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**A Response to the Practicality Issue
in the Abolitionist Animal Rights Framework:
a Scalar Nonideal Approach in Animal Ethics**

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Introduction

Philosophers as well as regular folks throughout history have expressed views that we should at least somewhat pay attention to how we treat animals. If not for the sake of animals, then at least for anthropocentric reasons. However, it is becoming increasingly more accepted that we also should pay attention to how animals are being treated because of animals themselves, and not just for the sake of humans. That is to say that animals matter morally. Animals themselves can be wronged. Some would say that the inherent value would grant animals the right not to be inflicted unnecessary harm on them. Yet some would also go as far as to say that the act of killing an animal also harms and therefore wrongs the animal. This latter view is the predominant abolitionist animal rights view which will be the focus of my thesis.

Philosophers dating as far back as ancient Greece with Porphyry¹ have expressed doubts about the ethics of killing nonhuman animals for non-essential reasons, i.e. reasons that have nothing to do with the survival of humans. However, those concerns were few and far between. Only in the past four decades or so has there been a major incline in the interest in nonhuman animal lives in the academia as well as outside of it. Indeed, the fact that animals have the ability to feel pain and pleasure is not a controversial claim anymore. Times have moved past the French philosopher René Descartes' claim that nonhuman animals are mere machines without sentience. Still, whilst most would agree that we should not inflict unnecessary harm or suffering on animals, the killing aspect is more contentious. Moreover, as a society, we rely rather heavily on using animals in ways that involves killing them. We rely on animal bodies for material to put together various products. We rely on animals for entertainment and culture (bullfighting, horseraces), for education² (zoos), for our food, commonly three times per day, every day. We use animals in ways that go unquestioned and even unnoticed by us. Following the rights framework, we would have to get rid of most if not all practices involving the use of animals. My thesis is not concerned with every use of ours when it comes to animals. Rather I want to mostly focus on area that we are in contact with on a daily basis: food. There are a few reasons for me focusing on this. First, the animal agriculture industry is without a doubt the

¹ For example: Porphyry, *On Abstinence from Killing Animals* 1.8, trans. Gillian Clark (London: Duckworth, 2000), translation first published 1823, expressing views on the cruelty of killing and eating animals when there is no need for it.

² Although it is questionable how much we really learn about the animals if the environment they are in is not a natural one and therefore their natural behaviour will be limited.

industry that uses animals in the greatest numbers. Tens of billions of animals are killed annually in animal agriculture. Yet, secondly, eating animals is non-essential for humans. That is to say it belongs to practices that benefit humans in some ways, but without which humans could very well thrive, not to mention survive³. We do not need to consume animal products. Eating as such and getting relevant nutrients is of course essential for our survival. But eating animals and animal products is interchangeable for vegan foods. For example, eating a burger out of habit, tradition or pleasure can be switched to a vegan burger, a plant-based alternative that is even potentially healthier and just as tasty. If a reason for the use is a non-essential one, it is easier to argue against it. Third, even though animal products are nonessential for most of us, it is not perceived as such. For example, the use of fur is more easily regarded as a non-essential luxury good. Clothing generally is essential for us as well. We need protection from harsh weather conditions. But most of our clothes are not animal derived anyways, so fur is more easily seen as nonessential⁴. In comparison, the majority of the common Western diet consists of animal products. Even given that humans can thrive without eating animal products, the majority does not want to and still regards eating animal products more as a necessity over other uses of animals. Of course, there exists a multitude of reasons as to why people keep eating animals but discussing those goes beyond the scope of this thesis.

As it currently stands, a society where eating animals and their by-products is not a norm can seem utopic. There have been several criticisms made towards animal ethics, claiming that it has become too abstract, too detached from the real world and people's actual abilities⁵. What the critics have in mind is that it is difficult to follow the claims that ethics makes. On the

³ A vegan diet is appropriate to the nutrient needs of humans and can even offer benefits in comparison to a diet consisting of meat and dairy as well as plants. https://www.vrg.org/nutrition/2009_ADA_position_paper.pdf

⁴ There has also been major campaigning and work done to inform the public about the harsh conditions of the animals in the fur industry that are responsible for this shift, as fur did not used to be perceived problematically.

⁵ Garner, Robert (2016). Welfare, Rights, and Non-Ideal Theory. In: *The ethics of killing animals*. (ed. Višak, Tatjana). Oxford: Oxford University Press.

, T.J. Kasperbauer, *Subhuman: The Moral Psychology of Human Attitudes to Animals*, Oxford University Press, 2018, Garner 2016

A similar charge has been directed at ethics overall, see Appiah, K.A. 2008 and Anscombe, G. E. M. "Modern Moral Philosophy." *Philosophy* 33, no. 124 (1958): 1-19. Accessed February 20, 2021. <http://www.jstor.org/stable/3749051>.

one hand it might seem obvious that ethics should not be bound by what alone is easy. Ethical requirements should be demanding. But on the other hand, if ethical requirements are too farfetched, there seems to be a problem. Animal ethics, being practical ethics, should after all be practical. This leads us to question whether veganism should be an ethical requirement, or whether we need something less demanding. This is what I examine in the second chapter of my thesis, after introducing and defending the abolitionist animal rights framework and veganism in the first chapter. I will defend veganism as an ethical requirement, as ethical requirements sometimes need to be demanding, depending on the current state of the world. I will also point out how demanding ethical requirement can still have practical value, for example by providing an ideal. One important goal of ethics arguably is to assist moral progress. In order for moral progress to happen (or for moral decline to not happen), we need to have decent ethical requirements, even if it takes a long time to achieve them or if they are not 100% achievable. Abolitionist animal rights position is therefore not too impractical.

However, veganism can still be seen as a demanding ethical requirement, because of the current state of the world, which is far from satisfying the claim. Political theorist and animal ethicist Robert Garner has proposed that “a solution to the discrepancy between the abstract theorizing of animal ethicists and the reality of animal use and killing in the modern world might lie in the application of nonideal theory.” (2016, 220) Inspired by Garner, I will suggest that it can be useful to introduce the nonideal realm into animal ethics. For nonideal theory, we first need the ideal theory, which as mentioned, is what the first chapter of my thesis is concerned with. But I will elaborate on the terminology of ideal and nonideal in the third chapter. I will also explain how my ideal theory differs from Garner’s ideal theory, as Garner does not see fault in the killing aspect of animals per se. Moreover, his interpretation of the nonideal theory differs from mine as well. He, in a Rawlsian fashion, puts priority for the most urgent issue that concerns our use of animals – the suffering. This, however, will make his nonideal theory to be too undemanding for proving individual guidance. I will argue in favour of a nonideal realm in animal ethics that involves the notion of secondary requirements. Put in very simple terms, secondary requirements are based on the idea, if you can’t do it fully, do it a little bit, at least. This idea is based on Tobias Leenart’s (2017) pragmatic approach to vegan activism. The idea is simple, yet it lacks a theoretical standing in the realm of moral philosophy. It can be thought of as a nonideal approach to ethics, as first order requirements are ideal and second order ethical requirements less than ideal, but still, ideally, guiding us towards the ideal. Therefore, I will argue that we should introduce the notion of secondary requirements as per nonideal theory in Rawlsian terms.

In order to make sense of the secondary requirements and to assess which ones we ought to do more, I will introduce a scalar way of evaluating people's actions. It will also assist us when we want to talk about moral progress in our society. What I hope to have achieved in this thesis is a theory that allows us to assess the goodness and wrongness of our actions on a wider scale rather than merely 'wrong' or 'right', whilst keeping the notions of 'wrong' and 'right'. It is optimistic under nonideal circumstances on our way to an ideal world to have a scalar way of thinking about morality in addition to the notions 'right' and 'wrong'. In order for positive moral progress to happen more quickly and in order for us to be able to assess moral progress better, secondary moral requirements that follow from first-order moral requirements can be of use. First-order moral requirements are what ethics requires us. Secondary moral requirements are requirements that arise when we fail to follow first-order moral requirements. Whilst my focus is on animal rights and what those demands from us - veganism – the ideal and nonideal approach could be relevant in other areas of ethics as well⁶.

A scalar way of assessing wrongness is usually considered to be utilitarian. However, I am arguing that it also goes together with deontological abolitionist animal rights theory. At first glance, in a deontological approach such as abolitionist animal rights approach, actions are more easily seen either wrong or right, whereas in scalar utilitarianism there is a wider scale rather than just 'wrong' or 'right'. However, I want to keep the ideal and the 'wrong' in addition to having a scalar approach to wrongness. Actions can be more or less wrong, instead of just wrong or right (Norcross 2006, Brown 2016).

⁶ It has been applied somewhat to the issue of climate change, but as it currently stands, it is still not a common approach, e.g. López, Eduardo Rivera. (2017). Nonideal Ethics. In: The International Encyclopedia of Ethics.

Chapter 1: The abolitionist animal rights framework

In this chapter I am introducing and defending the animal rights framework insofar as is relevant to my thesis, as well as introducing its alternative framework – welfarism. I will start with the latter, as my main focus is on the former.

1.1 Welfarist “animal rights”

Most people as well as philosophers generally agree that for one reason or another, be it anthropocentric or not, we have to pay at least some attention to how we are treating non-human animals.⁷ This is in accordance with the welfarist approach to animal ethics, which is the view, according to which animals’ welfare matters morally. We have a responsibility to animals to provide at least minimal care for them, although there is nothing wrong with using animals per se. Only unnecessary harms to animals are not accepted. However, what counts as “unnecessary” is rather ambiguous. Most of the time, the collective interests of humans outweigh animals’ interests, so almost anything could be deemed as “necessary”. For example, intensive animal farming is usually deemed necessary, although as mentioned earlier, humans do not need animal products to flourish⁸.

Welfarism can be extended into new welfarism⁹. The position is held most prominently by a political philosopher Robert Garner. New welfarists, as welfarists, are concerned with animal welfare. However, they differ from welfarists as they sometimes see fault in using animals for the interests of humans. Ideally only very important human interest could outweigh strong animal interests, as an interest to continue living (Garner 2016, 225). However, Garner focuses on the nonideal part, where what matter is whether animals suffer or not, and not whether animals are used or not. I will come back to this more specifically in chapter 3, where I elaborate on ideal vs nonideal theory from Garner’s point of view as well as my own.

⁷For U.S statistics concerning the public’s opinion on welfare of animals: <https://www.humanesociety.org/sites/default/files/docs/ballot-initiatives-chart.pdf> (as of 5.02.2021). Public opinion is against fur farming in majority of European countries, in addition to U.S. and Canada: <https://www.furfreealliance.com/public-opinion/> Public opinion in EU countries regarding the welfare of animals:

https://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs_270_en.pdf

⁸ https://www.vrg.org/nutrition/2009_ADA_position_paper.pdf

⁹ Also called ‘animal protectionism’

1.2 Abolitionist animal rights

According to Tom Regan, the philosopher most associated with the topic of animal rights, the animal rights position is “abolitionist in its aspirations. It seeks not to reform how animals are exploited, making what we do to them more humane, but to abolish their exploitation. To end it. Completely.” (Cohen and Regan 2001, 127)

Now I will introduce the other framework, according to which we should not only pay attention to the way how animals are used. Rather we should pay attention that it is wrong that animals are used at all. This is called the abolitionist animal rights framework. The term ‘animal rights’ has some ambiguity to it. What do I mean by ‘animal rights’? It is possible to distinguish between a *moral* right and a *legal* right. (Regan 1983, 267, 268) Many moral rights of animals are not recognized by most people as well as philosophers, so there is a very important *normative* element. When talking about moral rights of animals, it often means arguing for the *recognition* of the moral rights of animals. When we talk about legal rights, however, we might talk about the *few* legal rights that *some* animals have. However, more commonly, we talk about legal rights that animals *should* possess in virtue of existing, but do not yet possess. The principle or we could also say ‘moral right’ that is most accepted in animal ethics is that humans should not inflict unnecessary suffering on animals (Abbate 2019, 557). This is one of the key notions of the welfarism framework, which sets the welfare of the animal to be the central issue.

How the abolitionist differs from the new welfarist account is that new welfarists such as Garner holds that we should prioritize the suffering on animals, not abolishing the killing of animals. How abolitionist animal rights framework differs from welfarist account is that the abolitionist is also concerned with the lives of animals, not just the welfare. The abolitionist recognizes that killing an animal wrongs them, as killing removes the chance from the animal to continue on living and experiencing positive things¹⁰. So, there is no justifiable reason for killing animals for human interests such as food. We should not inflict suffering on animals unless it benefits them, and we should not kill them. Similarly, we should not support industries that kill and/or inflict harm on animals for nonessential reasons, i.e. we should be vegan¹¹. Using animals purely as means always harms them. We cannot use animals purely as means and not harm them. This is especially true of widescale industries where the focus is on making profit and not on providing the animal’s welfare. Welfare is usually only provided insofar as it

¹⁰ I have talked more about this in my bachelor thesis: Erik, Egle. 2018 “How the virtue of compassion requires us to be vegan.” BA thesis. University of Tartu

is beneficial to the owner of the animal. In almost all cases where we acquire animal products, animals have been used purely as means. Therefore, we will wrong animals, if we support an industry or action that has used an animal purely as means¹².

When talking about moral rights, we are talking about rights that animals possess in virtue of existing. According to Tom Regan, being a subject-of-life, that is being *someone* rather than *something* grants one moral rights. Most commonly agreed by philosophers and non-philosophers alike, whether that be in these terms or some other, animals have a moral right not be inflicted unnecessary suffering upon them. The term ‘unnecessary’ is ambiguous. The general idea is, however, that the benefit has to be worth the sacrifice. For example, it is “necessary” in an experiment to hurt an animal in order to find out how much pain they can handle. However, if the objective of the experiment is not important, or important enough to justify the means, which in this example, it surely is not, the experiment itself can be deemed unnecessary (Francione 1996, 24, Abbate 2019, 557).

There are many reasons why we might inflict suffering upon nonhuman animals. First of all, it might be for the benefit of the animal. For example, we might have a veterinarian inject a vaccine to a dog. It might be unpleasant for the dog in that moment, but it will be beneficial in the long run, as the vaccination will provide them protection from disease or illness. Second reason for inflicting suffering on animals is for the benefit of humans. The benefit can either be non-essential or essential. Entertainment and various cultural reasons that might be important for humans but can be replaced can be put to the category ‘non-essential’. The second category, ‘essential’, here some animal experimentation might possibly fall under. However, the majority of experiments do not serve any important human interest. But if some experimentation could possibly serve a major human interest that is crucial, this could be seen as more important than the entertainment reasons. Even so the *possible* benefit to humans might not be enough to justify harming animals. However, that issue might be more complex than I wish to undertake here.

Why should we care about animals? The fact that they are alive is not enough for moral consideration. Plants are alive, bacteria are alive, cancerous cells are alive (Regan 1983, 130, 152). Tom Regan has introduced the term ‘subject-of-a-life’ to illustrate sufficient conditions for a nonhuman animal (or anyone or thing for that matter) to qualify as a moral patient. The conditions are the following:

The individual must have:

¹² Maybe in some cases backyard chickens are kept well, not killed prematurely and their eggs are consumed by humans, as the chickens did not want the eggs. But those cases are quite rare, so I do not think it matters here.

- “1) beliefs and desires;
- 2) perception, memory, and a sense of the future, including their own future;
- 3) an emotional life together with feelings of pleasure and pain;
- 4) preference- and welfare-interests;
- 5) the ability to initiate action in pursuit of their desires and goals;
- 6) a psychophysical identity over time;
- 7) and an individual welfare in the sense that their experiential life fares well or ill for them, logically independently of their utility for others and logically independently of their being the object of anyone else's interests.”

„Those who satisfy the subject-of-a-life criterion themselves have a distinctive kind of value— inherent value—and are not to be viewed or treated as mere receptacles.“ (ibid 243) Animals that have some but not all of the fore-mentioned criteria can nevertheless be owed moral regard due to harm and ‘respect principles. These conditions serve to illustrate why animals should be considered morally. But he has left it an open question whether these conditions are also necessary for a being to count as a moral patient (ibid 153, 264). Certainly, we share some of these things with nonhuman animals, but many of those are hard to measure, taking into consideration we do not share the same language with animals. Moreover, so many different species exist, some more similar to humans, some less.

I think that sentiency is the thing that matters when taking into account how we should talk about the treatment of animals. Animals certainly can be observed to have their own individuality, some more, some less, and it should be somewhat taken into consideration, but as it currently stands, we do not have accurate means available to us to properly assess the cognitive abilities of animals. When we harm a sentient being, it matters morally. Whereas when we harm a non-sentient being, it is harder to argue that it matters morally. We can have special reasons for providing moral rights for for example trees, but it is not the case that every tree matters morally and we harm the tree in a morally significant way, as the tree does not possess the ability to feel pain. This is why I do not think the abovementioned criteria for being a subject-of-a-life is not necessary for arguing that animals should not be viewed or treated as mere receptacles. Animals have interests in a way plants or inanimate object do not. Animals and nonhuman animals are sentient and alive, which why their interests and whether we hinder them matters (ibid 100).

Whilst I think there are benefits to talking about animals without the rights terminology, we need the rights terminology too. It enables us to emphasize that, as Regan has phrased it “it is not an act of kindness to treat animals respectfully. It is an act of justice.” (ibid 280) Rights are often associated with reciprocity. If I have a right for something, then I also have a responsibility. However, this can be contested by drawing a distinction between a moral patient and a moral agent. Moral agents can be held responsible for their actions and expected to act morally. Moral patients on the other hand lack the ability to reason in the concrete way moral agents do not, and therefore are not expected to act morally. However, moral patients should still be treated morally by moral agents (Regan 1984, 151-152).

The animal rights framework is a theory as well as a social movement associated with veganism, the practice of and belief in abstaining from animal products and choosing plant-based products instead. For my purposes, both the theory as well as the social movement will be important. In fact, the way an individual can implement the ideas about animal rights into their everyday life, is predominantly through veganism. Animal ethics is an area in practical philosophy, belonging to moral as well as to political philosophy. Sometimes the two are differentiated, but it is not so easy to draw the line. Political philosophy to some degree should be more concerned with the practical side of reasoning, whilst ethics can be more idealistic. However, this is not always so. When we are talking about how we should treat animals, the moral and the political spheres are and have always been connected (Cochrane et al. 2016). This thesis is, therefore, also concerned with the moral as well as with the political. At the same time, I will be mostly focused on the obligations of the individual in their day-to-day life, as this is what ethics is primarily concerned with – the guidance of the individual.

Additionally, when talking about a moral or political theory, it can be useful to pay attention to the different aspects of the theory by categorising them in the following way: the ideal, the micro and the macro component (Francione 1996, 150). First, the ideal describes the state of affairs the moral theory seeks to achieve. Secondly, the micro component regards the individual and what the individual should do. Third, the macro component regards the society and “addresses obligation on the macro level and prescribes what, if anything, a social movement should seek to do on a social, political, or legal level to implement the moral ideals in the society generally, through, for example, education or legislation intended to change social institutions that support animal exploitation.” (Ibid 150) I think it is quite important to differentiate between the micro and macro level. In animal ethics, questions regarding how we ought to treat animals are moral as well as political. This distinction is often glanced over. Whilst it is difficult to see the direct lines, I think it is illuminating to consider these taking into

account the categorisation by Francione. I will explain it later on, by explaining how Robert Garner seems to be more concerned with the macro level, but how it is important to keep in mind the micro component as well, as that is what is of major importance in animal ethics. In the case of using animals for food, an individual could stop purchasing meat and/or killing animals for food and eat plant-based alternatives more easily, whereas, it can be harder to push for laws that make killing animals for food illegal, as the practice is literally as old as humankind. The moral sphere can be connected to the individual guidance, whereas the societal and political aspect might allow more compromise. The ideal component of the animal rights theory is that animals will no longer be used purely as means. On the micro level, individuals should not kill animals for their own benefit, disregarding the individual animal, as well as not purchase foods that consist of animals or their by-products. That is to not support practices that use animals purely as means, disregarding the animal as living being. On the macro level, laws should be passed that will lead to the ideal, which is that no animal will be used purely as means. In practical terms, it can be difficult to determine which laws exactly do that. Nonetheless, it is important for there to be an ideal for both the individual and the society.

One might still ask, if there is no practical consequence of the action, is it really wrong to support an act that was already done, e.g. buy or eat meat that came from an animal that was already killed. Even though it can be hard for an individual to make a difference, it is still possible. Whilst animal parts in the supermarket shelves belong to animals who are already dead and the animal in the supermarket or on someone's plate cannot be brought back to life. It does not follow that we should just continue on eating and buying meat. First, there might be a way to make change happen. Secondly, even if change is difficult to come about, taking part or supporting a harmful act is still wrong in itself. It is true that the dead animals will not turn undead no matter what we do. However, is it possible to prevent new animals from being slaughtered to satisfy the demand for meat? There has to be a way to influence the meat industry. Businesses depend on their customers. Whilst the meat industry will not stop merely because one person decides to stop eating meat, collectively individuals can have an impact on the industry. Alastair Norcross (2014) has illustrated this in the following way. With the population of 331 million, it is a fair assumption that there are 250 million people in the US who regularly eat chicken. It might be more, but the exact number does not matter here. Taking into account that some of chicken who is in the US will be exported or fed to pets, on average, it is fair to assume that each of the people who regularly eat chicken eat 25 chickens per year. Now, it is obvious that if 250 million people would stop buying and eating chicken, the industry

would have to react by breeding and killing fewer animals.¹³ That would be approximately 6.25 billion chickens that would not be slaughtered each year. However, as Norcross points out, the likelihood is, that the chicken industry would have to react sooner. The exact point is unknown, but it could be 10,000 people. For every 10,000 people that stops buying and eating chicken, the industry needs to breed and slaughter 250,000 fewer chickens per year.

Now, since 1998, the demand for chicken meat has gone up in the U.S. However, if 10,000 people can influence the market in a way that a quarter of a million fewer chickens are bred per year, that is still true, even if the demand in total has gone up. If instead of 8 billion chickens, 9 billion are being killed, there will still be a 250,000 difference, depending on whether 10,000 people buy chickens or not. Chickens are a good example here, because more individual chickens are killed than any other land animal combined. In 2018, out of the 9.59 billion land animal that were slaughtered for food in the U.S, chickens made up 9 billion of those animals¹⁴. A partial explanation as to why most of the animals killed are chicken is because of their size. Chickens are a lot smaller than pigs and cows. In order to get 10 kg of chicken meat, more chickens have to be killed in comparison to pigs and cows that would have to be killed in order to get 10 pounds of pig or cow.

If there is a one in thousand chance that one's individual purchase of a chicken will cause the industry to breed and kill an additional chicken, namely that one is the 10,000th person that stops buying chicken and helps to reach the threshold for the industry to breed and slaughter 250,000 fewer chickens, the chance might seem small enough for the consumer not to care. However, if the harm that is risked is great enough, even a 1 in 1000 chance is big enough. For example, drinking or smoking even once during pregnancy is heavily disapproved, for the risks involved. We do disapprove heavily risks that might end up killing someone. (Norcross 2014, 234) Now most people simply do not care too much about hypothetical chickens. When people see or hear about chickens suffering in poor conditions, they usually feel empathy. But if the chickens are hidden in factory farms, it is hard to empathize with them.

Moreover, participating in and/or supporting a harmful action is wrong in itself, because we wrong the animals even if we do not change the outcome.

¹³ Additionally, industries also depend on government or EU funded national financial aid. Still, even if at first, additional funding could help the industry or company to stay afloat, if there is no demand, the industry will go down eventually.

¹⁴ <https://www.ers.usda.gov/data-products/livestock-meat-domestic-data/livestock-meat-domestic-data/#Livestock%20and%20poultry%20slaughter>

In this chapter, I have provided a brief overview of as well as a defence for the abolitionist animal rights theory, focusing on Gary Francione and Tom Regan. Animal rights theory can be characterized as abolitionist, as it seeks to abolish the ways we humans use animals as mere means to our ends.

Additionally, I introduced an alternative view to animal rights, which is the welfarist account. The welfarist approach is more commonly agreed with, as it focuses on the conditions in which animals are being kept and used, and not whether they are killed prematurely. The abolitionist is in favour of animals right not to be killed, whereas, to put it in rights terminology, it could be said that the welfarist focuses on animals' right not to suffer. Welfarist account can be separated into old welfarist and new welfarist. The former care about the welfare of animals and the latter argue that we should use welfarist means to reach abolitionist goals. Robert Garner is an example of the latter kind. In the last section, I provided additional reasoning as to how an individual's actions might have an impact on the animals and why we should be vegan, which what the abolitionist framework is primarily concerned with.

Chapter 2: The practicality issue in the abolitionist animal rights framework

In the last chapter I introduced the abolitionist animal rights framework as well as alternative framework. In this chapter I will look into the criticism of the abolitionist framework that mostly stems from Robert Garner. Garner is an advocate of the welfarist approach, that I briefly went over in the last chapter. There are various ways in which to criticize the concept of animal rights as well as there are a multitude of ways in which to conceptualise which rights which animals should possess. The focus I want to take here, however, is the criticism against how the abolitionist animal rights approach is to be implemented. As mentioned in the previous chapter, the main way to implement abolitionist animal rights ideas into the world is through veganism¹⁵. Francione and many other abolitionists advocate for vegan education and for individuals becoming vegan. Vegan education primarily consists of informing people about animals and how they are being treated in the animal agriculture in an effort to make people think, empathize with the animals and to act in accordance with animal rights. The criticism I wish to undertake here can be organised into an impracticality argument.

“The prohibition on using and killing animals is so far removed from contemporary reality throughout the world that it is clearly, at some level at least, an inadequate theory.” (Garner 2016, 219).

As mentioned in the previous chapter, the topic of animal rights is a moral as well as a political issue. Moreover, it is a social movement. It is not just a theory. It is a theory that is to be implemented in the world. The goal is moral progress. The theory can help the political and the social movement. This is why we want animal rights to be practical, it is to be implementable in the world. According to Robert Garner, the dilemma is that, if the matter is of justice, we cannot rely on individuals alone. Changing one’s dietary habits for a vegan diet for self-less reasons is not very probable, especially in a world where the majority eats a non-vegan diet. Yet, giving animals legal rights is also not going to happen overnight. Therefore, Garner proposes to focus on implementing changes on an institutional level that ensure better conditions for the animals in the animal agriculture. There are some aspects of his theory that I agree with – I will be using his idea of implementing a nonideal realm in ethics, however, moral

¹⁵ Whilst veganism is most commonly associated with concern for animals, the practice of not eating any animal products addresses other concerns as well. People can choose to not eat animal products because they care about their health or the climate.

philosophy is primarily concerned with providing individual guidance. If a moral theory, for example utilitarianism, is about goodness or what to value, we can draw from it what the individual ought to do. For example, in preference utilitarianism, the satisfaction of preferences is of utmost importance. The more preferences are satisfied the better. So, what the individual ought to do, is to act in accordance with what most people prefer. But if we take Garner's theory, the ethical demands on the individual will be not demanding enough.

2.1 Is veganism as an ethical requirement too impractical?

Most people have control over their diet. Those are the people who my paper concerns. For example, I will not be talking about cases where people are in poverty or are children in a difficult setting. However, even if the people who have control over their diet can theoretically go vegan, i.e. stop consuming and buying animal products, they majority do not. Based on empirical evidence, despite the incline in the overall popularity of veganism, in the mainstream as well as in animal ethics, the majority of people are not vegan or even vegetarian. In fact, many people who were vegan, start consuming animals again. Whilst there is a major incline of new vegan products becoming more widely available, even companies as big as Ben & Jerry and McDonalds are serving vegan options, as a result of seeing the interest for vegan products. Vegans are still a tiny fraction of a society. This begs the following question: is veganism as an ethical requirement too much to ask from people? In a society where eating animal products is the norm, should ethics make more realistic requirements than complete abstinence?

On the one hand, whether ethical requirements should be feasible to fulfil for most people is usually not taken to be an important factor. Ethics deals with what is right, not with what is convenient. On the other hand, we want ethical requirements to be fulfilled. Moreover, utilitarianism for example, has been frequently criticized for being too demanding of a moral theory if it demands that people ought to act in a way that maximizes utility at all times.¹⁶ Is there such a thing as too demanding ethical requirement? Philosophers such as Robert Garner, T. J. Kasperbauer and a few others, are of the opinion that yes.

¹⁶ A moral theory and a moral requirement differ, but they are similar in the relevant sense, in that utilitarianism as a moral theory can be criticised for making too demanding requirements. Although to this it could be answered that utilitarianism is more useful when it comes to assessing things, and not so much as to demanding every action of every individual to be such that it must maximise the wellbeing of everyone.

The conditional commonly used to defend the position according to which ethical requirements should not be too demanding is called the Ought Implies Can principle. According to the Ought Implies Can (OIC) principle, X can only be morally required to perform an act A if X is able to perform the act A. Kasperbauer was arguing in *Subhuman: The Moral Psychology of Human Attitudes to Animals*, that even if something is possible yet very unlikely to happen, we should not require such a thing from people. According to him, we should not have a moral requirement if we are not able to fulfil it. 'Can' in his context means 'is able to in a relevant way', instead of a possibility. It follows that for him, it is plausible to assume that one is unable to fulfil a moral requirement X if one is unable to motivate oneself to fulfil X. Now this is a rather strong reading of OIC. Should we accept this reading? One reason why we might want to accept the strong version of OIC has to do with usefulness.

If people have trouble motivating themselves to be vegan, it could be argued that veganism as an ethical requirement is not particularly action-guiding or useful. If an ethical requirement is not useful enough, then perhaps there is something wrong with the ethical requirement. If ought implies can, and most cannot be vegan - in the relevant sense of the term, as Kasperbauer puts it - then ought they? If an ethical requirement is lacking capacity to guide action, it might not be useful.¹⁷ It is true that most people do not follow the ethical requirement of veganism. If people do not follow an ethical requirement, it might lack capacity to guide action. However, it might not. In the next section I will explain how it is not the case that if people do not follow an ethical requirement, the ethical requirement lacks action-guiding property. Idealistic ethical requirement can have practical value.

2.2 How idealistic ethical requirements can be practical

If 'action-guidance' means 'will inspire direct action' there is a danger of setting the bar for ethical requirements too low. If 'action-guiding' is defined by people's ability to will or motivate themselves to follow an action, the bar will be set rather high (Valentini 2009, 9). Would it have to inspire direct action from every person? For the majority of people? If ethical requirements only have to demand what humans are already likely to follow at time X, then moral progress will be more difficult. Animal ethics, being applied ethics, is normative, rather than descriptive. If animal ethics would prescribe requirements that people already follow, it could fall into the category of mere 'descriptive' and that is not what we want ethics to be.

¹⁷ Walter Sinnott-Armstrong (1984) and Laura Valentini (2009) for example have mentioned a similar concern regarding the usefulness of 'ought's and action-guiding capacity.

Furthermore, “idealistic” moral requirements give us a standard to which we can evaluate the current state (Estlund 2011, Regan 1983). If we do not know what is good, then how could we improve? Even if we will not be perfect, progress is still possible. If not consuming animals and animal products is an ethical requirement, taking any step towards it could be seen as the right thing to do. Perhaps when talking about these steps, one should formulate ought with keeping in mind what people can be likely to follow. But it does not mean that veganism should not be an ethical requirement.

Additionally, direct and indirect action-guidance capacity of an ethical requirement can also be differentiated. For example, an indirect case of an action-guidance would be when the requirement provides a standard that inspires the agent to act in a way closer to the standard than they would have without the requirement, as mentioned in the previous section. (Lawford-Smith 2010, Stern 2004).

Moreover, human capabilities change. Just because something is unlikely in the present day, it does not mean that it will be unlikely in the future (Flanagan 1991, Gilabert, Lawford-Smith 2012). Whilst it is unlikely that everyone will stop consuming animals tomorrow, in the future, it could happen. For example, at the beginning of the 19th century, it was very unlikely for China to get rid of the foot-binding practice. However, there were activists doing social campaigning and by the beginning of the 20th century, the practice was abolished. If we do not have ethical ideals toward which to strive, if nothing more is required than what is already happening, positive moral change would be hard to come by.

Meanwhile, Kasperbauer’s reading of OIC is rather strong. David Estlund (2011) has argued against the strong notion of ‘can’ that Kasperbauer proposes, as just because someone cannot motivate themselves¹⁸ to fulfil X does not mean that they are not able to do X. By all means, they can fulfil X, they just do not, because of lack of will. This does not prove that they cannot do X, so there is no reason to accept an account of OIC where ‘can’ is bounded by the implication of ‘can will’. A more common reading of OIC such that Estlund (2011) gives is the following:

A person is able to (can) do something if and only if, were she to try and not give up, she would tend to succeed.

¹⁸ I will exclude cases where the lack of will to motivate oneself is due to a medical condition that hinders ones’ abilities such as clinical depression.

So, we have no reason to lower our standards for justice or, specifically, moral oughts.

There are different constraints that can hinder what people are able to do. In political theorizing the constraints that factor can be put in the following categories: logical, physical, biological, economical, institutional, cultural, psychological, and motivational (Gilbert, Lawford-Smith 2012, 814). The same constraints play a role when assessing whether an ethical obligation is feasible or practicable. Additionally, constraints are either hard, i.e. constraints that will always exist and should be taken seriously, or soft, i.e. constraints that could cease to exist. Hard constraints that I think should be taken seriously, are logical and physical. For example, a person should not be obliged to live up to be 500 years old, even if they could do more good with the extra years (Panizza 2020, 5). Other constraints should be taken into account, but less so. A person should still be required not to kill another person, for example, even if their culture encourages it.¹⁹

A relevant distinction to draw out here has to do with agent's actions and whether the agent is to blame for why she is unable to something. If we could avoid moral requirements by simply putting ourselves into situations where we cannot fulfil moral requirements, it would be too easy to avoid moral requirements. For example, we blame drunk drivers if they get into traffic accidents, not because they could have acted differently behind the wheel and not hit something or someone, but because we hold them responsible for getting drunk, sitting behind the wheel and driving (Sinott-Armstrong 1984, 251).

Another argument against OIC has to do with moral dilemmas. If X has requirements $m^1, m^2, m^3 \dots m^n$ and X cannot fulfil them all, we would not say that some of the moral requirements fall away. If we were to not accept OIC, we could be able to say that one still has all of those moral requirements, yet one need not be blamed for not fulfilling all of them. The blameworthiness factor takes into account the circumstances in which one is in but rejecting the OIC allows the requirements to retain their moral requirement status, without being affected by the current situation (ibid 217f).

¹⁹ E.g. in the context of duelling with pistols in England in the late 18th century.

Chapter 3: Nonideal theory in the abolitionist animal rights framework

So far, I have looked into whether veganism as an ethical requirement is too idealistic and whether it should not be an ethical requirement in our nonideal world or at least used as a main tactic in animal activists' approach. I have concluded that ethical requirements should be idealistic, as ethical requirements can inspire action in a direct or indirect way, by providing a standard towards which to aspire. However, the disconnect from the real world has not been solved. In a way it does not have to be solved, but it would be beneficial to have it solved.

As mentioned in the introduction of the thesis, Robert Garner has introduced a nonideal approach to animal ethics, as a way of making ethical requirements more realistic. However, his ideal theory as well as his nonideal theory are flawed in my opinion. In this chapter, I will introduce the nonideal-ideal distinction, go over Garner's interpretation of it and present the case for my interpretation for the ideal and nonideal theory in animal ethics.

Nonideal theory is a response to the nonideal circumstances of the world. Similar to John Rawls' nonideal theory, I will argue that secondary requirements will be helpful in assisting to reach the ideal ethical demands (Rawls 1971, 245). Whilst most discussions on ideal and nonideal theories focus on the concept of justice²⁰ and in the abolitionist animal rights theory issues in animal ethics are issues of justice, I will implement it on normative claims in general, and more specifically one claim about veganism being a positive moral obligation.

3.1 Robert Garner's ideal and nonideal theory distinction in animal ethics

In ethics, the ideal and nonideal debate has yet to receive enough attention (López 2017). Nonideal theory has been seen as a more realistic and pragmatic approach, in contrast to ideal theory which is, as its name suggests, an idealistic, perhaps even utopian approach to normative theory in political philosophy or in moral philosophy. In ideal theory, two kinds of idealizing assumptions are made about its subject. First, it is assumed that all citizens or societies are largely cooperative and willing to follow the rules. (Tessmann 2014, 808) Second assumption regards the conditions of a society, which make it easier for citizens or societies to be cooperative. For example, the citizens are not starving, but rather they are able to think about moral issues. (López 2017) In a Rawlsian fashion, Garner identifies the most prominent issue that animals are currently facing: the suffering (2016, 226-227). Garner has differentiated between ideal and nonideal theory, but he puts more focus on the nonideal part. In ideal theory,

animal lives are only allowed to be sacrificed for human interest when the human interests are significant (2016, 225) However, he barely mentions this in other works (2010), so it seems what is important for him is that animals should not suffer. Most people would agree with this, so it seems like it would be easier to implement in the real life, which is something that he values in theory. What is problematic though is that the new welfarist position, in nonideal theory, that is, predominantly says nothing about killing animals. At the same time, in practice, in order for an animal to be killed, they tend to have to suffer. So if we put this in practice, perhaps Garner's as well as abolitionist animal rights position would be in agreement that we should be vegan, as it is quite hard to obtain animal products that come from animals that did not suffer in their lifetime, suffering being either killed prematurely and/or have non-decent living conditions. However, it is still problematic that Garner does not put importance on the killing aspect. He accepts that animals' interest in not suffering is the same as humans' interest in not suffering. But he does not accept that humans' interest in continued life is the same as animals' interest in continued life (2016, 224-225). Of course, there are some differences, such as humans might have plans that they have talked about with other humans, and we have limited understanding of nonhuman animal cognition. However, especially given that the interest in avoiding suffering is the same, there is no basis for arguing that interest in life differs in a morally significant way when it comes to weighing human interest with animal interests. If we want to be consistent, we should accept either neither or both. Given that it is hard to accept that animals are not interested in avoiding suffering or as interested in avoiding suffering as humans, we should accept both.

Garner's nonideal theory focuses on suffering in order to be more practical. However, if we examine what individual guidance it provides to the individual, then it is not demanding enough. For example, if we would have to prefer eggs from "happy chickens" then we would have problems actually finding eggs that come from "happy chickens", even when they are labelled as such. In this way it is not demanding enough and it does not offer adequate individual guidance. There is strong evidence to suggest that most animal products are produced in a way that the animals have to endure horrible conditions throughout their unnaturally short lives and their transportation to the slaughterhouses. Whilst there are some options of eggs on the market that come from a local farm, where the chickens have decent welfare granted to them, the majority of the eggs are not from "happy" chickens. In the political realm, I see some merit in Garner's theory. But in animal ethics, in moral philosophy, ethics needs to provide the individual with action-guidance. If we would take Garner's nonideal theory and out – it would

not be enough. It would not offer relevant individual guidance nor would it be better at evaluating actions of the individuals.

Moreover, regulating the use of animals can justify the use of animals. If consumers are led to believe that buying eggs from cage-free chickens is ethical, it might be misleading. Whilst buying eggs that came from a cage-free chicken is possibly *less* unethical than buying eggs laid by a battery-caged chicken, the difference might be minute (Francione 2010). In reality, the welfare of chickens is not necessarily improved in a cage-less system. Without a cage, chickens could have more room to spread their wings, better floor to potentially nest and be more comfortable than standing constantly on wire floor, no sunshine etc. However, if the cage-free area is packed with chickens, they will not have adequate space. A few of the additional problems are the following: it's more difficult to keep the space clean, rather than the cages clean, there's a higher risk for cannibalism from being deprived from chance to live in a natural space and to exhibit natural behaviour.²¹ Therefore, I am sceptical to some aspects of Garner's position I do agree that it can be possible to relieve some of the animal suffering by regulation. However, it is important to make note that making a cage bigger does not mean that the cage's existence is ethical. A bigger cage is less unethical than a smaller cage. But the bigger cage is still unethical. On the one hand, regulation *might* lead to abolition, as Garner has argued. For example, in Germany and Japan, mink farms have closed due to demanding regulations that are put in place to ensure the welfare of minks.²² However, this does not ensure that the practice will not spark up again. Moreover, a strong role was played by the consumers, rather than regulation.

Whilst Garner suggests that we should focus on the welfare of the animals and not on abolishing the current practices, as a more reliable method of working in the interests of the animals, I think that we need both, working on regulations that improve the conditions as well as abolishing as many practices as possible involving the misuse of animals. At the same time, we need to be critical of the way that animals' welfare is regulated and whether it actually benefits animals or not.

²¹ Hartcher, K.M., and B. Jones. "The Welfare of Layer Hens in Cage and Cage-Free Housing Systems." *World's Poultry Science Journal* 73, no. 4 (2017): 767–82. doi:10.1017/S0043933917000812.

²² <https://www.peta.org/blog/germany-becomes-latest-country-ban-fur-farming/>

3.2 Alternative nonideal theory in animal ethics: secondary requirements and a scalar approach to wrongness

In this section, after rejecting Garner's interpretation of nonideal realm in animal ethics in the previous section, I will now introduce my own version of the nonideal realm in animal ethics that is in accordance with the abolitionist animal rights framework. Whilst we might not have to solely focus on animal suffering, in order to deal with the problem that animals are suffering and killed without a good enough reason, we can still use the idea of nonideal theory regarding animal ethics. I will argue in favour of the notion of secondary requirements which in a similar fashion to nonideal theory, will help us to implement ethics in the world. Borrowing this concept is an apt response to the imperfect conditions of the world and moral agents. Just because it is not easy to fulfil ethical requirements does not mean that we should not try and lower our standards. However, if we want moral progress to happen most efficiently and to be able to describe the moral progress in optimistic way, 'secondary requirements'²³ can be of use. Moreover, in order to assess the secondary requirements as well as the current state of affairs and the moral progress that is happening, I think it is optimistic to use scalar way of thinking about ethics, in addition to the notions of right and wrong. In this way, we can have the ideal – which is to not use animals as means at all, but we can still talk about small improvements, whether it is on the level of the individual consumer behaviour or industry regulation.

First, secondary requirements can be seen as something that arises when the individual fails to comply with the first order requirements. For example, if Chang has promised to meet Brown, he ought to meet Brown (requirement 1). If it turns out that he cannot, he ought to call Brown to let him know that he cannot meet him (requirement 2). If he cannot call, he ought to ask for someone else's phone to be able to call to Brown, or find a way to be able to let Brown know in some other way. It is not the case that he no longer ought to meet Brown, but since he cannot, the secondary requirement arises. With veganism, it is slightly different, but similar enough. For Chang, a new requirement turned up when the first was no longer possible. (Sinott-Armstrong 1984, 257-258). With veganism, if one cannot, as in cannot will themselves to give up the consumption of animal products all of the time, one ought to start with eating less of animal products and more plant-based products, as it is easier to focus on the positive obligation rather than what one ought not to do. For Rawls, secondary requirements ('nonideal theory' or

²³ W. Sinott-Armstrong for example named what I call 'secondary requirements', 'secondary obligations' but I will use the term requirement to mean the same as 'obligation' throughout this thesis.

'non-compliance theory' as he words it) are secondary to 'ideal theory' or ethical claims as I argue in this thesis. First, we need general principles of what is right, then we can assess individual actions. Why is eating fewer animal products good? Because in order for someone to be able to eat animal products, animals will generally have to be killed and harmed without a good enough reason.

There is a risk that secondary requirements will overshadow the first requirements, making people not pay attention to them. By asking only reducing one's meat and animal product consumption, rather than refraining from it completely, it might imply that mere reducing is morally unproblematic. Killing animals for unnecessary reasons is wrong. Supporting killing animals for food is wrong. It is wrong to support killing animals once a week and it is wrong to support killing animals every day. However, this is just something to be aware of and not something to the detriment of the secondary requirements. Moreover, reducing one's meat consumption is not wrong. Reducitarianism, a diet committed to reducing one's meat consumption, insofar as it still contains eating meat, is not ethical per se. But it is less unethical than eating predominantly meat.

Now I will move onto the scalar way of assessing the secondary requirements as well as general actions of individuals and societies. The concepts of 'right' and 'wrong' are very much intertwined in our everyday thought and talk as well as are fundamental in the realm of moral philosophy. Traditionally, in the two major frameworks in ethics and especially in animal ethics²⁴, in utilitarianism as well as in deontological tradition of thought, the value of actions is conceptualized in terms of right and wrong. In utilitarianism, the objective is to promote as much good or utility as possible, but the way it is evaluated is not scalar. An action is right if it is good and an action is wrong if it is bad. Some right actions produce more good, some less. But two actions are not compared in terms of 'more ethical' or 'less ethical'. To better evaluate moral progress, it makes more sense to employ a scalar way of thinking about rightness. A purely scalar way of talking about ethics has been seen as problematic when things are clearly either wrong or right. (Norcross 2016, 217). However, in my opinion, we can employ the scalar

²⁴ Utilitarian Peter Singer's *Animal Liberation* (1975) and deontologist Tom Regan's *The Case for Animal Rights* (1983) have been the most influential works in the area of animal ethics that are still shaping the current debates, although virtue ethics and care ethics frameworks are contributing to the field in valuable ways as well, e.g. see Hursthouse, Rosalind. (2011) "Virtue ethics and the treatment of animals." *The Oxford handbook of animal ethics*. 119-143. And Donovan, Josephine, and Carol J. Adams. (1996). "Beyond animal rights: A feminist caring ethic for the treatment of animals."

approach also when there is the notion of 'right' and 'wrong'. Some things can be more or less wrong. So, in order to better evaluate people's actions as well as moral progress, it is optimal to employ a scalar way of thinking about morality in addition to the notions 'right' and 'wrong' (Brown 2016).

When things are clearly either wrong or right, for example, when it comes to the example of killing, we usually don't need the notions of 'less wrong' or 'more wrong' and we just stick to the notion that killing is wrong. If a serial killer A kills 10 children, and serial killer B kills 6 children, there is not such a need to say that both serial killers committed acts that were morally wrong, but serial killer B's acts were less unethical, although still unethical. A judge might only need to evaluate the wrong actions on a scale in order to give out the punishment that fits the crime, but ordinarily what counts is that both people did morally wrong things, i.e. they both killed people. However, killing animals for food and supporting such an industry that kills animals for food is more commonly accepted as well as more common in our society. Most people do not consider the killing part morally wrong, even if it is for a nonessential reason. In this case, it makes sense to evaluate on a scalar way. Killing animals for food when one is able to flourish without killing animals for food is morally wrong. Not killing animals for a nonessential reason is morally right. However, because moral progress is slow to take place, the issue of eating animals is a complex one involving many intricacies such as long traditions as well as people's health, people are not easily convinced that they do not need to eat meat or other animal products. The issue is too complex to be discussed in full detail in this thesis. However, the complexity of the issue of why people continue eating animal products suggests that it is optimistic to evaluate the moral progress and peoples' actions involving the use of animals for food in a wider way than merely 'right' or 'wrong'. For example, this framework would allow us to say that not eating meat one day per week is less unethical than eating meat every day.

3.3 Criticism against ideal theory

When talking about nonideal theory, it is important to look into the ideal theory as well. A common argument against the Rawlsian justification of the ideal theory that I brought out in the last paragraph is that in truth, we do not always need the perfect account of justice in order to assess that action x was more just than action y. Moreover, we can favour x even if it is not in accordance with perfect account of justice. I agree with this criticism. I think we do need first order requirements at least in spirit of the ideal theory, otherwise we would have to completely

rely on intuitive judgement. This would be problematic, because not everyone shares the same intuitive judgements, so they cannot be a reliable source of truth. We might not need a detailed account of ‘good’ or how we ought to treat every kind of animal, in order to assess that one action of ours was better than another, but we still need some idealistic principles.

To further answer this even further, I will explain how veganism can even be understood as a nonideal theory. It could be argued that veganism as an ethical requirement is already accustomed to the real-world constraints. On the one hand, it seeks to end the use of animal products, from our meals, as well as from the products we use - whilst I am focusing on the food aspect, and plant-based diet could be separated from veganism as the worldview, veganism is about not using animals as means.

The Vegan Society (TVS) has defined veganism in the following way:

"Veganism is a philosophy and way of living which seeks to exclude—as far as is possible and practicable—all forms of exploitation of, and cruelty to, animals for food, clothing or any other purpose; and by extension, promotes the development and use of animal-free alternatives for the benefit of animals, humans and the environment. In dietary terms it denotes the practice of dispensing with all products derived wholly or partly from animals."²⁵

In 2015 the last sentence was not included in the definition that TVS has on their webpage. There is definitely a debate whether veganism should be about diet or beliefs as well as diet (Dutkiewicz & Dickstein 2021). Although the term ‘veganism’ has always been connected to the belief that it is morally wrong to use animals merely as means (Watson 1944), because food or other inanimate objects are labelled as ‘vegan’ or ‘not vegan’, and inanimate objects cannot have beliefs, the term necessarily is connected to something other than beliefs. But what is worthwhile to note in that definition is in the beginning of it : “Veganism is a philosophy and way of living which seeks to exclude—*as far as is possible and practicable*—all forms of exploitation of, and cruelty to, animals for food, clothing or any other purpose.” [emphasis added] What is usually meant by this, is that foods that come in a package that says the following: “May contain eggs, dairy” (or some other animal derived substance), are still vegan. What this means is that the food is produced or packaged in a factory where also

²⁵ <https://www.vegansociety.com/go-vegan/definition-veganism> (As of 27.04.2021)

non-vegan foods are produced and therefore it is possible, yet very unlikely, that some small particles travel in the air or have been left in the machines. For people with life-threatening allergy, it makes sense to pay attention to these warnings, as even a tiny particle could be detrimental to their health. But for vegans living in non-vegan world, it is difficult to avoid products that do not come with this warning, and the likelihood is so little that it is not considered a non-vegan product, just because it is produced in close proximity to products that contain some dairy.

Secondly, the majority of medicine has been tested on animals as well as may contain some animal-derived substance. The ideal would be to not test products on animals and to have medicine that contains synthetic substitute rather than animal-derived substance. Usually the animal-derived part such as lactose or gelatine is not the active ingredient - the ingredient that has an effect on the patient's health. Rather lactose and gelatine - to name a few - are used in pills as a binder or filler, so they could be substituted for synthetic binders and fillers. However, if there is no substitute on the market yet, it is difficult to say that it is ethically problematic to sacrifice own's life. For example, some active ingredients are animal derived (e.g. heparin) and the synthetic contains more risks - in this case we could say that it is a moral dilemma. The pig whose intestinal mucous membrane was turned into blood thinner called heparin was wronged. However, using another type of blood thinner could have been fatal for the patient. So, for 24 hours, he prioritized his own life and used pig-derived blood thinners.

If someone is truly unable to access a vegan diet, they would not be expected to starve for the sake of animals. The general point is, one is not expected to sacrifice one's life in favour of animals' lives. The rules are not set to stone, which makes this difficult to analyse in a philosophical thesis, but it is nonetheless worth mentioning that veganism can be and in fact usually is regarded as a nonideal solution to the issue of us using animals as mere means. Even if veganism can be seen as a nonideal theory, as something approachable, as it currently stands, it is more commonly seen as something non-approachable.

However, as I have argued in this chapter, we can have additional secondary requirements which are further explained by a scalar approach to wrongness. This approach can help to assess the current state of society and the actions of the individuals in a more exact way than mere 'wrong' or 'right', but still maintains that eating animals is not ethical.

Conclusion

The main critique that I have argued against in this thesis is the claim that abolitionist animal rights is too unrealistic of a theory and therefore it is impractical. Rather than going through every possible aspect and implication of the animal rights theory, I chose to mainly focus my attention on one aspect of the theory that supposedly makes it unrealistic, which is the abolishment of our practice of eating animals and their by-products.

I am differentiating between micro and macro level of the animal rights theory, using Gary L. Francione's categorisation of ideal, micro and macro level of a normative theory.

The first chapter of the thesis I introduced the ideal level of the theory, which is abolitionist animal rights theory.

In the second chapter, I examined the criticism against abolitionist animal rights theory on the micro level and whether veganism as an ethical requirement is too unrealistic. I argued that it is not too unrealistic, as idealistic ethical requirements have important practical value by providing ideal towards which to strive.

In the third chapter I made the ideal nonideal distinction. First, I examined Robert Garner's approach, according to which we should focus on the most urgent matter when it comes to our treatment of animal. He favours an approach which focuses on alleviating animal suffering that is caused by humans. Whilst this is certainly important, the killing aspect is no less important. Therefore, I examined some criticism against Garner's approach, whether improving just the welfare of animals can be misleading and whether it can be of assistance towards the ideal. Instead of Robert Garner's approach to nonideal animal ethics which focuses solely on animal suffering, I introduced the notion of secondary ethical requirements in the spirit of a nonideal theory. To further explain the secondary ethical requirements, I also introduced a scalar approach to morality, which is often associated with scalar utilitarianism, but can be applied in this context with deontological ideals. We can assess the moral progress on a wider scale than just 'right' (or 'ethical') and 'wrong' (or 'unethical'), that is with terms 'less wrong' (or 'less unethical') whilst maintaining the notions of 'right' and 'wrong'. Garner's approach takes away the ideal, in this case, veganism, the abolishment of the practice of eating animals. Secondary requirements allow us to keep better track of moral progress by having a scalar way to ethics in addition to the concepts 'right' and 'wrong'. There are a variety of options, some of which are better than others, some worse than others. Even if an option is not right, it is better and more ethical to choose the option that is closer to the 'right' on the scale of ethics than to 'wrong'. For example, buying meat from a small farm, where the conditions

are better for the animal than in a big factory farm, is *more* ethical, even though it is important to note that it is still *not ethical*.

Summary

In this thesis I have looked into the conflict between the abolitionist animal rights approach and the welfarist approach. The welfarists focus on animals' right to not suffer, whilst the abolitionists recognize the animals' right to life and that the root issue of animal suffering is their exploitation, predominantly in animal agriculture. The main way to implement abolitionist ideas into the real life is through veganism – the practice of abstaining from the use of animals in food as well as other areas of life. In the second chapter I looked into the criticism towards the abolitionist approach, according to which veganism as an ethical requirement is too demanding and unrealistic. I then explained how ethical requirements such as veganism sometimes have to be demanding yet can still have practical value by providing an ideal. In the third chapter I proposed a nonideal approach, according to which we ought to eat less meat as per secondary requirements. I also introduced a scalar approach to wrongness. This theoretical framework recognizes that some acts are more wrong than others, for example eating more meat is more wrong than eating less meat, yet we can maintain the ideal that eating meat still wrongs animals.

Resümee

Pealkiri: Vastus praktilisuse probleemile abolitsionistlikus loomaõiguste raamistikus: skalaarne mitteideaalne käsitlus

Antud magistritöös oli vaatluse all abolitsionistliku loomaõiguste raamistiku ja loomade heaolul põhineva “loomaõiguste” raamistiku konflikt. Mõlemad lähenemised peavad oluliseks loomade õigusi, kuid loomade heaolule keskenduv raamistik põhineb loomade moraalsel õigusel mitte kannatada. Abolitsionistlik raamistik paneb suuremat rõhku sellele, et loomatööstuses on pea võimatu loomadele kannatusi mitte tekitada, loomade tapmine on vale ja loomade kannatuste juurpõhjuseks. Esimeses peatükis tutvustangi mõlemat lähenemist ning veganlust ehk täistaimset toitumist ja loomsete toodete mitteostmist, mis on abolitsionistliku raamistikust tulenev praktiline eetiline nõue. Teises peatükis uurin loomade heaolule keskenduva raamistiku kriitikat abolitsionistlikule raamistikule, mille kohaselt on abolitsionistlik lähenemine ja veganlus eetilise nõudena tänapäeva maailmas liiga nõudlik ja ebapraktiline. Argumenteerin, et veganlus võib olla nõudlik eetiline nõue, kuid eetilised nõuded peavadki vahepeal olema nõudlikud ning peale selle on neil ka praktiline väärtus, näiteks ideaali kujutlemisel.

Samas, et balansseerida abolitsionistlikku käsitlust tänapäeva kontekstis, kus lihasöömine on väga levinud nähtus tutvustan kolmandas peatükis mitteideaalse lähenemisena sekundaarseid eetilisi nõudeid, mille kohaselt peame sööma vähem liha. Selgitan sekundaarseid nõuded skalaarse lähenemisega, mis lähtub printsiibist, et teod võivad olla vähem või rohkem mitte-eetilised. Kui vaatleme liha söömist siis saame kujutada skaalat, kus 'õige' on liha mitte süüa, 'vale' on süüa liha, samaaegselt saame paigutada liha rohke söömise 'rohkem valeks', ja liha vähese söömise 'vähem valeks'.

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