her, and so represent an approach that cannot be countered with sheer assertiveness.

Providing the necessary response to new omnivorism is my second purpose for writing. My overall verdict is mostly negative. Burger veganism, I argue, rests on mistaken empirical calculations and an implausible refusal to distinguish unintentional from intentional harms. In arguing

against both Davis's view and that of his philosophical descendants, I make a positive case for a new version of the doctrine of double effect (DDE) that, like previous versions, ranks harmful direct agency as worse than harmful indirect agency, but unlike earlier versions extends the DDE to harm directed at animals. Taking intentions into account in this way should cause us to see how Davis-style new omnivores err in ranking the death of one field animal just as wrong as that of a cow or other food animal killed deliberately. By employing the animal-friendly DDE, we can see that all else being equal, intentionally killing the cow is worse. An especially strong version of burger veganism makes the case for hunting and eating wild animals. Although this argument is not refuted by appealing to the animal-friendly DDE alone, my version of the DDE does sap much of its strength, and the argument ultimately fails on broader protectionist grounds.

Against the view that Singer-style protectionism permits humane slaughter, I note the many grounds on which a proponent of Singer's arguments can reject such a view. I refer to Singer's arguments in the plural because he has made two influential arguments regarding animals, one of which appeals to utilitarianism, the other to equal consideration, which is not an exclusively utilitarian value. Grandin's otherwise progressive system still permits systematic animal suffering, which both of Singer's arguments condemn. Singer's stronger, non-utilitarian argument would justify a system of humane slaughter in which the system really was painless and all the animals were merely sentient, and so lacked traits fundamental to personhood. But Singer's non-utilitarian argument ultimately fails to justify Grandin's system, for reasons beyond the fact that the no-pain condition is clearly not met. Among other reasons, Singer's equal consideration argument fails to recognize that death harms even merely sentient beings by frustrating their interest in continued existence. A further problem for attempts to justify humane slaughter is that recent research suggests that chickens, the animals killed in by far the greatest number under Grandin's system, possess a rudimentary form of self-consciousness. This renders it morally wrong to kill them for food when non-harmful alternatives are widely available, not only according to Singer's equal-consideration account, but any theory that grants moral weight to the distinction between merely sentient beings and persons.

Arguments from plant neurobiology fail to show that plants are sentient as the term is normally understood. Insofar as philosophers sympathetic to plant neurobiology deploy a revised and more expansive notion of sentience, they fail to challenge the moral hierarchy that ranks animals over

plants. Regarding the logic of the larder, I argue that it rests on a false understanding of good choices. A necessary condition of a choice being morally good (i.e., morally obligatory or supererogatory) is that failing to bring it about will be bad for someone. Insofar as failing to bring food animals into existence will not be bad for any individual, there is no failure to execute a morally good choice. There is a variation of the larder argument that would justify consuming a certain kind of genetically modified animal. The animals would be engineered to grow to full size and then painlessly die, so that they would not need to be killed. While consuming such animals would be permissible on my account, it is currently not scientifically possible to create them. If or when such a form of omnivorism does become possible, it would need to meet several conditions to be justified. It would be speciesist, for example, to permit such genetically modified food animals but not permit the creation of similarly modified human beings, whom we might use for such purposes as harvesting organs for transplant. Such scientific and ethical hurdles suggest that while science-fiction omnivorism, as I term it, would potentially be permissible it is also likely to remain improbable.

The one form of new omnivorism we should straightforwardly accept is that which condones eating in vitro meat. In my final chapter, I change from new omnivorism's critic to its defender by arguing in favor of eating such meat. I rebut protectionists who have criticized it for perpetuating a framework of intelligibility according to which animals are edible, among other perceived shortcomings. Against such critics, I argue that the arrival of in vitro meat should prompt us to reconceive meat as a substance that does not necessarily require killing animals and so does not harm them. In this way, meat eating ultimately can be shown to be safe for protectionism, marking an important development regarding the advocacy claims of animal protection.

Project Goals and Scope

In taking up this project, my goal is not to offer a stiff-necked defense of veganism, come what may. At different times in conceiving and writing this book, my conclusion as to what diet animal protection entails has changed. Indeed, in one sense this book represents my own attempt to sever the link between protection and meat-free diets. For, as I noted above, in vitro meat is a kind of meat protectionists should welcome, thereby ending the historic link between animal protection and plant-based diets. But in other ways this book represents

a criticism of the critics, arguing that the mass slaughter of animals for food remains unjustified. In challenging new omnivorism I seek to defend the traditional view that endorsing animal protection entails a diet free of animal flesh. Against the widespread view of animal protection as a radical cause, therefore, this is a work of animal protection that adopts the stance of counter-revolution, arguing against reformers who threaten to upturn a pre-existing moral universe. But just as conservatives have long endorsed change to preserve a cherished order, so do I go beyond what has been said and offer new arguments in defense of protection theory's traditional dietary recommendations. They include a new formulation of the doctrine of double effect, a new empirically informed account of the moral standing of chickens – the most widely consumed land animal – and a new theory of procreative ethics.

Given these goals, this book spends only two chapters making a case for protectionism. These preliminary chapters outline what I believe to be the strongest version of protection theory. Rather than mount a case within the framework of a full-blown moral theory such as utilitarianism or deontology, which would have limited force with someone who was not a utilitarian or a deontologist, I appeal instead to mid-level moral principles that are in principle compatible with more than one philosophy. These include the equal consideration of interests, anti-speciesism and time-relative interests (and, in later chapters, the doctrine of double effect and primitive self-consciousness). To be sure, these principles require their own defenses, and they are not compatible with every last theory. Yet each can in principle be endorsed by a range of moral philosophies rather than just one. In this way, they direct our attention more closely to issues concerning the moral status of animals themselves, rather than familiar debates about the ultimate grounds of ethics, which show no sign of ending any time soon.

Most of my attention focuses directly on the arguments and technologies that are invoked to defend the diverse forms of new omnivorism. As we will see, this focus often requires countering specific philosophical arguments with a positive case for protectionism. If many of protectionism's leading critics now offer immanent critiques, immanence nonetheless remains a matter of degree. It is a mistake to view the debate over new omnivorism occurring between two sides that agree on philosophical principles and just happen to draw on different empirical or technological considerations.

A better image is conjured by Ronald Dworkin's notion of contemporary political philosophy taking place on an egalitarian plateau: liberals, libertarians, communitarians, feminists, analytic Marxists and the rest generally affirm some notion of equality, even as they diverge on what it entails (Dworkin 1983). Similarly, the debate about animals this book engages takes place on a broadly protectionist plateau. This, however, no more entails that there are no genuinely philosophical differences at stake than Dworkin's image entails that there are no philosophical disagreements between liberals, libertarians, and the rest.

Out of the many possible protectionist recommendations immanent critics might challenge, I focus on meat-eating because it is the practice that harms the most animals. Where clothing, entertainment, and medical science harm millions of animals, billions are killed for food. Animal protection theory has for this reason long been closely concerned with dietary questions. Taking up dietary debate inevitably requires examining empirical considerations. A widely held view among animal ethicists, for example, holds that the mental capabilities of animals matter for their moral status. Much hangs on whether or not a member of any given species (including ours) is self-conscious rather than merely conscious, a question contemporary science increasingly has bearing on. Similarly, it matters how many field animals are killed in plant cultivation and what inferences about plant sentience are and are not warranted by the claims of plant neurobiologists. Hence the overall approach of this book: applied ethics in the trenches, in which empirical considerations and moral principles both receive scrutiny and examination.

To note the relevance of empirical considerations is not to take them as a substitute for philosophical concerns. New omnivorists appeal to a diverse range of ethical arguments and concepts in making their case. These include not only familiar utilitarian and rights-based arguments for animal protection, but also theories of personhood and well-being, and the distinction (or lack thereof) between acts and omissions. A central issue in the debate concerns which side has a better formulation of these and other notions. The ways in which immanent critiques of animal protection could potentially be mounted are vast. Focusing on those that have bearing on dietary ethics thus imposes an order on my discussion. And as we will see, discovering what protectionism entails in this area is already difficult enough.

If I do not assess immanent arguments on topics beyond diet, there are also broadly immanent arguments for meat eating that I set aside. One is the argument from the so-called inefficacy objection. It holds that however