Ethical Meat Eating

A Research on the Philosophy of Eating Animals

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Abstract

This thesis examines if it is morally justifiable to eat animals. Indirect animal theories and moral equality theories are both found to be inadequate in answering this question, and therefore, a direct animal rights, but unequal, theory is supported. Animals can have rights because they have certain interests that need protection. My thesis is that animals have the right not to suffer but not the rights of life and liberty. Animals that are sentient have an interest not to suffer, but they lack the capacities to have interests in life and liberty. It is, therefore, morally justifiable to eat animals as long as this is done ethically. Raising animals for consumption must not violate the animal's right to live without suffering. The contemporary way of farming animals must drastically change to satisfy this right.

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Due to writing this thesis I gained much more knowledge about animal rights. Being a vegetarian, I know that the topic is controversial and much debated. Although I started this thesis with the presumption that eating animals could not be justified ethically, along the writing process my viewpoint changed. This change of view resulted in the ethical meat eating argument that I now defend in this thesis.

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1. Introduction

Theories of justice are usually concerned with questions about how people should be treated, but the treatment of animals is often neglected. If morality is concerned with how we ought to behave towards others beings, it is essential to know who or what those others beings are. When making a moral distinction between animals and humans, there must be compelling reasons to make that distinction.

It seems many humans suffer from a kind of 'moral schizophrenia' regarding animals, in the sense that they claim to take animal interests seriously but, at the same time, do not treat them in that way (Francione, 2000; xxi). This hypocrisy may be because animal rights is a topic people do not want to think about since, they might not like the consequences of thinking morally about animals. Eating animals is part of our everyday lives and many people do not make a connection between the animal and the produced meat they eventually eat (Regan, 1976: 1). Eating meat is embedded in our culture and seems the 'normal' thing to do. Although we might not take pleasure in thinking about the morality of eating animals, it is still an essential moral and social issue. In this thesis, I therefore address the following question: *Is it morally justifiable to eat animals*?

The focus of this thesis primarily is the use of animals for food. Other practices that could possibly conflict with the interests of animals, such as their use in scientific research and the entertainment industry or the hunting and the capturing of wild animals, are not part of this thesis. Eating food is something that we do every day, and every time we eat, we make a conscious or unconscious decision to eat meat. This decision can be made individually and with no, or little, costs.

Approximately 56 billion animals are raised every year for consumption; this number includes only land animals and not aquatic animals (FAO, 2015). In the last 30 years, the worldwide production of meat has tripled, and it is anticipated it will double again in another 30 years (Steinfeld et al, 2006; 15). Eating Animals inflicts the most harm on animals when looking at the numbers of animals killed every year for consumption in comparison to the other practices.

The theory I propose is both rights and interests based. I argue that non-human animals and humans are equal in some ways, primarily in the sense that they are both able to suffer, but that this does not mean that they are equal in all senses. I argue against theorists, such as Descartes (1637) and Kant (1785), that animals are morally unequal to humans, but at the same time also against philosophers, such as Regan (1983) and Francione (2000), who

actually place humans and animals on the same moral level. I defend a less developed direct, but unequal, theory of animal rights.

This thesis will argues and propose a way of 'ethical meat eating'. Animals have an interest not to suffer because they are sentient beings. Based on that interest, they have the right not to suffer. Animals do not have the rights of life and liberty because they lack the interests to claim these rights. Eating meat could be morally justifiable, as long as the animal's right not to suffer is honored.

Although most people will have a clear perception of what is meant by the word 'animal', I would like to provide a comprehensible explanation of the concept in order to avoid confusion. According to the *Oxford English Dictionary* an animal is: 'A living organism which feeds on organic matter, typically having specialized sense organs and nervous system and able to respond rapidly to stimuli'. Animals are different from plants and other living organisms because they have a nervous system. Human beings are part of the Homo sapiens species (*Oxford English Dictionary*). Human beings are also animals but distinguish themselves from other animals due to their superior mental development. Not all humans, however, have this capacity.

In this thesis the word *animal* will refer to non-human animals (beasts) and the word *human* to Homo sapiens, which is how these words are typically used, and for reasons of clarity and simplicity, these words will be used here in the same manner. When I use animals, I mean mammals (with the exception of the human), fish, birds, reptiles, and amphibians that are sentient. When I use *person* I mean a being that is a rational. This could be a human, but is not necessarily so. It can be argued that some animals are also persons. There are also humans who lack the capacity of personhood, these nonperson humans will be discussed in Chapter 7.

In Chapter 2 speciesism will be disputed; it will be argued that a separation between animals and humans can only be made based on relevant capacities and not on the mere fact that they belong to another species. In Chapter 3 the different animal theories will be represented, and these theories will be analyzed in depth in Chapters 4, 5 and 6. The marginal case, or personhood, argument and its consequences will be discussed in Chapter 7. In Chapter 8, the question of whether animals can possess rights will be answered. Chapters 9 and 10 will elaborate on my proposed theory of ethical meat eating. The conclusion in Chapter 11 will summarize the main argument of the thesis.

2. Speciesism

The term ‘speciesism’ originated in a pamphlet written by Richard Ryder, a British psychologist and animal rights protectionist, in 1970. Ryder (1970) wrote the pamphlet to protest animal experimentation and argued that because (biologically) humans do not differ significantly from animals, a moral distinction between the species should not be made (Bekoff, 1998; 320). Peter Singer (2000) established and popularized the use of the term speciesism in his work *Animal Liberation*. According to Singer (2000) ‘Speciesism [...] is a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species’ (pp 6). The *Oxford English Dictionary* recorded the term in 1985 with the definition ‘discrimination against or exploitation of certain animal species by human beings, based on an assumption of mankind’s superiority’. Speciesism, in short, is the assignment of rights or values to beings, exclusively based on their species and not on other possibly viable differences. The term speciesism connects the practice of speciesism to other practices that exclude certain groups from rights based on insignificant differences, such as racism or sexism (Bekoff, 1998; 320).

Speciesism confirms that there is inequality between the species with regard to their moral status. The simple form of speciesism distinguishes animals from humans because humans are part of the species homo sapiens and animals are not. A more advanced form of speciesism differentiates animals and humans based on morally relevant capacities. Most humans, and not most animals, have capacities that make them morally more significant. These capacities typically are rationality, autonomy, sentience or the ability to speak, etc.

Differentiating animals and humans based on the fact that they belong to another species is not enough to be morally significant. Classification based on species membership alone is arbitrary; it is not based on relevant facts. Speaking with the words of Michael Jackson, ‘it doesn’t matter if you’re black or white’. Just as being black or white is morally insignificant, being an animal or a human is also irrelevant. Other capacities of animals and humans could, however, be relevant to treat the two species differently.

Making a moral distinction between animals and humans can only occur when humans possess relevant capacities that animals lack. The line needs to be drawn based on characteristics that are relevant and not merely on species membership. When, for example, two individuals are waiting for a donor transplantation and only one transplant is available, a choice needs to be made who receives the organ. The fact that one individual is a man and the

other is a woman should not be taken into account when making the decision; this is an irrelevant property of the individual. The information that one of the two individuals could live another few days without a transplant, while the other would die immediately when not given this transplant possibly could be an appropriate property on which to base the judgment.

The difficulty is that there are no morally significant capacities that all human beings have in common (McMahan, 2012; 225). It is rather difficult, if not impossible, to find a capacity that all humans posses but all animals lack. One could argue that humans posses the DNA of Homo sapiens, while animals do not. The fact that humans have genetic similarities alone is, however, inadequate to make a distinction between man and animal. The genetic differences between different humans are sometimes larger than the differences between humans and animals, especially the differences with the great apes (Graft, 1997; 110). Species are more a matter of convenience rather than biological facts.

This is not an argument to give up the concept of species altogether. The concept can be useful at times, but it is insignificant to base moral justification theories on. 'The species concept cannot bear the weight of a system of ethics' (Graft, 1997; 117). To use species as a moral borderline is as arbitrary as using sex or race as a borderline (Graft, 197; 107). The decision as to how far one is morally significant should not be based on species membership but on the actual capabilities that one possesses.

3. Animal Theories

The question that needs to be asked is whether we, as humans, have duties to animals at all. Is there a moral obligation or a responsibility we owe to animals or can we use them however we may like? Hardly anyone believes that we can treat animals in any way that suits us. It is undeniable that we have some kind of commitment concerning animals, although the precise commitment is controversial. Disagreements about human duties in relation to animals are derived from different beliefs about the capacities of animals and the general attitude man has toward animals (Feinberg, 1980; 185).

The philosophical works about ethics and animals can be broadly divided into three different categories: (1) The indirect animal theories, (2) The moral equality theories, and (3) The direct rights, but unequal, theories. These theories are displayed in the table below.

Table 1: Animal theories

	Indirect Animal Rights	**Direct Animal Rights**
Humans and Animals are Equal	n/a	5. Moral Equality Theories I. Utilitarianism (Bentham, Mill, Singer) II. Rights Theories (Francione, Regan)
Humans and Animal are Unequal	4. Indirect Animal Theories I. Cartesian Theories (Descartes, Harrisson, Carruthers) II. Natural Hierarchy (Aristotle, Aquinas, Locke) III. Kantianism (Kant) IV. Contractualist Theories (Rawls)	6. Direct Rights, but Unequal, Theories I. Welfarist Approach II. Interest-based Theory (Cochrane, Garner)

Note: The numbers in the scheme correspond to the chapters about the theories

An indirect theory of animal rights does not protect animals because the animals themselves have intrinsic values or are ends in themselves. Indirect theories only protect animals as far as there is a human concern. The moral object is thus not the animal itself, but something outside the animal. It is, so to speak, a person-affecting view. In a direct theory of animal rights, the moral object is the animal itself. According to this theory animals deserves consideration because of their own value. It is not wrong to harm an animal because of the consequences to oneself or other humans but because harming the animal is wrong to the animal. This theory also could be called the intrinsic view.

Moral equality theories see humans and animals as equal beings that deserve the same moral treatment. In contrast, the indirect animal theories and the direct rights, but unequal,

theories make a distinction between persons and animals and argue that different treatment is justifiable.

In the following three chapters, the different animal theories and their consequences will be discussed.

4. Indirect Animal Theories

Indirect theories of animal rights argue that humans have higher moral status than animals, because animals do not have the same capabilities as most humans. For different philosophers, different capabilities matter, such as sentience, consciousness, rationality, or autonomy. Because animals lack one or more of these capabilities, indirect theories argue that humans do not have a direct moral duty to animals. Animals and humans are unequal because animals lack capabilities that most humans possess.

Indirect theories deny *direct* moral consideration of animals. An indirect duty theory of animal rights does not protect animals because the animals themselves have intrinsic value but because protecting animals might be preferable in the effect it has on humans. Indirect theories argue that animals only matter morally in relation to humans. Only the effect on humans of how one treats animals counts and not how one treats the animal itself.

Although the theories detailed in the below section do not give direct moral rights to animals, this does not, in essence, mean that they believe humans can do whatever they want to animals. Philosophers, such as Aquinas, Kant and Carruthers explicitly claim that harming animals is bad because of the effect it will have on people. People should thus not treat animals cruelly. These philosophers argue that harming animals in itself is not wrong. Harming animals is wrong because it will have a negative effect on people. When one hits a dog, the dog might not be able to suffer or know the reason the harm was done to it, but it is bad for that person's own morality to do so. Immoral behavior towards animals could, according to this line of thought, have a 'spillover effect' on persons. The spillover effect entails that when one is cruel to an animal, one is more inclined to be cruel to a person, and being cruel to a person is wrong.

I will discuss four indirect animal theories and argue that they are flawed in their conclusions that animals do not deserve direct moral consideration.

I. Cartesian Theories

Some philosophers, such as Rene Descartes, Peter Harrison and Peter Carruthers dispute that animals are conscious and thus argue that animals have no direct rights at all. Consciousness is the ability to be aware of one's surroundings. I will argue that this view is not in accordance with scientific research, and therefore, these theories should be dismissed. The most obvious

evidence that animals are sentient and conscious is their behaviors. Animals behave in a way to avoid pain and seek pleasure.

Descartes (1637) denies consciousness in animals altogether and views them as machines or automatons. Animals do not have a soul or mind like persons do, and as a result, they are thoughtless. Only humans can have a soul. Although animals might act as if they feel pain, this is merely a mechanical reaction to the pain trigger. Descartes argues that the material world can be explained by physics, and because animals belong to this physical world, their behavior can also be explained by physics. Persons do not simply respond to stimuli but are capable of reasoning and complex behavior. Another argument of Descartes that animals are not conscious is that they lack the ability to speak. Because animals do not use language, they probably do not have the ability to think. According to Descartes, only individuals who are able to use language, and thereby express their thoughts, are consciousness. Although some animals have the ability to make sounds, only human language can express thoughts (Descartes, 1637).

A more contemporary philosopher who disputes that animals are conscious is Peter Harrison (1991). Harrison disagrees that pain behavior in animals is a sign that animals indeed experience, or are conscious of, the pain. Many animals seem sentient in the way that they try to avoid pain and are in pursuit of pleasure. Pain behavior can, nevertheless, be seen in non-living things as well or occur without actually feeling pain. It cannot be concluded that animals are conscious just because they behave that way (Harrison, 1991; 26).

Peter Carruthers (1989) also suggests that animals lack the capability of consciousness and are, therefore, to be treated differently than persons. The fact that animals have a sensory system does not mean that they have conscious experiences. It is possible, according to Carruthers to have ‘non-conscious experiences’ that control behavior but are not consciously felt (Carruthers, 1989; 259). In a conscious experience, one can think about another thought (Carruthers, 1989; 263). Animals do not have such rationality (Carruthers, 1989; 269). When a person thinks about what to have for dinner tonight, and then realizes that he or she is thinking about that, that is an example of thinking about another thought. Animals can think about food but do not recognize that they are thinking about it.

If animals indeed were conscious, they should have a moral status according to these philosophers. They dispute, however, that animals are conscious, and therefore, persons do not have direct moral obligations to them (Harrison, 1991; 25). I argue that animals can indeed feel pain and are conscious and should thus be part of our moral world.

To be sentient means that a being is 'able to feel, perceive, or be conscious, or to experience subjectivity' (Bekoff, 2013). Sentient beings can thus experience feelings of pain and pleasure. In contrast to philosophers, such as Aristotle, Carruthers or Harrison, I argue that there is sufficient evidence to believe that not just persons, but also animals are sentient and thus conscious.

On July 7, 2012 a prominent group of international scientists, consisting, inter alia, of neuroscientists, neurophysiologists, and neuroanatomists, declared animal consciousness.

> 'Convergent evidence indicates that non-human animals have the neuroanatomical, neurochemical, and neurophysiological substrates of conscious states along with the capacity to exhibit intentional behaviors. Consequently, the weight of evidence indicates that humans are not unique in possessing the neurological substrates that generate consciousness. Non-human animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates.' (Low et al., 2012).

There is enough scientific evidence to argue that animals are sentient. Beings of different species are able to experience emotions, such as pain, happiness, jealousy, or joy. A review of over 2500 scientific articles on animal sentience concluded that the evidence of animal sentience is overwhelming (Bekoff, 2013).

The next question is whether all animals are sentient? Most scientists agree that a boundary between sentient and non-sentient animals exists. Vertebrates are thought to be sentient, while invertebrates are not. There is little evidence that invertebrates can experience the world around them and have feelings (Cochrane, 2012; 22-23). Vertebrates are animals with spinal columns or backbones and have nervous systems, while invertebrates lack these components. The nervous system of vertebrates are fundamentally the same as those of humans (Singer, 2011; 59). Although invertebrates are also living beings, they do not have the ability to experience the world in the same way as vertebrates. The group of vertebrate animals consists of mammals, fish, birds, reptiles and amphibians. Invertebrates are insects, arthropods, mollusks, arachnids, coelenterates, etc. (*Oxford English Dictionary*).

Most important, there is a significant group of animals that are sentient and conscious: The vertebrates. Most invertebrates are not thought to be sentient, but more research is necessary to make definite conclusions. What is important for the premise of this thesis is that persons have a duty toward sentient animals. The animals that are sentient (mammals, fish, and birds) are, without much doubt, also the animals whose meat is most used for human consumption. In this thesis, when discussing the morality of animals, I refer to the group of

sentient animals. The group of non-sentient animals will be mainly left out of the occasion because they probably do not have the capacity of consciousness.

II. Natural Hierarchy

Aristotle (384-322 BCE) argues that there is a natural difference between animals and humans. Aristotle regarded animals as less than humans; animals are made 'for the sake of man'. Although there are similarities between animals and humans, natural hierarchy justifies that men stand above animals. Although many capacities are shared between humans and animals, such as the capacities to reproduce, to nourish, and to be aware of the world, only humans have the capacity to reason (Regan and Singer, 1989; 4). Humans are 'a rational animal' and are, therefore, superior to animals according to Aristotle. Humans should rule over animals; this is the natural order (Aristotle, 350 BCE).

St. Thomas Aquinas (1225-1274) adopted Aristotle's standpoint that animals lack the capacity to be rational and can, therefore, be subordinate to humans. The degree of one's rationality decides how perfect a person is, and because humans are more perfect than animals, it is natural to treat animals as men desires (Regan and Singer, 1989; 8-9). Aristotle and Aquinas do believe that animals are conscious, in contrast to Descartes and Harrison. Animals can thus be harmed, but because of the natural hierarchy, humans have no direct moral duties to animals.

The natural hierarchy argument can also be found in the Bible: 'Have domination over the fish of the sea over the birds of the air and over every living thing that moves upon the earth' (*Genesis* 1:28). John Locke (1689) also believed that humans did not have direct duties to animals. 'The earth and everything in it is given to men for the support and comfort of their existence. All the fruits it naturally produces and animals that it feeds' (Locke, 1689).

According to these viewpoints, eating animals is natural, because humans are higher in the hierarchy and can thus use animals, even harm them, when it is in human interest. The idea of natural hierarchy, based merely on the fact that animals and humans are different species. is clearly speciesism.

Aristotle and Aquinas, conversely, suggest that there is a difference between men and animal that matters: The capacity of rationality. This capacity seems a sufficient reason to make a distinction between persons and animals. The question that arises is that, even if animals lack the capacity of rationality that humans have, does this mean that humans can treat animals in any way they desire?

III. Kantianism

Immanuel Kant's (1724-1804) theory is related to the natural hierarchy arguments of Aristotle and Aquinas. Kant argues that animals can feel pain, but because they lack the ability to reason, they should not be regarded as having direct rights. Kant thinks that animals lack the capacity to be autonomous or act in free will. An animal does not have an intrinsic value, but persons do, and therefore, persons have direct duties to each other but not to animals (Regan and Singer, 1989; 11-12). According to Kant (1963) rationalism is the necessary capacity to have intrinsic value. Animals are a means to a person's end because they are not rational. Persons do, however, have indirect duties not to harm animals 'for he who is cruel to animals becomes hard also in his dealing with men' (Kant, 1963).

Philosophers Allen Wood and Christine Korsgaard are both contemporary defenders of Kantianism. Wood wants to avoid the Kantian conclusion that all nonrational beings have no rights. For Kant rationality alone is the basis to grant rights. When beings are rational, and thus have personality, they have rights. Nonrational beings are regarded as things and may be used as means. This is what Wood calls 'the personification principle' (Wood, 1998; 6). Most animals lack personality and, therefore, direct rights, according to Kant. Wood argues that nonrational beings sometimes should be treated in relation to their rationality. Some nonrational beings had rational nature in the past, have it potentially, or have fragments of it. (Wood, 1998; 10-11). Rationality should also be respected '*in the abstract'* (Wood, 1998; 12). Animals possess parts of rationality and should therefore be treated in relation to that rationality (Wood, 1998; 15).

Wood avoids the exclusion of marginal cases (humans with limited capabilities) from rights by expanding the concept of rationality. I argue, in contrast, that not only rationality but also the capacity of being sentient gives rights to beings. There are humans that have no relation to rationality at all, such as the severely retarded. I think it is valid to give them the right not to suffer, although they lack all rationality. This argument will be discussed in depth in Chapters 7 and 8.

In accordance with Kant, Korsgaard categorizes most animals as beings lacking rationality. She does, however, argue that animals are ends in themselves. They are beings who 'pursue their own good' and have interests (Korsgaard, 2004; 36). Kant's argument is what Korsgaard calls a 'reciprocity argument'. This argument entails that rational beings have no direct obligations to nonrational beings, because nonrational beings cannot reciprocate those obligations (Korsgaard, 2012; 15). Rights are, however, universal and can also protect beings that cannot participate themselves, such as animals (Korsgaard, 2004; 21).

Although Korsgaard calls her view ‘A Kantian Case for Animal Rights’, I think she deviates from his arguments to much to call it a Kantian argument. She essentially proposes that rights are possessed based on interests and not on rationality. This is what I also argue, but it is not what Kant argues. Kant makes clear that rationality, and rationality alone, is the basis for possessing rights.

IV. Contractualist Theories

The idea of contractualism is that only rational beings can be part of a social contract. The social contract is a form of give and take. I give a person a right not to suffer, then I also have a right not to suffer. Most animals are not able to reciprocate the moral rules humans apply to them. Some philosophers argue, therefore, that they do not deserve to be morally considered. To say it in Latin: ‘*Quid pro quo*’. Roughly translated, this means ‘when I do something for you, I expect the same in return’. In the case of animals, when I respect the interests of the cow, I also expect the cow to respect my interests. This is a form of contractualism.

John Rawls’s (1971) theory is a contractualist one that bases morality on a social contract. Rawls claims persons do not have a direct duty to animals because animals are not rational. Rawls sees the sense of justice, or having a ‘moral personality’ as a necessary condition for equality and, therefore, excludes animals from his theory of justice (Rawls, 1971; 504-505). In the original position, individuals need to create a social contract, unaware of their position behind this ‘veil of ignorance’. Individuals are, in essence, self-interested and want to create a social contract that benefits them. They will choose social rules that protect rational individuals and not animals because animals are not rational. Although Rawls excludes animals from his theory of justice, he also made it clear that it would be wrong to make animals suffer because they have feelings of pain and pleasure (Rawls, 1971; 512). They thus deserve indirect moral consideration.

Contractualism is theoretically not strong in defending a different moral consideration for animals and humans. An obvious problem with contractualism is that, in addition to animals, some humans are also not capable of reciprocation. Why should those humans be considered in the social contract while animals are not? The beings behind the veil of ignorance are not ignorant about the fact that they become humans and not animals. As discussed before, the plain reason that humans are humans and animals are animals is not enough to distinguish between the two. It is not possible to choose to become an animal or a human, just as it is not possible to choose whether to become a man or a woman.

V. Why Indirect Animal Theories are Insufficient

Indirect theories argue that it is bad for people to harm animals because that would have a negative effect on humanity. Behaving immorally toward animals could have a spillover effect on how one behaves toward persons. Robert Nozick (1974) disputes theorists, such as Kant and Carruthers, who say that there is such a thing as a spillover effect. As long as people can make a clear distinction between harming animals and harming persons, the spillover effect should not exist. According to Nozick, killing animals does not make persons more likely to kill or harm other persons. 'Do butchers commit more murders?' (Nozick, 1974; 35). Cheating on one's spouse is wrong, but doing so does not mean that one is equally prone to another immoral act, such as defrauding an insurance company. The same is true for hurting animals or persons. Doing one does not mean that one is more inclined to do the other. It is plausible that a murderer is nice to animals or that someone who kills animals is polite to other persons.

Even if there is a connection between harming animals and harming persons, an indirect duty for persons to stop being harmful to animals could only be defensible when it would stop those persons also from harming other persons (Garner, 2013; 64). If harming animals itself is not wrong, then it seems unlikely that it would result in individuals committing acts that are wrong, namely harming persons. The reason why there would be a spillover effect is unclear (Wilson, 2002; 18).

An argument that can be used against indirect theories is that they go against our intuition. As Tom Regan points out, a criterion for evaluating ethical principles is that they have to conform to our intuition (Regan, 1983; 133). Hitting or torturing a dog is not something with which most people could emphasize. Even if no one would discover that person A did hit the dog and permitted that it would not change person A's behavior toward other persons, most people would not think that hitting a dog was acceptable. It simply 'feels wrong'. 'No serious moral thinker accepts the view that animals may be treated in just any way we please' (Regan, 1983; 150). Indirect theories are not able to accommodate this intuition. Although indirect theories place restrictions on human behavior toward animals, this is only to protect the person and not the animal. When the person is not affected by the harm done to an animal, there is no protection for the animal itself.

Carruthers (1992) claims that indirect animal theories could protect animals and thus satisfy our moral intuition because of private property rights and legitimate public interest. A restriction on the treatment of animals is the right of private property. The idea is that animals are often property of humans, especially in the case of domesticated animals. When animals

are private property, humans who are not the owners of that property are not allowed to damage the property. Under the right of private property, it is not allowed to damage someone else's property. This is obviously a viewpoint that Locke would agree with. Therefore, I am not allowed to hit my neighbor's dog because it is his dog, just like I am not allowed to damage his house or car. This offers no protection, however, for animals without owners, such as wild animals, or protection for animals against their owners. I am allowed to hit my own dog because it is my property and I can treat it however I want. The rights are for the property owners and not for the animal. The idea that private property rights will offer protection to animals is thus extremely limited.

Many people care how animals are treated, which makes the manner how animals are treated a legitimate public interest. Most persons do not like to see an animal suffer needlessly, and because seeing an animal suffer causes harm to persons, this might give us an obligation not to let the animal suffer. It is the same obligation not to needlessly destroy ancient buildings or art; the rights of the building, art, or the animal would not be violated because they do not have direct rights. The rights of the humans who have concerns for those objects are being protected (Carruthers, 1992).

The legitimate public interest protection of animals is just like the private property rights: Severely limited. First, protection of animals based on legitimate public interest is only possible when the harming of animals takes place in public. When a dog is hit in the privacy of a home, nobody will notice, and thus, no one will be compelled to protect the animal. It seems inconsequential that it matters where an animal is harmed in order to conclude if it is a morally wrong act (Garner, 2013; 63-64). Second, the concern of people who care about animals will most likely disappear when compared to more significant interests, like economical concerns (Garner, 2013; 63-64).

An indirect duty to animal theory could easily explain why we should behave morally correct towards animals. It is in our own interest to do so (Garner, 2013; 62). When protecting animals also benefits our human self-interests, it will eliminate the conflict of protecting the animal interests versus protecting human interests. Animals will only be protected if human interests are served by doing so.

Indirect animal theories, however, conflict with our intuition as to how we should treat animals. Carruthers argues that this might not be a serious problem, because this problem primarily arises when imaginary examples are provided (Carruthers, 1992). I disagree; factory farming is real, and animals are mistreated in this system of large scale food production.

Although humans might not think it is morally wrong to eat meat, most of us would look with abhorrence on how animals are raised and killed in factory farms.

Because animals are sentient, they have the capacity to suffer. Although it is not just to abuse animals in indirect theories because no direct obligations are owed to animals, it is hard to protect their interests. Human interests, although they might be minimal economic interests, almost always triumph over the interests of animals (Garner, 2013; 9). The suffering of animals is often inflicted because humans have reasons to do so. Indirect duties for animals would not be likely to protect animals from institutional use, such as meat consumption. The human interest of eating meat is higher than the interests of the animals.

I argue that animals should have a direct moral status and not an indirect one. Animals have at least one capacity in common with humans: The ability to feel pain. Direct animal theories can offer better protection for animals because it would be bad to hurt the animals themselves, not because of indirect reasons. It does matter how animals are treated, and they should, therefore, be given direct rights.

5. Moral Equality Theories

Moral equality theories consider animals as morally equal to humans and thus grant them direct moral rights. These theories consider humans and animals as each other's equals, usually justified by the fact they share the sentience capacity. Animals, as well as humans, can experience pain and pleasure, and therefore, both should have equal moral standing. Humans have a direct duty to animals not to cause them unnecessary pain. Moral equality theories do not view animals as just means to humans end but instead claim that animals are morally significant by themselves (Donaldson and Kymlicka, 2011; 4).

Moral equality theories can be broadly divided into two categories: Utilitarian and rights theories. Utilitarianism defends the idea that actions are moral if they maximize utility. Utilitarianism is a consequentialist theory; only the consequences of actions matter. It is utilitarian Jeremy Bentham who wrote, 'it is the greatest happiness of the greatest number that is the measure of right and wrong' (Bentham, 1776). Actions are morally right, according to utilitarians, if those actions produce the overall best consequences. The total amount of suffering must be the lowest, or the total amount of pleasure the highest (SEP). Animal rights theories are more closely connected to the ideas of Kant. An action is right when it is in accordance with the moral rights we posses as beings.

Not all moral equality theorists argue it is wrong to eat animals (Regan and Singer, 1989; 10). Utilitarians, such as Jeremy Bentham or John Stuart Mill claim that eating animals is not morally wrong when the amount of pain inflicted on the animals is less than the amount of pleasure humans gain from eating the meat. Other theorists, such as Tom Regan or Gary Francione argue that it is, in essence, immoral to eat meat because animals have inherent values. If animals have inherent values, they have value for their own sakes, they are ends in themselves. Utilitarians also claim that animals have inherent values, but these values can be by-passed for the overall good.

I. Utilitarianism

Utilitarian Jeremy Bentham (1748-1832) argues that not only human's overall pleasure must be taken into account when maximizing pleasure, but all sentient animals ought to be included. Although humans and animals differ, there is at least one important similarity: They both have the capability to suffer. Bentham stated, 'The question is not, Can they reason? Nor,

Can they talk? But, Can they suffer?' (Bentham, 1781: 310-311). Bentham is regarded as one of the earliest defenders of animal rights.

John Stuart Mill (1806-1873), a student of Bentham, continued and defended Bentham's thoughts on animal rights (Mill, 1836). According to Mill a distinction between higher and lower pleasures that must be taken into account when calculating the overall utility. Higher pleasures are the ones of intellect and the lower ones are those of sensation (Mill, 1861).

Bentham and Mill would most likely not agree that eating animals is morally wrong per se. Killing animals for food is only wrong if the amount of pain inflicted on the animals would be greater than the amount of pleasure humans receive from eating the animals.

A contemporary utilitarian who defends animal rights is Peter Singer. He concludes that there is no way to morally justify a distinction between animals and humans who both have the capability to suffer. For humans, as well as animals, this interest not to suffer must be taken into account when calculating the overall utility. He argues that the ethical principle of equality should be extended to animals (Singer, 2002; 1). Not taking animal interests into consideration would be a form of speciesism (Singer, 2002; 6). If we leave animals out of the equation, we should also give unequal consideration to different human beings (with different capacities) and that would go against the principle that all humans are equal.

Singer is a utilitarian and thus does not believe in inviolable rights for either animals or humans. His argument in favor of not inflicting harm on animals is based on the idea that it will not benefit the greater good. In itself, harming animals is not wrong if the greater good can profit from the act. The same is true for humans. In essence, harming a human is not wrong when this benefits the overall good. No person's, or group's, interests should have precedence over someone else's interests. Although humans and animals are obviously different in some respects, this should not be a barrier for including animals in the principle of equality. Both humans and animals are capable of suffering, and therefore, both have interests not to suffer (Singer, 2002; 8).

Singer makes the point, different from Bentham's and Mill's, that eating animals is morally wrong. Animals' suffering because they are raised and killed for food is greater than the human pleasure of eating animals. Humans should thus not consume animals, although this is not an absolute rule. If the overall good of society can benefit from harming animals, then this is the right thing to do according to Singer, just as it would be if harming a human could benefit the overall good.

I reject utilitarianism in favor of a rights based animal approach. The greatest weapon in arguing against utilitarianism is the principle that a person could be used as a means to an end. A person could be sacrificed if the group interests are sufficient enough (Korsgaard, 2004; 3). This idea contradicts intuition and Kant's theory that persons can never be used as a means to an end. Another drawback of utilitarianism is that it does not take individual interests seriously. While every being is taken into consideration based on their interest not to suffer, the aggravated well-being of a society is always of more importance than that of an individual. Because sentient humans and animals have interests, these interests cannot be invoked to accommodate another goal, such as the well-being at large.

II. Rights Theories

Tom Regan (1983) and Gary Francione (2000) argue that utilitarian theorists do not go far enough in protecting animals. Utilitarianism protects animals if the overall utility is not maximized by harming them, but it does not provide any protection for individual animals, unless that produces the most utility.

Tom Regan gives moral rights to animals, and therefore, argues that using animals for food is not justified. Animals and humans are morally equal, according to Regan, and therefore, animals should have rights, just like humans do. The moral status of animals is thus grounded in rights and not in utilitarian principles. Regan does not, however, extend his theory to all sentient beings that can suffer, as Singer does but restricts his theory to animals who qualify as 'subjects-of-a-life'. The subject-of-a-life criterion requires more than just being alive or conscious; the being must have some kind of inherent value. Regan categorizes mammals over the age of one as subjects-of-a-life (Regan, 1983; 243). A subject of a life has inherent value, which needs to be respected and cannot be used just as a means to a human end. Singer also argues that every individual animal's interests counts, but the protection of the animal depends on the overall good. Regan thinks that we should not let utility override rights of individuals. Although he admits that rights can come into conflict with each other, he argues that, in that case, a solution must be sought that minimizes the rights being violated.

Both Regan and Francione are in favor of abolitionism in the sense that they want a complete abolition of animal use. Animals, according to abolitionists, have a right to live in freedom, and they should not be used by humans, no matter how well they are being treated. Not only should sentient animals, or subject-of-a-life beings in the case of Regan, be banned as food for consumption, but also as entertainment or even as pets. Using animals as means to

human ends is morally wrong. Making animals suffer less is not the solution, the suffering of animals should stop altogether. Welfare reform or humane treatment of animals cannot stop the suffering of animals. Although suffering less might be better than suffering more, it cannot be morally justified, according to these animal rights theorists. Francione argues that giving rights to slaves was not enough; abolition of slavery was needed, just as abolition of animal use is necessary to free animals of being abused (Francione, 2000). As Regan stated, '*The Rights view will not be satisfied with anything less than the total dissolution of the animal industry as we know it*' (Regan, 1983; 395).

Francione even takes it a step further and wants animals not to be treated as property. Because animals are seen and used as property, their interests will never be truthfully recognized. The interests of the property owners, humans, will always be regarded over the interests of the property itself, the animals. Thus, when choosing which interest are more important, the human interests will always triumph over the animal interests, however fundamental that animal's interests may be (Francione, 2000; 55).

As is now evident Francione and Regan agree that humans should not use animals for food, regardless of whether they have been treated well and were killed painlessly. Humans should not use animals as a means to their ends. A problem with the abolitionist position of Regan and Francione however, is that it neglects the relationships that humans and animals have with each other, especially in the domestic sphere. This is also Donaldson and Kymlicka's disagreement with the animal rights movement. The animal rights movement focuses too much on the negative rights of animals and neglects the positive rights we have toward animals. Central are the arguments not to breed and kill animals, while obligations, such as respecting the needs of animals, are left untouched. This focus is in contrast with human rights, which are negative and positive (Donaldson and Kymlicka, 2011:6).

Theorists, such as Francione and Regan want all exploitative relationships that humans have with animals to disappear and, together with those relationships, the extinction of domesticated animals. Donaldson and Kymlicka in contrast, think that there is inevitably a relationship between humans and animals and we thus have positive obligations toward animals. They want to imbed the different relationships we have with different kinds of animals in a theory of citizenship (Donaldson and Kymlicka, 2011:11-13). I agree with Donaldson and Kymlicka that the total abolition of animals is not the solution. Equal treatment of humans and animals can only be established if animals also have the positive rights that humans possess.

Although I agree with the point of departure of moral equality theories that both animals and humans are sentient beings and thus are equal in that way, I disagree with the viewpoint that animals should have a completely equal standing with persons. When concluding that animals and persons are morally equal, it is presumptive that there are no relevant differences, that matter ethically, between. Both species should be the same for the most part, but when we are faced with a situation when we need to choose between the life of a person and the life of an animal, I think it is safe to assume that most will choose the life of the person over the life of the animal. Although both persons and animals have interests, I argue that persons have greater interests than animals do, and therefore, the two are not morally equal. This will be discussed more in depth in Chapter 8.

6. Direct Animal Rights, but Unequal, Theories

The direct animal rights, but unequal, theories grant some moral rights to animals. The direct, but unequal, theories are comprised of two parts. First, there is the argument that animals have a direct moral status in the sense that some actions can directly affect them. Most animals have at least one capacity in common with humans, namely that they are able to feel pain; therefore, they deserve direct moral status. Second, these theories regard animals and humans as unequal in the sense that interests of persons are more important than those of animals (Wilson, 2015). When the interests of persons and animals are in conflict, the moral status of persons is higher than that of animals. Most humans are rational and autonomous beings and, therefore, deserve full moral status. Most animals, on the other hand, are not rational and autonomous and, consequently, do not deserve full and equal moral status. Being rational and autonomous means that persons are able to rationally make decisions. Humans and animals who do not have personhood simply make decisions based on instincts. Only humans with personhood can act morally themselves in contrast to most animals who cannot (Wilson, 2015). Direct, but unequal, theories differ from each other in the number of rights they grant to animals.

I. Welfarist Approach

Donaldson and Kymlicka speak about a welfarist approach where animals do matter morally but are subordinate to human interests. In this moral hierarchy, animals clearly stand below humans (Donaldson and Kymlicka, 2011:3). Extremely cruel abuse of animals, such as kicking a dog, might be prevented with this approach because animals do have moral values. It becomes more complicated when human interests are also at stake. Humans have an interest in eating animals, and the welfarist approach places those interests above those of the animals used for consumption.

In the animal welfare approach, the philosophical debate is usually missing. This approach criticizes the inhumane treatment of animals but does not question the status of animals themselves. The animal welfare approach is often a product of personal compassion for animals. The system itself, where animals are structurally used for human benefits, is hardly contested.

II. Interest-based Theories

The interest-based approach theory is defended by, amongst others by Cochrane (2012) and Garner (2013). They defend an interest-based approach in different degrees. Alasdair Cochrane defends an interest-based rights approach based upon the interests animals have because they are sentient. He argues that sentient animals do have rights not to suffer or to be killed, but do not have rights of liberty. Sentient animals are not autonomous, like persons, and thus have no intrinsic interests in liberty. The interests of animals not to suffer or to be killed determine which duties humans have toward animals. Human practices that cause animals to suffer and/or to die should be ended (Cochrane, 2012). This theory clearly involves further implications on how humans should treat animals than the welfarist approach. Conversely, Robert Garner (2013) defends an animal theory based on justice. The concept of justice is central in political theory, but it seems to be reserved for humans only. Garner argues that only giving animals direct moral status is not enough to protect them from suffering. He recognizes that because animals feel pain they have the right not to suffer but, at the same time, suggests that persons are not equal to animals because animals have fewer interests than persons do. Both persons and animals have an interest in life, but the lives of persons are morally more important than those of animals. Persons also have other interests, such as to freely live self-chosen lives. Animals lack this interest.

Garner calls his theory the 'enhanced sentience position'. Animals have, according to this theory, a right not to suffer, whatever the benefits might be for humans. Animals might, however, be used by humans under certain circumstances because an animal's life is morally less valuable than a person's life. The enhanced sentience position is also an interest-based animal theory. Garner's theory recognizes the intrinsic values of animals, just as the rights theories of Regan and Francione. Garner, however, rejects the abolitionist position of those theorists (Garner, 2013; 2-18).

Intuitively, the direct animal rights, but unequal, theories can accommodate the feeling that animals have a moral status and that humans should not be able to do whatever they want with animals and, at the same time, the feeling that persons have more interests than animals. When a person sees an animal being abused, for example, he sees his neighbor hitting his dog with a stick, it feels wrong and he might be compelled to say something to his neighbor or call the police. We might not be inclined to think that the neighbor would be more compelled to also hit another person with a stick, as indirect theories argue, but we would feel bad for the dog itself. Intuitively, we feel that animals have some intrinsic value. On the other hand, when we see the same neighbor hitting the dog and his wife, and we could only save one from being

hit, we would probably choose the person over the animal. We feel that it is worse of the neighbor to hit his wife than it is to hit his dog.

Direct animal rights, but unequal, theories have the potential to simultaneously recognize the moral status of animals and the interests of humans with personhood.

7. Personhood and the Marginal Case Argument

It is rather undisputed that humans possess capacities that animals do not. Most humans have a high level of intelligence and can use their knowledge. They are rational beings who can understand reasons and are able to draw conclusions. Most humans are autonomous and have free will. These capacities are often compiled under the term 'personhood'. A being who possess these capacities is a person. Personhood can, without much doubt, be found in most human beings. Making a distinction between animals and humans based on personhood, however, is problematic. The difficulty is that not *all* humans possess personhood and not *all* animals lack it. In other words, not *all* humans are dissimilar to *all* animals. This is the marginal case argument.

The capacities of some humans are no more developed than those of animals. First, there are humans whose capacities still have to fully develop, like babies and young children. Second, there are humans who had the more developed capacities but who do not have them anymore, such as people who are in comas, or suffer from dementia or brain damage. Third, there are the cognitively severely impaired humans that never had the advanced capacities that other 'normal' humans have (McMahan, 2012; 204). I will call these humans without personhood 'nonperson humans'.

The marginal case argument is a widely used philosophical argument within the animal rights debate. The argument argues the following: If a distinction is made between humans and animals based on the thought that humans posses personhood and animals do not, humans who do not have the capacity of personhood should have the same moral status as animals. Consistency requires that animals and nonperson humans with the same capacities should be treated alike morally. Either rights should be denied to nonperson humans or the rights of those cases should also be applied to animals. The capacities of animals and nonperson humans are similar, and giving them different rights solely based on their species would be speciesism.

The argument of the marginal cases can be disputed if one claims that being human in itself is worthy of a higher moral status than being an animal is. This might be done by the natural hierarchy argument, but this is not supported by many contemporary philosophers. Anthropocentrism is the idea that humans are always more important than animals. The life of a human, even if it is a severely cognitively disabled human, is worth more than the life of an animal. The fact that humans are humans is enough to give them a special moral status (McMahan, 2012; 209-210). It is true that humans are part of another species than animals,

but this is an irrelevant fact morally speaking. Being part of another group is not a sufficient reason to morally treat animals differently than humans. Korsgaard states that nonperson humans are in fact rational beings, but she does not defend this statement (Korsgaard, 2004; 5).

It might be felt that nonperson humans deserve special treatment because they are part of the human race and we have a special connection to people of the human race. With nonperson humans we, as human beings with personhood, have a form of relatedness because we are genetically related. The same will then also be true for people of the same ethnicity or nationality. Although stronger connections can indeed be felt toward people of the group to which one belongs, this is no reason to argue that people from other groups are morally less important. For example, one is more inclined to save the life of one's own child than the life of another's child, which is permissible, but this does not mean that the life of the others child is less important morally. It is much easier to imagine oneself as a nonperson human than as an animal. The thought is that being a nonperson human 'could happen to us too'. However, it is still a form of discrimination to base this feeling on the just fact that they are human and not on characteristics. The effects of group-based partiality would be dreadful. A comparison can be made here with Nazi Germany and the elimination of Jews. The group of Jews was treated inhumanly, as if they had no moral status. This different treatment was based solely on their race and not on other characteristics.

Machan argues against the marginal case argument that 'one cannot make general claims based on special cases' (Machan, 2004; 16). This is, however, not what the marginal case argument does. The marginal case argument makes a distinction based on characteristics and not on the species to which one belongs. Because typical humans possess personhood, this does not mean that atypical, nonperson, humans should be treated as if they have that characteristic too. Animals should be treated in the same manner as the nonperson humans because they have the same capacities.

The marginal case argument exposes some critical flaws in some animal theories. Kant, for example, claims that 'personhood', rationality, and autonomy are necessary to have moral status. The ability to reason and to be autonomous are capacities that only humans, and maybe a few animals like great apes or whales, possess. The problem with allocating moral status based on personhood is that some humans are also not able to reason or be autonomous, while they have undisputed moral status. Human infants or the mentally disabled are not 'persons' in the sense that they lack personhood. A nonhuman person, according to Kant, would thus not be a being with an 'end-in-itself'. Nonperson humans would have no moral

status and only indirect rights.

In general, it is not believed that we can treat nonperson humans in any way we please just because they lack personhood. They deserve moral status as being ends in themselves (Cochrane, 2012; 26-27). For example, the shaken baby syndrome, or traumatic brain injury of babies or young children, causes irreversible damage and can even result in death. Not shaking an infant vigorously seems an obligation that is owed directly to the infant. Shaking causes pain to the infant and has disastrous consequences for him or her. The moral obligation is directly to the child and not an indirect duty to the family nor is it to prevent this behavior toward humans with personhood. The argument is that nonperson humans do not have personhood, just like most animals, but most people still want to grant them moral rights.

Both Regan and Singer base their arguments on marginal cases. They claim that nonperson humans deserve direct moral status. Other beings, such as animals, with the same reasoning capabilities accordingly deserve direct moral status as well. The marginal case argument is often used to justify the abolitionist view of animal rights and argue for fully equal rights for humans and animals. Humans cannot have higher moral status than animals because that would mean that nonperson humans also should have lower moral status. When attributing certain rights to *all* humans, even the marginal ones, these rights cannot be denied to animals.

I argue that neither animals nor nonperson humans have full moral rights but do have the same right not to suffer because they are sentient beings. Basing animal rights on interests gives a moral status to animals because they are sentient, but it does not give up the position that humans with personhood have higher moral status than animals because they have capacities that animals and nonperson humans lack (Garner, 2013; 152-153). In the next chapter the different rights that animals and persons possess, based on their interests, will be discussed. To conclude, nonperson humans and most animals must be treated morally equally: ‘We must accept that animals have a higher moral status than we have previously supposed, while also accepting that the moral status of severely retarded human beings is lower than we have assumed’ (McMahan, 2002; 228).

8. Animals and Rights

While one might argue that it is morally wrong to eat meat, another might argue there are no moral objections to eating meat. The different conceptions of what is right can both be accommodated in a liberal society. One may choose to refrain from eating meat, while the other still eats meat. The problem is that, from an animal rights perspective, our conceptions of what is right does not give any protection to animals, or rather only gives limited protection. Giving animals actual rights and even the question of whether animals are able to possess rights are, however, much debated topics.

Some philosophers dispute that animals can have rights, because they lack the capacity to reason. Animals are indeed unable to claim rights for themselves; neither can they respect the rights of other beings. Proponents of rights for animals disagree and do think animals can have rights. Animal rights are, in their view, not only achievable but even necessary to stop animals from being (ab)used. I claim that animals can indeed possess rights. I concede that animals do not have the capacity to declare rights for themselves or to respect rights in that matter, but I argue that because they have certain interests, they have rights.

Joel Feinberg (1980) claims that animals can have rights. Although animals are not 'moral agents', since they are not fully capable of being part of the person moral community, and thus cannot have the same obligations as humans, they can still have rights. Animals are not the same as persons, but neither are they 'just' things. Animals have interests and suffer when these interests are not fulfilled. Persons have rights to protect their interests, and likewise, animals should have those rights as well. Although animals are not able to secure their own rights due to their lack of capacities, persons can protect animal rights as representatives of animals (Feinberg, 1980; 185-206). Some might replay that the right not to suffer is exclusive to persons. Because animals lack the capacity to reason and cannot agree to a contract with persons, they are also excluded from the moral rules that apply to humans. This argument, however, is clearly speciesism: Disqualifying animals from moral rules just because they belong to another species.

Raymond Frey (1980) claims that animals do not have interests, and thus do not have rights, because they cannot pursue what is good for them. They do not have desires because they lack the capabilities to have beliefs. This is not to say that animals do not have needs; they do, but so do plants or even machines (Frey, 1980; 83-89). This claim, however, is contradictory to how animals behave. By observing animals, it becomes clear that they do

have desires and behave in ways that achieve those desires (Cochrane, 2012; 34-35). Cats scratching on doors to be let outside or begging for a piece of cheese on the table are obvious signs that they do have desires to go outside or to eat cheese. They might not have the capabilities to have desires for the future, for example, to start a family or to move to another town, like persons, but they surely have desires that they want to see fulfilled. Regan disputes Frey's argument, stating that it is not necessary to be aware that one desires, in order to desire (Regan, 1982: 278).

Tom Regan follows a similar reasoning as Kant to argue in favor of moral animal rights. According to Regan subject-of-a-life beings deserve to be treated as ends in themselves. The difference with Kant is that Kant places the prerequisite of treatment as ends in themselves, not by being a subject of a life, but by the ability to reason. For Kant, animals thus fall out of the scope, while for Regan, animals, that are subject-of-a-life, are classified as having meaning in themselves (Cochrane, 2012; 10).

Regan's rights theory is based on the inherent value of beings that are subjects of life. This notion of inherent value is, however, inexplicable. It is not clear why these subjects of life deserve moral rights and must be treated as ends in themselves. Some subjects of life might not be ends in themselves but must, nonetheless, be treated like they are (Cochrane, 2012; 41). The interest based approach I endorse is more comprehensible; rights are allocated when interests are at stake. Obligations can be imposed on other beings when the interests of one are sufficient.

I defend a theory of animal rights that is rights based, just as Regan and Francione argue, but with the differentiation that I argue against their abolitionist/egalitarian approach. The animal rights theory I defend is interest based; the interests of all beings will be considered equally. The notion that certain beings possess certain interests leads to the right not to interfere with these interests. When beings have the same kinds of interests, the same rights should apply to them to protect those interests. Since most animals possess the same interests as humans not to feel pain because they are sentient, it follows that they should have the same rights, regarding these interests, as humans do. This theory is consequently capacity-oriented.

This thesis follows Joseph Raz's (1988) formulation of how to decide if a being has a right, as proposed by Alasdair Cochrane. Raz claims that beings have a right when they have sufficient interest that can impose an obligation on another being (Raz, 1988; 166). When interests are the basis of whether beings have rights, reasonably, not only humans but also

animals can then be assigned rights. The species of the being does not settle if they can have rights; the beings interests do.

It might be claimed that allocating rights based on interests will lead to an increase in rights. Everybody has interests and could start arguing for rights for their interests. It must, however, be clear that not all interests convert into rights. Interests need to be sufficient and contextual factors need to be taken into account (Cochrane, 2012; 44-45). The context is of crucial importance in assigning rights. The interests of one needs to be identified and evaluated. Competing interests need to be taken into account, as well as the possible burdens that rights can impose on potential duty-bearers (Cochrane, 2012; 43). Interests do not automatically grant rights, per se, they have to be sufficient. Someone might has an interest in getting cosmetic dental surgery because he or she has an aversion to how his or her teeth look. The strength of this interest and the duty it bears on others will, in this case, probably be insufficient to give the right to the surgery. On the other hand if the surgery is necessary to save the life of that person, it is a sufficient reason to carry out the surgery.

Rights are not in all cases absolute because they can conflict. A famous example is the right of freedom of speech and the right not to be discriminated against. However, rights cannot be easily disregarded. A right is not just a favor; it is claimable and can be demanded without question. The right to life must always be taken into account, but there might arise situations wherein keeping someone alive cannot be done without endangering other people or keeping the costs reasonable (Feinberg, 1980; 198-199).

Some interests are obviously more important than others, for example the interests not to suffer, to have sufficient meals, and to have a place to live are more vital than the interests to drive a new car or to go on vacation. Sometimes, it will be more difficult to judge which interest is more important, and this is not an objective matter. Which interests are more important can change in time and over different cultures.

Determining if an interest is strong enough to impose a duty in the form of rights on others needs to be done by evaluation of the value of the interest *for* the individual. The interest-bearer is not necessarily the one who decides the strength of the interest. Some individuals might have interests that are extremely important to them but are not good *for* them. Someone might have an interest in eating pizza all day, but this is clearly not a good interest for that individual (Cochrane, 2012; 53).

Some might argue that giving animals rights is a slippery slope. Should plants also be granted rights then? The simple answer is no, plants do not have rights, just like non-sentient animals do not. Moral rights are only to protect interests, and because plants are non-sentient

they lack those interests. Plants cannot feel pain or have better or worse lives. It is true that when plants are not watered on time they will die, but they will not be harmed themselves because they lack the capacity for well-being (Cochrane, 2012; 37).

An important note is Feinberg's point that interest based-rights do not need to be claimed by the interest-bearer itself. Interests could be claimed or represented by someone else on the behalf of the interest-bearer (Feinberg, 1980; 193). Animals cannot debate their needs or make promises to humans because they lack the capacity to do so. This is a significant difference when it comes to animals and other groups in society that have been considered unequal: Animals do not have the ability to stand up for themselves. Where feminists promote the equal rights cause for women and the Civil Rights Movement promoted equal rights for blacks, animals lack the possibility to speak up. Humans, nevertheless, can come to a mutual understanding of how to treat animals in a moral way (Feinberg, 1980; 193).

It might be argued that animals cannot have rights because they cannot reciprocate the duty that those rights entail. Animals lack capacities and are thus incapable of returning the rights to humans or to each other, for that matter. The problem, as discussed before, is that some humans lack those capacities, as well, but excluding them as right holders seems questionable. In the human world, we also benefit or protect humans who themselves are not able of doing so. Abortion is a much debated topic, but a few weeks after conception, it becomes forbidden by law to abort an unborn child. Although fetuses themselves cannot claim any rights whatsoever, humans have given rights to them nonetheless. The same holds for animals; although they are not able to speak up for themselves, they can still be given rights. I, therefore, argue that not the ability to act morally, but rather the interest not to suffer should be the foundation to reward rights.

When animals can indeed have rights, it must be discussed what rights they do or do not possess. Following Cochrane (2012), I will discuss if animals possess the three rights: To be free of suffering, to liberty and to life. The rights most animals will possess based on this theory of rights is the right not to suffer. Sentient animals have, in general, sufficient interests not to suffer. They do, however, lack rights of life or liberty. Which rights animals possess is thus solely based on their interests, and this does not mean that animals cannot be used for anything. As long as their interests are not being harmed, it is allowable to make use of animals (Cochrane, 2012; 10). In contrary with abolitionist rights theorists, such as Regan and Francione, it is not necessary to abolish all use of animals when giving animal rights based on interests instead of intrinsic value.

I. Do animals have a sufficient interest not to suffer?

I argue that animals indeed have an interest not to suffer. Suffering is 'the state of undergoing pain, distress, or hardship' (*Oxford English Dictionary*). All beings who are capable of suffering, both humans and animals, have a moral right not to be treated in a way that causes suffering. Suffering is an intrinsic evil, which means that it is evil by itself and not for its consequences. In general pain and suffering is something humans avoid and condemn if inflicted on other human beings. Of course, pain and suffering are not the same for everyone; it might be that breaking a leg hurts one person significantly more than it hurts another. It does not matter who broke his or her leg, a woman or a men, child or adult, what race somebody belongs to, or if one is a human or an animal. Breaking a leg is still bad in itself because it causes suffering, regardless of how much (Feinberg, 1980; 194).

Because all sentient beings can feel pain, they have an interest not to feel pain and thus simultaneously an interest not to suffer. There seems to be no possibility to deny that animals are sentient. Animals want to live without pain, fear, or suffering, just like humans do (Bekoff, 2013). When animals are sentient they have a capacity for well-being. Their lives can be good or bad, just as the lives of humans can be good or bad. Sentient beings, therefore, deserve ethical consideration as being means to their own ends (Cochrane, 2012; 25).

Some might argue that suffering is worse for beings with the capacity to reason. Persons make plans for the future and can think about the consequences of suffering. For example, if a person breaks an arm, he might become depressed over all the things he is not able to do anymore or become stressed over deadlines he has to meet, which becomes difficult with the handicap of a broken arm. Animals without the capability to reason about a broken body part might suffer less. They do not think about the additional inconveniences that come with the fracture. At the same time, it can also be argued that an animal might suffer more than a person when it breaks something. A person is able to rationalize the pain and knows, for example, when the cast will be removed from their arm. Persons can make plans accordingly, and planning can be a distraction from the pain. Animals lack these capabilities and might, therefore, be consumed by the pain and suffering (Cochrane, 2012; 55). The truth is that it is impossible to say if persons or animals suffer more or less. The fact that both animals and persons are capable of suffering, because they are sentient, is enough to claim that avoiding suffering is a sufficient interest for both of them. Although persons have other characteristics than animals have that may justify that they have more interests in life and freedom, those characteristics do not justify that a person has more interest in avoiding suffering than animals do (Garner, 2013; 19).

II. Do animals have the right of liberty?

The question is do animals have an interest to be free, or in other words, not to be used by humans? Animals are used by humans constantly: As pets, in experiments, as entertainment, and of course, in raising them for consumption. When the event of using animals causes suffering in itself, then animals have a right not to suffer and, in that case ,a right not to be used. The issue is if animals can be used if that use does not cause them any suffering.

Persons are autonomous beings with the capacity to follow their own dreams and, as a result, have an interest in leading free lives. Most animals lack that capacity and, accordingly, do not have an interest in determining their own lives. As long as they do not suffer and are provided with their basic needs, I argue that there is no moral issue with using animals. Only autonomous beings have an interest in living a free life without the interference of others (Cochrane, 2012; 75).

Animals are not harmed when they lack liberty because they are not, like most persons, capable of choosing what lives they want to live. Surely, they have preferences for some kind of food to eat or how comfortable their lives are, but they do not make plans for the future nor are they hurt by an absence of freedom (Cochrane, 2012; 11). There should be no concern that animals do not have the liberty persons have because they lack the capabilities or interests to have the same amount of freedom. Where an animal lives, for example in the Netherlands or in the United States, will probably not concern the animal, as long as it is taken care of properly and is treated in a way that causes it no harm (Feinberg, 1980; 198).

Unlike the comparison Singer (2002) makes throughout his book, *Animal Liberation*, slavery is not the same as the use of animals. Human slaves that are persons have an interest in liberty, and they are being harmed by being kept in captivity. Humans who can reason and are autonomous want to be able to choose where they live, what kind of work they do, what other people they spend time with etc. Animals that do not have those capacities are not harmed without liberty. Animals can thus be kept as pets or can even be used for labor or experiments, with an *extremely important* side note: They have the right not to suffer while being kept and used by humans. Therefore, while it is perfectly fine to own a dog as pet, the dog still has a right not to suffer, and that right must be secured at all times. When the dog, kept as pet, is happy, and all its life necessities are fulfilled, its interests are likely not violated.

To clarify, I am not suggesting that all animals lack capacity and should be denied liberty. Some animals might possess the rationality and autonomous capabilities to be harmed in their interests when they do not have the freedom to choose their own lives. For example,

cetaceans or some ape species are thought to have those capacities (Hauser, 2001; 309-314). Animals who have interests in liberty should not be denied that liberty. It is the interest that imposes the right, not the species. The majority of animals, however, lack these capacities and thus do not have an interest in freedom.

III. Do animals have a right not to be killed?

Throughout history and across different cultures, there has been the moral belief that killing humans is wrong. Killing an animal is perceived as less wrong than killing a human (McMahan, 2012; 189-190). Therefore it needs to be determined if this is, in fact, the case.

A right not to suffer is not the same as a right not to be killed. Killing can, after all, be done painlessly. My argument is that most animals do not have the right not to be killed. Until now, my argument has been greatly in line with Cochrane's (2012) standpoint, but here our positions diverge. Cochrane claims that animals have a right not to be killed because they have an interest in life: To advance the well-being in their lives. Dead animals no longer have the opportunity to enjoy life and to encounter valuable experiences (Cochrane, 2012; 65-66).

Firstly, it is not a fact that continued life brings more joy to an individual; a continued life could also cause more harm. There seems to be an apparent relationship between the harm that is inflicted on the one that is killed and the question of whether the killing is wrong. If one is deprived of one's life, he or she loses the experiences and enjoyments he or she might have had in the future (McMahan, 2012; 190-191). However, it is hard, if not impossible, to determine how much harm one would endure by losing one's life or to compare the wrongness of killings in this matter; this is true for persons and for animals.

Secondly, and more importantly, persons have the emotional and cognitive capabilities to look forward to the future and have wishes and goals to pursue, while most animals lack these capabilities. The interests of animals are the basis to give them certain rights, so in order to determine if it is allowable to kill animals, it needs to be established if animals have a interest in continued lives. Animals are incapable of engaging in more complex or skillful actions or to have ambition and achieve self-set goals. They are unable to enjoy literature, music, or art because they lack an aesthetic sense and imagination. Animals are unable to have the deep personal relationships that humans have with each other. When persons thus lose their lives, they lose significantly more than when a typical animal loses its life (McMahan, 2012; 195). The life of an animal is basically the same, day in and day out. They do not have the complex narrative unity that humans have to complete certain goals. Persons

make long-term plans for the future, and death will prevent these goals from being realized. In general, animals lack the capability to have long-range desires and thus cannot be deprived of their future plans by death (McMahan, 2012; 197-198).

In conclusion, killing animals is not morally wrong because they lack the capacities to have a significant interest not to be killed. The capacities that humans have, such as rationality, autonomy, and self-consciousness, as well as the ability to plan for the future, are relevant to make a distinction between the wrongness of killing humans and killing animals.

IV. The marginal case argument applied

It must be accepted that nonperson human beings must be treated equally to their animal counterparts, as discussed in the previous chapter. For the internal consistency of a moral theory of animal rights, animals and humans with the same abilities must be treated as moral equals. If both animals and humans have the same capacities, no moral distinction can be made between the two, which means that nonperson humans also have the right not to suffer but no rights of life or liberty. It should not be more wrong to kill an animal than a severely retarded person. There are no intrinsic differences in capacities that differentiate those humans from animals, and they thus have the same interests. Although this might seem counterintuitive at first sight, I argue that this is a valid conclusion.

There is sufficient reason to exclude infants and even comatose humans, with the potential to wake-up, from being treated the same as animals. The justification for doing so is their potential to become persons with the capacities to reason and be autonomous. This 'appeal to thwarted potential' is suggested by Pluhar (1988; 61). It is argued that because some marginal cases have the potential for personhood, they should be treated as if they where persons. This 'appeal to thwarted potential' only applies to the nonperson humans who have such a potential. These beings with thwarted potential are obviously infants, but also comatose humans who could possibly become conscious again. Most animals, in contrast, never have the potential to become persons. Infants have the potential to develop the capacities that distinguish them from animals. Their capacities still have to mature, it is arguable that they do have an interest in a continuation of their lives.

The critical question is where the line must be drawn. When does a being have the potential to become an rational and autonomous person? It seems obvious that infants become rational and autonomous when they grow up (provided that they are not born retarded). It can be argued that this potential to become a rational and autonomous person then also can be

used to argue against abortion because fetuses have the potential to become a person. However, eggs and sperm cells have the potential to become a being with personhood. I argue that the distinction must be made between babies who are going to be humans with personhood, more or less with certainty, and cells that normally would not become rational and autonomous beings.

Because some marginal cases have the potential to gain personhood, does not mean that they should be treated as if they already have personhood. One could, for example, have the potential to be a teacher, but this does not mean that one should be treated as a teacher. It requires that one should be allowed to live up to one's potential. In the case of infants, for example, they must be allowed to grow and develop personhood. The fact remains that some humans do not have the potential to become beings with personhood.

It also must be taken into account that only a small percentage of humans are genuinely nonpersons in the sense that they lack personality and have no rationality or autonomy. The percentage of severely cognitively disabled persons is claimed to be under 0.5% of the total population (Garner, 2013; 148-149). The consequences of treating animals and nonperson humans alike is thus only applicable to a small group of people.

The group of truly nonperson humans are already treated differently in society. Seriously cognitively disabled humans are indeed of less moral importance than 'normal' humans. It is common practice that severely disabled humans are left to die, because their condition is too severe to rationalize any treatment. As long as they do not suffer, letting those marginal cases die, would be morally justified (Garner, 2013; 158).

Whet also must be taken into consideration when experimenting on or killing nonperson humans is that they have relatives who have certain rights and interests. Cognitively disabled humans are always the children of someone, and they usually have an extended family of cousins, aunts, and uncles who care about them. The persons who have a close relationship with a cognitively disabled person have their own reasons to look after that nonperson: To protect their own feelings. Although nonperson humans themselves will not suffer from painless experiments or killing, their loved ones might suffer from those practices. The interests of the friends and family members of the nonperson humans must be taken into account before conducting painless experiments or killing nonperson humans. If these practices are too painful for the loved ones, there is a reason to abandon the practice.

To emphasize, only the personal relationships between cognitively disabled people and humans with personhood provide a reason for special treatment and not the relationship to the human race in itself. The same is, consequently, true for animals. Having a bond with an

animal can be a sufficient reason to give up the right to experiment on or kill that animal, not because it will harm the animal, but because it causes harm to the person who has a bond with the animal.

9. To Eat or not to Eat?

I will now return to the question of whether it is morally justifiable to eat animals. Eating animals and their products is the most direct and habitual contact that most humans have with animals. This is why it is important to ask the question if eating animals is morally justifiable. The morality humans have toward animals is skewed. In some cases, animals are denied all rights, while in others, they are given strong moral values. It seems as if an arbitrary distinction is made between different kinds of animals. Animals are classified in edible and inedible categories (Joy, 2010; 14). How can it be that we are disgusted by the idea of eating a dog, while we have no problem with eating a pig, cow, or chicken? Orwell stated, 'All animals are equal, but some animals are more equal than others' (Orwell, 1945; 112). I will discuss the question of whether it is morally justifiable to eat animals by the means of the rights that animals have, as argued in the previous chapter. They have a right not to suffer but not the right to life, or to be liberated.

Before this discussion, it must be pointed out that humans can easily live without the consumption of meat and a vegetarian diet is often said to be healthier than a diet including meat products[1]. According to a report by the U.S. Department of Agriculture and the U.S. Department of Health and Human Services, *Dietary Guidelines for Americans* 2010, a vegetarian diet is, on average healthier, than a regular diet with meat products:

> 'In prospective studies of adults, compared to non-vegetarian eating patterns, vegetarian-style eating patterns have been associated with improved health outcomes—lower levels of obesity, a reduced risk of cardiovascular disease, and lower total mortality. Several clinical trials have documented that vegetarian eating patterns lower blood pressure. On average, vegetarians consume a lower proportion of calories from fat (particularly saturated fatty acids); fewer overall calories; and more fiber, potassium, and vitamin C than do non-vegetarians. Vegetarians generally have a lower body mass index. These characteristics and other lifestyle factors associated with a vegetarian diet may contribute to the positive health outcomes that have been identified among vegetarians' (USDA and USDofHandHS, 2010; 45).

In principle, all human beings can survive, and even lead high quality lives, without eating meat, physically speaking. Eating meat is thus not essential for human survival and to stop eating meat will not interfere with our human right to life. That a lifestyle without eating

[1] See for example: The China Study, by Campbell T.M. and Campbell T.C. (2005).

meat can be maintained is observable every day with millions of people following a vegetarian diet. If humans had no other choice than eating animals, because there was no other food available or humans could not survive on vegetarian nutrition alone, it would be permissible to eat meat with few restrictions. The human interest in eating meat, to stay alive, would then be much higher than the animal interest not to suffer. This is, however, not the contemporary situation. Although meat has some nutritional value, most humans eat meat because of the taste and, out of pleasure but, not to survive.

Without much reservation and almost without exceptions, animals suffer greatly if they are raised for human consumption in contemporary practices of meat farming. The farming of animals is a competitive economic activity, and methods are employed to increase the production while cutting the costs (Singer, 2002; 97). Animals are cramped in small, filthy, and windowless areas. They are force-fed insufficient food and sometimes suffer from dehydration or starvation. They have countless diseases and infections and are debeaked, declawed, dehorned, or tail docked, as well as branded or ear notched with identification marks. They are castrated without painkilling and are forcefully artificially inseminated. This is not the place to discuss all animal farming practices. For a more detailed description see *Eating Animals* (Safran Foer, 2009) or 'Down on the Factory Farm' in *Animal Liberation* (Singer, 2002; 95-157). These practices contradict the animal's right not to suffer and thus cannot be condoned. Raising animals for food consumption is only permissible when they are free of suffering.

As argued earlier, animals do not have the right not to be killed because they lack the capacities to have an interest in continued life, which means that eating animals is not wrong. If it is morally justifiable to kill animals, it would not be incorrect to eat animals. A dead animal does not have any interests; it cannot suffer anymore. It has no interests in not being eaten by humans, so it is be permissible to eat a dead animal. This same argument then might also be true for persons. When a person is dead, he or she also does not have any interests in not being eaten, and cannibalism must consequently also be condoned. This line of reasoning can, however, be disputed because persons do have an interest to live in a civilization where persons do not eat each other, unlike animals. For a person, it is good to know that after dying he or she will not be eaten. Likewise it is comforting for their loved ones. The person's life will be more content because of that knowledge. Animals, contrarily, do not have the capacity to think about what happens to them or to their loved ones after they die and thus have no interests in not being consumed after their deaths (Cochrane, 2012; 88).

It might be argued that because humans are bringing animals into existence for the consumption of their flesh, those animals have limited rights. Their animal right not to suffer could be insufficient in comparison to the human right to freely decide what to do with the animal. The fact, however, that humans have created the animal is not the point; the animal still has the right not to suffer. Humans also created other humans by reproducing, but this does not give them the right to treat their children anyway they want. The justification that because humans created an object, that object can be used however they see fit would also allow parents to kill their babies (McMahan, 2008; 71).

Another question that comes to mind when granting animals the right not to suffer is if humans should also protect animals from hurting each other. Predator animals hunt and eat other animals, and while doing so, the hunted animals, in all probability, suffer. I argue that humans do not have an obligation to protect animals from hurting each other. Protecting animals from hurting each other could possibly increase the suffering of animals and humans alike. The predators would suffer because they would not have food to eat. The (former) prey animals could become overpopulated, and thus their lives would start to become more difficult too (less food, more competition). Humans would be so busy with protecting the prey animals from the predators that it would arguably diminish the good in their own lives. Because it cannot be said with certainty that the amount of suffering would diminish if humans intervened in the animal world, I suggest that, in this instance, humans should let nature run its course. Most animals do not have the capability to reflect if their diet is ethical justifiable and should not be held responsible for what they eat (Singer, 2011; 61).

10. Ethical Meat Eating

An ethical consideration is not just an ideal view that is only good in theory, it needs to be able to guide practical implications (Singer, 2011; 2). I want to propose a form of ethical meat eating that consists of eating the meat of well-treated, painlessly killed animals. Intensive factory farming and fishing need to be eliminated because these practices cause sufficient suffering to the animals involved.

The way of eating animals in the world needs to change drastically to provide ethical meat eating. The amount of meat eaten has to decline radically because raising animals for meat without them suffering cannot be done on a large scale. Animals should be allowed outside to graze and not be trapped in a confined space with not enough room to wander around. Their natural instincts to build nests, to be part of a group, to mate, or to play in the mud must be met. Not to do so will cause suffering for the animal.

There is an argument for ethical meat eating even if we do not give animals direct moral status. Many people in the world are starving and producing animals for food costs a lot of food that could be used to feed these people. Meat production is an inefficient form for producing food. The food that is produced to raise animals could be eaten directly by people. Furthermore, the way meat is produced nowadays has severe environmental and health consequences (Mason and Singer, 1990).

Meat eaters might suffer from ethical meat eating because they have grown accustomed to cheap, readily available meat, although they might also enjoy the fact that the animals they will eat ethically have had lives free of suffering and pain. The possible suffering of meat eaters is, however, nothing compared to the suffering of animals in the contemporary way of raising and killing them. As stated before, humans are able to live good lives without the consumption of animals.

I. The Implications of Ethical Meat Eating

When applying ethical meat eating some questions come to mind: What will the concrete consequences of ethical meat eating be for animal agriculture? Which practices are permissible in raising animals for consumption? This chapter will address these questions and discuss what the implications are of the adopted position that animals have a right to be free of suffering but not a right of life or liberty.

Intensive Animal Farming

Intensive animal farming, or factory farming, is the most used way to produce animals for consumption today. It is estimated that almost 80% of livestock is raised in a factory farm (FAO, 2015). Animals such as cattle, poultry, and pigs are most commonly raised by industrial farming. The goal of factory farming is to create the highest possible output for the lowest cost. Biotechnology and an increase in scale for businesses are ways to realize the goal of higher returns. Economic interest, not the interests of the animals, are most important for factory farms.

Intensive animal farming causes animals to suffer and thus must be abolished al together. The efficiency in producing meat is at the expense of the ability of animals to live free of suffering. Animals in factory farms live in extremely crowded conditions, unable to exercise their natural behaviors. Overcrowding causes stress to animals, and furthermore, causes injuries. They lack the possibility to go outside and breath fresh air.

As counter-argument, it could be brought up that banning factory farming would conflict with human interests. Consumers, farmers, and business people might suffer from the closing of factory farms. They could, however, still lead perfectly high quality lives without the practice of intensive animal farming. Farmers and business people can change their course of business and develop acceptable ways of raising animals without causing them any suffering. They also have the possibility to produce other products than animals, such as grains, vegetables, or fruit. The suffering of animals in factory farms is sufficient enough to stop such practices, even when it initially leads to human suffering.

Biological Animal Farming

As stated before, it is allowable to eat meat in an ethical way. If factory farms are inadequate for producing meat ethically, how should animals then be raised? First, animals should have sufficient food that is natural for them to consume. No genetically modified or unnatural food sources should be fed to animals. They also should have the right amount of food appropriate for them; they should not be overfeed or underfeed. Second, animals should have enough freedom of movement and should be allowed to go outside and behave the way they would in nature. Third, they should be killed in a way that does not cause them suffering. The killing should be quick and painless. Lastly, no painful methods should be used to control the animals, such as debeaking, declawing, dehorning, or tail docking. When animals are treated in this way, their meat can be consumed ethically.

Fishing

Commercial wild fishing kills billions of animals yearly. Before fish are caught they live free lives in the water, basically free of human inflicted suffering. The problem with ethically eating fish arises by how fish are caught in the water. There are multiple studies that conclude that fish experience serious fear, stress, and pain while being caught. Fish are caught on a large scale with long-lines, gill nets, or bottom trawlers. They are squeezed tightly together, sometimes for hours. The fish that are still alive when they are brought up to the surface are left to suffocate, bleed out, or freeze to death on ice. Ethical meat eating requires that fish have not suffered before being consumed by humans. This requirement can only be achieved when the fish are caught painlessly. While this criterion seems difficult to realize with commercial fishing, aquaculture might be a solution.

Aquaculture has become one of the fastest growing ways to produce food. While in 1970 only 3.5 million tons of fish was produced by aqua farming, in 2005, this number has grown to 63 million tons. About 40% of seafood consumed each year is raised in aqua farms (Asche, 2008; 527), 'Aquaculture can be defined as the human cultivation of organisms in water' (Asche, 2008; 528).

To start aquaculture, usually young fish are caught in the wild and are then raised in the controlled environment of a fish farm (Asche, 2008; 533). This beginning does not have to be a problem for ethical meat eating. Most fish do not have the right of liberty so to be caught and raised in a enclosed environment is acceptable. The provision is that the young fish are being captured without causing them pain.

Just as is the case of factory farming, aqua farming today is focused on the efficiency of producing food and not on the well-being of animals. The practices of most aqua farms are comparable to factory farms. Fish live in crowded, highly controlled conditions and suffer from injuries, infections, and diseases. Fish in aqua farms are regularly sorted for efficiency in feeding them and to prevent fish from eating each other. This common aqua farming process is called grading and causes severe stress for the fish. Certain fish species are sensitive and do not survive such practices (Kelly and Heikes, 2013; 1). Fish can die or obtain diseases as a result of grading (Kelly and Heikes, 2013; 6). The fish in aqua farms are often fed with wildly caught fish. Not only the fish in aqua farms that naturally eats other fish, but also the omnivorous and herbivorous fish, are fed with wildly caught fish. This is a common feeding practice because it increases the growth rate of the fish (Asche, 2008; 541).

In theory, fish farming could be a form of producing food that could be consumed ethically. In practice, this is not how most aqua farms operate today. In order to produce fish ethically, they must be free of suffering. When fish are farmed in clean water, with enough room to swim freely, there should be no objection to farming them. They must be fed according to their needs, while their food is also treated ethically. That the fish eat each other in a captive environment should not be a problem; this is what they would do in nature also. Intervening in the natural course of fish eating other fish could, after all, cause suffering in the need of the carnivorous fish. The fish also must be handled and transported in a way that does not cause them pain.

While there are certain regulations to kill land animals, fish are often excluded from those regulations. For example, the European Union has a regulation 'on the protection of animals at the time of killing', but exempts fish in paragraph 11 (EC regulation No 1099/2009). Many fish slaughter plants do not make efforts to stun the fish before killing them. In order to ethically eat fish, the fish in aquaculture must be killed without suffering. This requirement could be accomplished by making them unconscious before killing them. Fish could be sedated with anesthetics or, be stunned electrically or percussively (Ashley, 2007; 211). When these methods are done correctly, the fish should not experience pain. Aqua farming provides better possibilities to kill fish ethically and is, therefore, better suited than wild fishing for ethical meat eating.

Animal Products

Ethical meat eating does not only concern the actual eating of meat but also the consumption of animal products. Animal products are products such as eggs, dairy, whey, honey, and gelatin. For most of these products, the animal does not need to be killed. The animals are usually only captive to collect their products. Animals neither have a right of liberty nor a right not to be used for human practices. It is acceptable when animals are used for their eggs or milk. The problem of the production of animal products nowadays is that this is usually done in the factory farm. As discussed before, the suffering of animals in animal farms is undeniable. Ethically eating these kinds of products can only be achieved when they are produced without making the animals suffer. Holding animals captive and using their products, such as eggs and milk, is totally tolerable as long as the animals are free of suffering. If a person, for example, holds chickens in his backyard, he would be allowed to eat the eggs they produce. As long as he treats the chickens well, he can eat their eggs without

any concerns. Eating products of an animal farm in their current form is, however, not ethical and should thus be avoided.

Hunting Animals

What about people who hunt animals in order to eat them? Can this be accomplished in an ethical manner? Hunting wild animals usually consists of a hunter who attempts to be as close to the animal as possible in order to kill it. Sometimes, dogs are used to follow the scent of the animal and to chase the animal. Firearms, rifles, or bows can be used to shoot the animal. It is accepted that animals are likely to suffer while being hunted. A study of deer hunting concluded that 11% of the animals required more than one shot to be killed and that the suffering of the deer before dying could take several minutes (Bradshaw and Bateson, 2000; 3). Stalking an animal and chasing it will cause an animal fear and stress. The killing itself is often painful and sometimes animals escape seriously injured.

Killing animals ethically while hunting seems a matter of luck. When a hunter is close enough, and he or she correctly shoots the animal at once, then it is plausible that the animal was free of suffering. The animal cannot be chased before the shot because that will cause suffering as well. It is hard to predict if the animal will not suffer in advance from hunting. Therefore, it is better not to use the method of hunting to obtain meat. There are other options available that are more proven to kill an animal without suffering. Hunting in modern times is unnecessary to provide meat. Hunting is, most of the time, a form of recreation. The interests of the animal not to suffer are violated by hunting to satisfy the human interest of recreation. Killing animals by hunting them should not be a part of ethical meat eating. Hunting animals cannot guarantee a suffer-free death of the wild animal.

Entomophagy

Entomophagy is the consumption of arthropods as food. Arthropods are animals with external skeletons, such as insects, crustaceans and arachnids (spiders and scorpions). The human consumption of insects is common in many places around the world, such as Africa, Asia, and South- America. In other parts of the world, like Europe and North America, the eating of insects is rarely practiced or even taboo. Insects that are eaten include larvae, crickets, grasshoppers, caterpillars, beetles, or worms. Crustaceans, like lobster, crab and shrimp, are eaten around the world (Insects as Food, 2015).

Arthropods are treated as if they have no interests. Lobsters and crabs are cooked alive in boiling water, and insects are sometimes even eaten alive. As discussed before, more

research is necessary to establish how far arthropods are sentient. If arthropods are sentient, they would have an interest not to suffer, just as mammals do. The principle of '*in dubio pro reo*' may be applied here. Because it is not entirely certain if arthropods can suffer, they must be treated as if they do just to be certain. Until there is undeniable evidence that they do not suffer, one should treat them as if they do.

I agree with Francione when he claims that even when we do not precisely know where to draw the line between sentient and non-sentient animals, it is more important to draw the line somewhere and accept the moral obligation to behave accordingly with regard to the animals that are known to be sentient (Francione, 2000; 176). Therefore, although it is not known for sure if arthropods are sentient, it is undeniable that mammals, fish, and birds are sentient, and humans should thus treat them in that way.

11. Conclusion

In this thesis, I have argued for ethical meat eating. The question if it is morally justifiable to eat meat must be answered positively. It is not morally wrong to eat meat, per se, as long as it is done ethically. Animals do not have the right to live or the right of freedom and can thus be kept and killed to use as food. They do, however, have the right not to suffer and that right must be granted to them while raising them for consumption. It is the interest that imposes the rights of animals, not the species. Nonperson humans with the same interests as animals must be granted the same rights as those animals.

In my view, the indirect animal theories are not satisfactory in the sense that they cannot accommodate the marginal case argument and are, therefore, inconsequential. The moral equality theories are not adequate because they fail to accommodate the intuitive idea that animals and persons are not totally equal. The direct, but unequal, theories can both accommodate this intuition and can be consequential. In Chapter 8, I discussed whether animals can have rights and, subsequently, discussed which rights should apply to them. Derived from the animal's right not to suffer, but not the rights of life and liberty, I introduced ethical meat eating.

Ethical meat eating is far from present day practices. It would be irrational to expect that all factory farms will disappear shortly. Sometimes, however, 'one must take a position that is neither safe, nor politic, nor popular' (Martin Luther King Jr., 1968). Daily personal decisions to eat meat, and especially what kind of meat, are capable of shaping practices. To conclude, to act morally is to eat meat ethically.

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