

The Core Argument for Veganism

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Abstract This article presents an argument for veganism, using a formal-axiomatic approach: a list of twenty axioms (basic definitions, normative assumptions and empirical facts) are explicitly stated. These axioms are all necessary conditions to derive the conclusion that veganism is a moral duty. The presented argument is a minimalist or core argument for veganism, because it is as parsimonious as possible, using the weakest conditions, the narrowest definitions, the most reliable empirical facts and the minimal assumptions necessary to reach the conclusion. If someone does not accept the conclusion, logical consistency requires that s/he should be able to point at axiom(s) on which s/he disagrees. The argument exposes hidden assumptions and provides a framework for an overview of the philosophical literature on animal rights and vegetarianism / veganism.

Keywords Veganism · Speciesism · Animal ethics · Sentience

Is veganism a moral duty? This article is an attempt to present a most logical argument for veganism,¹ using a formal-axiomatic approach: all axioms (premises such as basic definitions, normative assumptions and empirical facts), as well as the logical steps from those axioms to the conclusions, will be stated as explicitly as possible. This axiomatic approach has three advantages.

First, it allows us to directly and efficiently study the question: if people want to continue eating animal products, which of the assumptions do they reject? Everyone who wants to justify the consumption of animal products should be able to indicate at least one of the axioms that s/he rejects.

¹Veganism is broadly defined as avoiding the consumption of bodily products from sentient beings. Of course the conclusion of the argument will point at a more specific meaning of veganism. Hence, the argument does not say anything about some animals (e.g., zooplankton or oysters) nor about some kind of uses of animal products (e.g., collecting feathers in the woods or eating road kill). The argument focuses on the most common cases of buying meat, fish, dairy and eggs.

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Second, the approach sets a new framework for a review of the literature on animal rights, speciesism and vegetarianism/veganism. Ethical arguments in defense of meat consumption can be associated with specific axioms that ethicists reject.

Third, the axiomatic approach allows to formulate the least restrictive assumptions and definitions. The presented argument will be as parsimonious as possible, using minimal assumptions and definitions necessary to reach the conclusion. The scope of the definitions and normative assumptions will be as narrow as possible, the empirical facts will be as reliable as possible and the criteria or conditions in the definitions and normative assumptions will be as strong as possible, making it more difficult to reject or disbelieve these definitions, facts and assumptions. In this sense, it is a minimalist or core argument for veganism.

One can try to support the assumptions even further with additional assumptions, but if the assumptions are already sufficiently plausible, adding supporting assumptions would make the argument unnecessarily long.

Or one can try to shorten the argument, for example: “1) We should not cause harm, 2) consumption of animal products causes harm. Conclusion: we should abstain from animal products”. We can assume that animals have the right not to be used for food. But those short arguments become too simplistic in the sense that the assumptions do not sound intuitively plausible. The problem with such short arguments is that one can easily deny a starting point that does not reflect one’s conscious beliefs. The premises are too rough. Therefore it is better to use more fine-grained premises that are as close as possible to our strongest and most shared beliefs and values of which we are already aware.

The purpose of this article is to look for premises that are sufficiently fine-grained and as acceptable as possible.² The argument presented below uses roughly twenty definitions, normative assumptions and empirical facts. In this sense, it extends, refines or polishes earlier work, in particular Regan (1983) and Francione (2000, 2008). Those twenty premises are the most intuitively plausible, but it remains possible that some people still do not accept a premise.

The Minimal Basic Right to Bodily Autonomy

Animal products are derived from the bodies of animals and the right to bodily autonomy is very important in human rights ethics. Therefore, we can start the argument with a weak formulation of a basic right to bodily autonomy, based in the intuition that someone’s body should not be used against one’s will. Someone’s body belongs to that individual, not to someone else.

Definition 1: The minimal basic right is the right not to be intentionally used as merely a bodily means for the non-vital ends or needs of others. A victim is used as merely a bodily means when

- 1) the body of the victim is necessary to achieve the ends of the others (i.e., the ends could not be reached when the body is absent),

² Engel (2000) also presented a lengthy argument, but I will not discuss the strengths and weaknesses of its argument compared to mine.

- 2) the victim does not want the treatment of their own body in that way (i.e., the victim has to do or undergo something against its will), and
- 3) the loss of well-being of the victim when treated in that way (including the loss of future well-being) is much higher than the loss of well-being of each of the other individuals when their ends are not reached.

This minimal basic right has three conditions to make the right as limited as possible but still wide enough to reach the final conclusion. Without those conditions, the basic right becomes broader in the sense that the set of actions that violate the broader right increases. Hence, when a right becomes broader, more actions are prohibited and we are more likely to reject the right as being too demanding. Therefore, the above minimal basic right is weaker than some related basic rights formulated by animal rights philosophers such as Regan (1983) and Francione (2000).³ Two reasons make the minimal basic right weak (yet strong enough to reach the final conclusion).

First, the minimal basic right is restricted to non-vital ends. This means that the below argument is not applicable to survival cases. Hence, we avoid the predation problem (Ebert and Machan 2012; Fink 2005) that involves obligate carnivores or indigenous people who need meat for survival.

Second, the definition is restricted to the use of a body that needs to be present in order to reach the ends. Hence, the below argument is not applicable to e.g., the insect problem (are we allowed to kill insects by accident if insects happened to be sentient beings?) and the harvest problem (what about animals who die by accident in harvest?). The affected insects and animals are not used as a means, because their bodies do not have to be present to achieve our goals. We thus avoid the ethical debate about the ‘least harm principle’: although the available data are controversial, some people argue that the production of an amount of vegetable protein results in more animal deaths (for example mice on the plowed fields) compared with the same amount of animal protein from one, big cow on grassland (see Davis 2003, for a critique: Lamey 2007 and Matheny 2003). Insects and mice that are killed by accident are not used as a means, so their deaths are not violations of the basic right. If this basic right is stronger than the right not to be killed, and if the following argument is valid, then we still have a duty to eat vegan, even if it turns out that there are more animals killed by accident in vegan agriculture than in livestock farming. In reality, livestock farming is likely more deadly, because most livestock farming requires high amounts of animal feed. In this case a basic right that is weaker than the right not to be killed already leads to veganism.

Similarly, the conditions in the above definition avoid the ‘Logic of the Larder’ (see e.g., Matheny and Chan 2005). According to this argument, livestock farming might be permissible because without livestock farming those animals would not even exist, and it might perhaps be better to exist and live a life on a farm, than not to be born at all. One could similarly try to justify slavery – in particular the breeding of slaves – on the grounds that without such slavery those slaves would not even exist. But those slaves would still be used as merely a means. So if one accepts the ‘logic of the larder’ (to justify certain types of livestock farming and slavery), one must reject the basic right.

³ Regan refers to a more general ‘use as merely a means’, Francione refers to ‘treatment as property’. These basic rights are Kantian in nature, because they refer to a means-ends relationship.

Regarding the third condition, the loss of well-being of the victim is an ‘unnecessary suffering’ when it is smaller compared to the loss of well-being of the other individuals. In this sense it reflects an egalitarian notion of ‘equal consideration of interests’ (Francione 2000). When it comes to veganism, the loss of well-being of the other individuals, i.e., the people who consume animal products, is a relative loss: it is the difference between consuming animal products and consuming available, tasty plant-based alternatives. Presumably, this loss might be much smaller than what people tend to think: people are often unaware that there are vegan sausages that taste almost as good as meat sausages (see e.g., Allen e.a. 2008), and well-planned vegan diets might have health benefits that further reduce the loss of well-being of consumers (e.g., ADA 2009).

In addition to this minimal basic right, there are other rights, but the basic right is sufficient. The next question is who gets that right.

*Normative assumption 1: At least all humans who are sentient should at least get the minimal basic right not to be used against one’s will as merely a bodily means for someone else’s non-vital ends. Furthermore, we should grant this basic right to seriously mentally disabled sentient humans (who lack mental capacities such as self-consciousness or moral reasoning), based on clear and intrinsic reasons, i.e., reasons that are not ambiguous, only refer to properties of the individual and do not depend on contingent (accidental) external factors. The mere knowledge that they are sentient humans who have a will is sufficient to grant them the basic right.*⁴

Sentience, broadly defined, refers to having a consciousness, feelings (qualia), subjective preferences and a well-being. In the context of definition 1 and normative assumption 1 it refers more particularly to 1) having a subjective will (a non-sentient object cannot be treated against its will because it has no will) and 2) having a sense of one’s own body (because the basic right refers to someone’s body).

Sentient humans should not be used against their will for food (e.g., killing or confining humans in order to eat their bodily products), because 1) we do not need human meat to live a healthy life, 2) such an involuntary use for food is not respectful and 3) it causes an unjustifiable large loss of well-being. To be clear, the use as merely a means includes practices such as painlessly killing a sentient human who has no self-perception through time and who enjoys a very good life until s/he is killed without even noticing it. The argument for veganism does not say anything about the killing of non-sentient humans.

Some philosophers simply deny some rights to mentally disabled humans due to their lack of mental capacities: desires (Frey 1980), consciousness (Carruthers 1992), the capacity to free choice (Machan 2004), the capacity to comprehend rules of duty (Cohen 1986), being able to contribute to the social reproductive process of beings who are capable of acting on reasons (Goldman 2001) or some other capacity. However, most ethicists want to keep the basic right for most or all humans, including the mentally disabled sentient humans.

⁴ Explicitly referring to mentally disabled humans is of course the well-known argument from marginal cases (e.g., Dombrowski 1997).

In defending the consumption of animal products, these ethicists give non-intrinsic, contingent reasons for granting the basic right to mentally disabled humans. A non-intrinsic, accidental (contingent), or arbitrary reason refers to a property that could be different in another possible or conceivable world. It seems impossible to include mentally disabled humans and exclude non-human animals from the community of right holders using intrinsic reasons. The condition that the reason for granting someone the basic right should be intrinsic is fundamental in the argument for veganism. It is not surprising that this condition is highly disputed in the literature.

An example a non-intrinsic reason is the property to have certain privileged parents. It is conceivable that one has other parents in another possible world. According to some people, mentally disabled humans are lucky: they get the basic right because they have parents who - unlike the disabled themselves - have rationality. The pigs, on the other hand, have bad luck: although a pig can be more intelligent and more sensitive than a mentally disabled human, that pig has the wrong parents, i.e., parents who lack rationality.

The first normative assumption says that sentient humans shouldn't be just lucky that circumstances are the way they are. Their basic right shouldn't depend on a happy coincidence, but should be valid in all possible worlds. Restricting to intrinsic and non-contingent reasons means that arbitrariness of the situation is avoided as much as possible.

In the worlds where mentally disabled humans do not exist, or where they are not sentient (and therefore have no will), the basic right is automatically satisfied. We cannot use someone's body against his will if that individual does not have a will and certainly not if that individual does not even exist. The basic right of a being without a will is never violated, whatever we do. The basic right refers to someone's will, so we need to look at the possible worlds where that individual has the same will (the same preferences) and the same well-being as in this world. All other properties in that conceivable world (e.g., bodily characteristics or family relations) can be different.

Therefore, those mentally disabled sentient humans should get the basic right even if they were never mentally abled before,⁵

they had no potentiality to become abled in the future,⁶

they were disabled due to a genetic mutation (their disability is determined by their genetic make-up) such that they lack some of the genes necessary for e.g., moral agency,⁷

they were as dependent on humans for their well-being as non-human animals are,⁸

they were (abandoned or disowned) orphans who had no close kinship with other humans who want to give them rights,⁹

they looked superficially dissimilar to abled humans,¹⁰

⁵ Some argue that mentally disabled humans should get rights because we could become mentally disabled in the future and then we would want our rights to be respected (see e.g., Wreen 1984). However, we cannot become a mentally disabled human who was never mentally abled before.

⁶ This is an often heard argument to grant rights to non-moral agents such as children who have a potential to become moral agents in the future (e.g., Melden 1980). Still, some mentally disabled humans have as little potential as non-human animals.

⁷ See the genetic basis of moral agency (Liao 2010).

⁸ See Gunnarsson (2008).

⁹ Narveson (1987) used an argument that reflects this condition of kinship with other individuals.

¹⁰ According to Narveson (1977), one of the reasons why we give rights to mentally disabled humans is because of feelings of sympathy on the basis of superficial similarities. This sympathy is merely triggered by similarities, and should not be confused with empathy. Also Wreen (1984) uses the argument that we identify ourselves with human non-persons.

they had a special property that no other humans have,¹¹
 they were consciously bred by someone else to be used as merely a means and hence they owe their lives to someone else,¹²
 they had to eat meat in order to survive or predators needed to eat them,¹³
 it was considered by others as a custom, ritual or tradition (with symbolic meaning) to use them as merely a means,¹⁴
 using them as merely a means did not have negative effects on the morality and behavior of moral agents towards other moral agents,¹⁵
 using them would benefit us as much as using non-human animals as merely a means,¹⁶
 using them would be a better fate (less suffering) for those mentally disabled humans than they would have had in the wild (in the absence of other humans),¹⁷
 their use as a means prevented more harm to other humans,¹⁸
 their use as a means allowed using some resource that could not be used otherwise,¹⁹
 the majority of humans had no issue with using these disabled humans,²⁰
 the majority of humans had moral intuitions that excluded mentally disabled humans²¹ or that did not track species membership as a natural kind²² (e.g., the majority had the intuition that disabled humans belong to a different natural kind than abled humans),
 the majority of humans were mentally disabled,²³ some humans were carnivorous predators,²⁴

¹¹ This refers to a possible reply to the super-chimp (Kumar 2008) or super-cat (Wreen 1984) examples: a highly intelligent mutant super-cat would not get rights if rights are based on species normality (what most members of the species have). This seems counter-intuitive because this unique cat is rational. So the reply goes that this super-cat must belong to another species than *Felis domestica* (even if it can still interbreed with other cats). But then a same reasoning allows to conclude that a mentally disabled human with an exceptional property is no longer a *Homo sapiens*.

¹² This is the underlying rationale of the Logic of the Larder (see Scruton 2004; Matheny and Chan 2005).

¹³ This counters the argument of ‘moral sociability as a precondition to justice’ (Barilan 2005). A subject has no moral sociability if its right to life is incompatible with the right to life of someone else.

¹⁴ Scruton (2006) and MacLean (2010) emphasize symbolic meanings of eating animal meat as well as taboos about e.g., eating human corpses to justify a distinction between humans and animals.

¹⁵ This refers to the argument of indirect duties or duties towards oneself, used by e.g., Kant (1785, part II, paras 16 and 17) and Carruthers (1992).

¹⁶ Narveson (1987) tried to avoid the conclusion that use of mentally disabled humans is permissible by claiming that their use would not be as beneficial for us after all.

¹⁷ This refers to a condition proposed by Barilan (2005) for non-human species, but hereby translated to mentally disabled humans.

¹⁸ This refers to the least harm argument against vegetarianism proposed by Davis (2003), but hereby applied to mentally disabled humans.

¹⁹ This refers to the argument against vegetarianism/veganism that livestock farming allows us to use resources such as grazing land that otherwise remain unavailable for direct consumption.

²⁰ See e.g., Young (1984), for whom the morality of killing X depends on others who have an interest in X’s continued existence. But also Scruton (2006) refers to the sentiments of others about the way we are allowed to treat someone. The impermissibility of using mentally disabled humans merely due to us being disturbed by that idea is like the prohibition of eating e.g., human cultured meat, plants that have a symbolic (e.g., religious) meaning or alcoholic beverages that are considered taboo in some cultures. These prohibitions have nothing to do with rights violations.

²¹ E.g. Goldman (2001) referred to moral intuitions that excluded animals.

²² E.g. Levy (2004).

²³ This refers to the normality argument: moral agency is normal for humans because most humans possess moral agency. E.g. Thomas (2010).

²⁴ This refers to the predation argument: we are allowed to eat animals when some animals eat other animals for survival.

there was a clear difference between the abled and the seriously disabled humans (i.e., when semi-mentally disabled humans would not exist),²⁵ or we were non-human moral agents.²⁶

This long list captures a big part of the animal ethics literature. The arguments in favor of speciesism and meat consumption often refer to extrinsic or contingent facts. Consider the potentiality argument: if giving a disabled human the best food, protection and education, does it eventually become a rational being? If not, then the human has no potential. But this potentiality is contingent: if potentiality is a necessary condition for the basic right, and if scientists discover that a mentally disabled human cannot become a rational being even with the best food and protection, this disabled human would suddenly lose its right. Or suppose that scientists discover that some plants, once you keep them alive long enough, say thousands of years, will eventually spontaneously develop rationality. It seems counter-intuitive to conclude that we are now no longer allowed to eat those potentially self-conscious plants.

Considering the last possibility in the above list: what if we were non-human moral agents? If we respect mentally disabled humans merely because we are humans ourselves, then the moral status of those disabled humans depend on an extrinsic fact that could have been different. Imagine that all mentally abled humans were replaced by some non-human moral agents. Should these non-human moral agents respect those remaining mentally disabled humans? If the answer is yes, then respect for those disabled humans cannot be merely a human prejudice (as in Williams 2006).

Normative assumption 1 is restricted to at least sentient humans. This does not mean that it is permissible to use other individuals – such as non-human sentient beings – as merely a means. For example also dogs and cats have this basic right according to many people. But keeping the argument as parsimonious as possible, we do not have to assume that those non-human sentient beings should get the basic right.

Furthermore, the basic right is based on a no-harm principle, so it doesn't necessarily include all our moral concerns towards non-sentient humans. Other moral considerations which are not based on interests or rights – for example a moral taboo about eating human corpses (Diamond 1978) – might be included in our ethical system without undermining the argument for veganism. Yet, the impermissibility of killing and eating mentally disabled sentient humans should primarily refer to the no-harm principle of the basic right, if we believe that the interests and rights of those humans are of primary importance.

Antidiscrimination and the Moral Irrelevance of the Species Boundary

In addition to the basic right, there is a second important premise in the argument for veganism, namely antidiscrimination. The following definition of discrimination is sufficient for the argument.

²⁵ This refers to the slippery slope argument (e.g., Carruthers 1992): if we start using mentally disabled humans, we might end up using mentally abled humans, because there is a continuum from disability to ability. See also Bruers (2013).

²⁶ This refers to the human prejudice argument (Williams 2006): in the absence of an impartial point of view, we could (as humans) be partial in favour of other humans, from our own particular (human) point of view.

Definition 2: Prejudicial discrimination of individual (or group) A relative to B is a systematically different treatment of A and B (e.g., B gets more advantages than A), whereby

- 1) it is claimed that A has a lower moral status than B (e.g., that A has less intrinsic value or weaker rights than B) in the sense that one would not tolerate swapping positions (treating A as B and B as A), and
- 2) there is no justification or the justification of the previous point refers to morally irrelevant criteria (properties that are not acceptable motives to treat A and B differently in the concerned situation), whereas A and B both meet the same morally relevant criteria to treat and value them more equally.

The first condition implies that some kinds of partiality are not yet discriminatory. Consider a burning house dilemma (cfr. Francione 2000). Saving your own child from the flames instead of a child with another skin color (or a dog) does not yet mean that you are racist (or speciesist). Antidiscrimination does not imply that you should flip a coin and give each child an equal 50 % survival probability. You are allowed to be partial in favor of your child, as long as you tolerate my choice to save the other child. Due to this tolerance we can avoid an inconsistency between partiality and the antidiscrimination principle. In this sense, saving your child is not inconsistent with the claim that all children have an equal moral status. A partiality towards one's own child - saving the child instead of another child or a dog in the burning house - does not mean one is allowed to use other children or other dogs as merely means.

The second condition is crucial if we want to avoid arbitrariness. Perhaps Williams (2006) disagrees with the importance of this second condition when it comes to the human prejudice.

The question is which properties are morally relevant. That may be a question of degree and of course it is a normative question. Hence we need the following moral assumption.

Normative assumption 2: When it comes to respecting the minimal basic right, a criterion or property is morally irrelevant to a higher degree if more of the following conditions are met:

- 1) the property is arbitrary (there is no non-circular rule that selects the property out of a multitude of similar kinds of properties), or
- 2) the property is not intrinsic (it does not refer solely to the individual possessing the property), or
- 3) the property is inherently difficult to detect, define or delimit (the property is non-empirical or there are no scientific criteria and methods – not even in principle – to clearly see whether the property is present).

Note that this assumption allows for a gradation in moral irrelevance, i.e., moral irrelevance is not necessarily an all-or-nothing issue. If a property meets all three of the above conditions, it is extremely morally irrelevant. We will see that species membership can be extremely morally irrelevant.

The anti-arbitrariness condition states that if property X is morally relevant, then also should be all properties Y and Z that are similar to X. Examples of criteria that are morally irrelevant because they are arbitrary are: physical characteristics and appearances (e.g., skin color, behavior, gender), genetic properties (e.g., race, ethnicity, genetic kinship), preferences (e.g., sexual, political) or belonging to an arbitrary group (preferring one group when there is a multitude of groups in a complex hierarchy or taxonomy; e.g., Abrahamists, Christians, Catholics, Roman Catholics).

These properties are arbitrary because there is a multitude of physical characteristics, genetic properties, preferences and groups that all appear similar from the perspective of the basic right. Looking at the formulation of the basic right, we do not see any reference to such properties. The formulation of the basic right refers to ‘body’, ‘will’ and ‘well-being’, but not to e.g., skin colors, genes or groups. The basic right does not allow us to answer questions like: Why this skin color instead of that? Why this sexual preference instead of that? Why this group instead of that? If these questions cannot be answered in a meaningful way, the properties are arbitrary because the different properties (e.g., skin colors) are similar. Such arbitrariness opens the door for abusive opportunism. If I can say that skin color X is the morally relevant one, then you are allowed to say that color Y is the relevant one.

Many of the abovementioned properties are also difficult to define or delimit: there are gradations in skin color, there are intersexual people, there are mixtures of ethnicities.

Other examples of irrelevant criteria are non-intrinsic properties, such as being a descendant of certain privileged parents or ancestors. One could say that all rational agents and all their descendants (even when they are not rational themselves) should get the basic right. This group includes all non-rational, sentient humans, but for those non-rational descendants of rational agents the property is merely extrinsic. Someone should not get the basic right merely because s/he is lucky to have the right parents. Furthermore, looking at the third condition, the property of rationality is difficult to delimit. In particular, looking at our ancestors, we cannot point at an ancestor and say that this was the very first ancestor who was rational. Rationality comes in degrees (although it is not impossible that rationality is binary – either you have it or you do not – and that we find a method to determine whether someone has rationality).

Examples of criteria that are irrelevant because they are inherently difficult to detect, are supernatural (non-empirical) properties based on e.g., religious notions such as having a soul or being created in the image of God. It is inherently impossible to scientifically (empirically) establish the truth of those properties, so they cannot be used to determine who gets the basic right. The same goes for notions like ‘dignity’, ‘potential’, ‘nature’, ‘kind’ and ‘essence’.

The next three facts demonstrate that species is an extremely morally irrelevant property.

Fact 1: Next to the group of humans as a biological species, there are many other biological groups and classifications. There is a whole range of groups at different levels: populations (white people), subspecies (Homo sapiens sapiens), species (Homo sapiens), genus (Homo), family (great apes), infraorder (simians), order

(primates), infraclass (placentals), class (mammals), subphylum (vertebrates), phylum (chordates), kingdom (animals). It is arbitrary to pick the species Homo sapiens out of this list.

The biological taxonomy provides a hierarchy of possible groups to which we belong. Statements such as “most of the beings belonging to the species *Homo sapiens* are rational agents” are equally valid as “most of the beings belonging to the infraorder of simians are rational agents”. When it comes to such statistical normality it remains arbitrary to refer to the species instead of e.g., the infraorder. You and I are simians, just as we are humans. To complicate matters, biologists use multiple definitions of species (Ereshefsky 2010).

Fact 2: Most ways to define species refer to non-intrinsic properties, such as interbreeding (the biological species concept), sharing a distinct ecological niche (the ecological species concept) or descent (the phylogenetic species concept).

Granting the basic rights based on a biological definition of species is far-fetched or artificial. For example, it is artificial to claim that “having close relatives who could have had fertile offspring with someone else” is morally relevant for the basic right, because it raises the question: “What has that got to do with it?” Similarly, descent and sharing niches are non-intrinsic properties. No-one has chosen to have parents or ancestors who have or had certain privileged properties that are considered as characteristically human (e.g., a seriously mentally disabled individual who has parents with certain cognitive capacities).

Fact 3: The possible existence of human-animal hybrids, chimeras or genetically modified people, and the former existence of common ancestors of humans and non-human animals, are biological facts that indicate that the group of humans cannot be clearly delineated. Unclear (complex and fuzzy) boundaries remain.

According to evolutionary biology and genetics, scientists will never be able to tell – not even in principle – when an individual is a human. Compare it with a heap: even if we have all information about grains of sand, we still are not able to tell whether those grains should be called a heap. In other words: there are no non-arbitrary empirical facts that determine a sharp boundary between humans and non-humans. Someone’s moral status should not depend on the accidental non-existence of such unclear boundary cases. In this sense, evolutionary biology undermines speciesism (see McMahan 2005; Rachels 1990). If all human-animal intermediates (all our ancestors) still existed, the notion of *human* rights will definitely appear to be arbitrary.

Suppose we could bring all the ancestors of a modern human and a modern pig to the present and we place them side by side on a long line. On the far left we have the human, in the middle the most recent common ancestor of humans and pigs and on the far right the pig. We see a gradual transition from human to pig. There is no sharp species boundary, no first human who had non-human parents. And all the intermediates between a human and a pig have really existed. Coincidentally, they are now all dead. If all those intermediates (ancestors) still existed, the notion of human rights will certainly seem arbitrary.

Most importantly: the above three biological facts undermine the believe in human exceptionalism (Steiner 2008) and species essentialism (for a further discussion, see Ereshefsky 2010). Essentialism is a believe that all and only the elements of a given set (e.g., a species) have a property – a common essence – that determines or defines the set. Species essentialism is pervasive in the anti-animal rights literature. In fact, almost all of the anti-animal rights literature can be divided in two big parts: 1) the denial of intrinsic, non-empirical reasons for granting rights to mentally disabled humans, as we have discussed above, and 2) the belief in essentialism.

In the literature, essentialism can be recognized by expressions like ‘rational nature’ (Lee and George 2008), ‘essential nature of a living kind’ or ‘a specific type of substantial nature’ (Kumar 2008). This essentialism is the belief that a thing either is or is not a human being, and that all and only humans share some essence. Other philosophers who refer to ‘essence’, ‘nature’ or ‘kind’ are e.g., Chappell (2011), Cohen and Regan (2001), Finnis (1995, p.48), Lee (2004), Scanlon (2008, p.186) and Scruton (1998). The argument from kinds was criticized by e.g., Tanner (2006).

A property such as ‘rationality’ cannot be the essence of the human species, because some humans have a level of rationality as high as some non-human animals. One could reply that those mentally disabled humans have a ‘rational nature’ as essence, but this property is not clearly falsifiable: we do not have a test to see whether a being that lacks rationality still has a hidden rational nature.

Biology shows that no natural ‘kind’ or ‘essence’ is related to the species *Homo sapiens*. It is just like the set of letters ‘F’: we can recognize and read a letter F when we see it (at least in most cases), but this set of F’s is very abstract and difficult to define. What do the letters F, F and F have in common? If biological entities have kinds, then so do letters. But not only is a kind of letter difficult to define, there are also many other sets of letters, such as the sets of letters ‘E’ and ‘L’, as well as unified sets of letters such as ‘E, F and L’. If it is meaningful to say that the letter ‘F’ is of a different kind than the letter ‘O’, then it is equally meaningful to say that ‘F and E’ is of a different kind than ‘O and Q’. Introducing hybrid letters such as ‘B, P and D’ makes it even more complicated for letter essentialism.

For both letters and living beings, we can generate a whole hierarchy of possible classifications (taxonomies), and between the groups are fuzzy and complex boundaries (hybrids). Hence, even attempts to refer to a ‘narrowest natural kind’ (Levy 2004) are doomed to failure. According to Levy, one could define humans as the narrowest natural kind that encompasses all rational human beings. This narrowest kind would then correspond with the complete species *Homo sapiens*. But it remains arbitrary to take the narrowest kind instead of e.g., the broadest kind or the largest natural kind of which the majority are rational humans. Constructions such as ‘narrowest kind’ are too artificial and arbitrary for granting someone a basic right. And a narrowest natural kind still faces the problem of fuzzy boundaries.

The reader is invited to read through the anti-animal rights literature, and translate the word ‘human’ into ‘moral person’, ‘sentient being’ or ‘primate’, as well as ‘species’ into ‘set’, ‘infraorder’ or ‘kingdom’. This strategy helps to bring unconscious or implicit essentialist thinking to the surface. Take for example an expression that “the only point of view humans can take is the human point of view” (e.g., Williams 2006). The same could be said for primates with their ‘primate point of view’.

Combining normative assumption 2 with facts 1, 2 and 3, we arrive at our first intermediary conclusion.

Conclusion 1: The criterion 'being human' is morally irrelevant to an extreme degree.

Even if one of the facts 1, 2 or 3 will be proven wrong by scientists, the criterion would still be irrelevant to a rather high degree. Combining this conclusion with definition 1 gives:

Conclusion 2: A difference in treatment and evaluation, based on species (the criterion 'being human'), is a kind of prejudicial discrimination.

Of course, conclusion 2 does not yet give us a moral judgment. We have to introduce a normative principle, such as: if you are allowed to discriminate (i.e., arbitrarily choose your victims at will and violate their basic rights), then so is everyone, and we cannot want this (we cannot want others to treat us arbitrarily in a way that we do not want). Therefore, most of us would introduce a next normative assumption.

Normative assumption 3: prejudicial discriminations is certainly immoral when it comes to granting and respecting the basic right. This immorality is intrinsic, which means that the immorality is independent from contingent circumstances that could have been different in other possible worlds.

The immorality should not depend on e.g., the “interconnectedness of social reproduction in the contemporary world” (Goldman 2001, p64) or the accidental fact that only a few people believe that discrimination is e.g., ‘natural’ and therefore permissible.

Conclusion 2 with normative assumption 3 gives us:

Conclusion 4: The criterion 'being human' should not be used for granting rights.

Together with normative assumption 1 we get:

Conclusion 5: The set of beings who receive fundamental rights – in particular the right not to be used against one's will as non-vital food – should not explicitly refer to 'humans'. Another criterion than 'being human' must be used. That criterion must be morally relevant, and all sentient mentally disabled humans should meet that criterion.

Having a Will as Morally Relevant Criterion

We know what criteria are morally irrelevant, but what criteria are relevant?

Normative assumption 4: When it comes to respecting the basic right, a criterion is certainly morally relevant in relation to an equal treatment and moral evaluation

between individuals, if it is an identifiable or measurable (i.e., empirical) property that:

- 1) we could derive from an impartial (non-arbitrary) point of view (the moral viewpoint), and
- 2) is clearly related (i.e., not in a far-fetched way) with the notion of the basic right,
- 3) follows from moral virtues or valuable feelings (i.e., emotions that are important in our moral decision making, such as emotions that motivate us to help others or to respect rights), and
- 4) does not satisfy any of the three conditions of moral irrelevancy (normative assumption 2).

Again, this assumption gives three conditions (plus an obvious fourth), such that if a criterion meets all of them, it should definitely be considered as a relevant criterion. The next three normative assumptions demonstrate that a criterion of sentience is definitely morally relevant.²⁷

Normative assumption 5: From an impartial point of view, well-being is certainly important. Well-being is a function of all positive (minus negative) feelings that are the result of (dis)satisfaction of preferences. Looking at discrimination, the difference in treatment is morally serious in particular when the well-being of individuals is affected. In addition to this, feelings and emotions - positive or negative conscious sensations - are important because feelings affect well-being.

A thought experiment can be used to check impartiality: imagine that you will be born as something or someone, but you do not know who or what you will be. Then, as you value your well-being, you would want to take into account the well-being of all beings in a serious and impartial (non-arbitrary) way. Note that if you were a sentient being, your well-being would be taken into account, whereas if you were something without feelings and desires, you could not care about what happened to you. You would not feel or notice anything and you would have no desires about how you are treated. This thought experiment is an extension of the Rawlsian veil of ignorance, extended to include not only rational agents but all entities (see Van De Veer 1979; Rowlands 1997; Van den Berg 2011).

Impartiality takes everyone and everything into account, but no matter what we do, we automatically respect the preferences, well-being and feelings of those things that lack preferences, well-being and feelings. We cannot treat something against its will if that thing has no will. We cannot influence the well-being of something that has no well-being. We cannot harm something that does not find anything important. If

²⁷ Both Francione (2000, 2008) and Regan (1983) argued for veganism based on a Kantian basic right, but Regan (in his earlier work) used ‘subject-of-a-life’ as morally relevant criterion whereas Francione explicitly rejects that and argues that sentience is sufficient for a being to hold the right not to be treated as a resource. Subject-of-a-life is a narrower criterion than sentience, as it requires not only sentience but also preference autonomy (an ability to initiate action to pursue goals) and temporal consciousness (memory and a sense of one’s own future). Hence, my argument can be considered as a polishing and structuring of Francione’s work.

something has no consciousness, it cannot be aware of how we treat it, let alone dislike its treatment.

Normative assumption 6: A right is a certain way of protecting an interest or need. Sentient (perceptually conscious) beings have complex interests and have perceptions of those interests. Positive and negative feelings are related to what an individual wants. Hence, there is a non-far-fetched connection between getting rights and having needs, feelings and a well-being. In particular, it is not far-fetched to give a sentient being the right not to be used against its will as merely a bodily means, because a sentient being has an individual will and a sense of its own body, and this right directly refers to the use of someone's body and what is wanted or willed.

According to this assumption, the basic rights should apply to literally everything and everyone, without arbitrary restrictions. But we already automatically respect the basic right of a non-sentient entity that has no will and no sense of its body: we are not able to do something against the will of a non-sentient object that has no will. So the question is not: "Which entities get all the rights?" but: "What rights should we give to all entities?" Answering the first question we run the risk of arbitrarily excluding some entities. If we assume that a basic rights refer to someone's will, and if we assume that a morally relevant criterion should be connected with a basic right in a non-arbitrary way, then the will (and hence the well-being) is a morally relevant criterion.

Normative assumption 7: Concern and compassion are valuable feelings (moral virtues) that affect our moral behavior. We can feel concern for sentient beings because they have interests and are vulnerable. We can feel empathy (compassion) with sentient beings and developing empathy with all sentient beings (extending the circle of compassion) is a moral virtue.

This assumption gives an extra argument why sentience is important. Note that it claims that we can feel empathy with sentient beings, not that everyone of us actually feels empathy with all sentient beings. The main point is that empathy is related to (focused at) the feelings and preferences of someone else, and hence with sentience. Towards non-sentient beings we cannot have true empathy: it is a mere projection of emotions.

Normative assumption 4 has a fourth condition, so we have to check whether sentience avoids the three conditions of moral irrelevancy in normative assumption 2. First, is sentience arbitrary? We can always ask the trivial question: "Why sentience and not non-sentience?" But it was not the trivial question "Why humans and not non-humans?" that made the human species morally arbitrary. It is rather the possibility of non-trivial questions "Why humans and not for example chimpanzees?" and "Why species and not for example genera?" that made the human species criterion arbitrary. There are other species than humans and other taxonomic ranks than species. With sentience we cannot ask such non-trivial questions, because there is not a multitude of similar kinds of properties as sentience. 'Non-sentience' is not a similar property as sentience: 'not having feelings' is not a feeling, just as 'non-humans' is not a species, 'not collecting stamps' is not a hobby and 'not believing in god' is not a religion.

Second, is sentience a non-intrinsic property? No, knowing that a being is sentient does not require us to know anything about its environment or circumstances. A hypothetical being in an otherwise completely empty universe would still be either sentient or not.

Third, one could object that sentience might be difficult to detect, define or delimit. However, sentience is in a sense an binary all-or-nothing issue: either there is a feeling (no matter how weak), or there is not. Either something is wanted or not. In history there was a moment when the first conscious experience arose in a living being, just as there is a first moment when, after turning on my computer and moving the mouse, the cursor on the screen starts to move. On the other hand, there is not a moment when a human ancestor turns into a human, when grains of sand turn into a heap or when the letter E turns into the letter L.

The binary nature of consciousness can be compared with burning lamps. It is (scientifically) possible to divide the lamps in two groups: those that burn and those that do not. But it is not possible to divide them in into the lamps that burn hard and those that do not, because what is hard? The former division is comparable to the division between sentient and non-sentient beings. The latter division is comparable to the problem of dividing beings into humans and non-humans.

Sentience may be very difficult to detect, but as we will see, it is the very business of cognitive scientists to find out which beings are conscious. It is a scientific question and consciousness is strongly related to empirical processes.

From normative assumptions 4–7 we get:

Conclusion 6: 'Being sentient' is a good candidate of a morally relevant criterion for the basic right.

This does not exclude other criteria from being relevant. Our minimalist, core argument says that at least sentience is relevant. But which being is sentient? As sentience is a natural property, we can look at science.

Normative assumption 8: If there is sufficient scientific evidence that a being is sentient, we must assume that it is sentient. If there is a clear lack of scientific evidence, we cannot assume that the being is sentient. Scientific evidence includes anatomical characteristics, behavior, physiological changes and evolutionary adaptive mechanisms that underlie feelings and emotions.

Here we can refer to e.g., the Cambridge Declaration on Consciousness (2012), as well as current animal welfare laws and scientific opinions for use of animals in e.g., scientific research (such as EFSA 2005, 2009). This demonstrates that the question of sentience lies in the realm of science. Certainly the animals that are subject to current welfare laws are considered sentient beings. Some philosophers, such as Carruthers (1992), have denied that animals are sentient.

Normative assumption 9: Vertebrates with a functional nervous system meet sufficient scientific evidence for being sentient, in the same way that at least some mentally disabled people meet sufficient scientific evidence.

This is a normative assumption instead of a fact, because it contains the word ‘sufficient’, which is normative.

Normative assumption 10: Plants show a marked lack of scientific evidence for being sentient.

Combining normative assumptions 8 to 10 gives:

Conclusion 7: Vertebrate animals (and some crustaceans and cephalopods) are sentient beings, plants most likely not. Or more accurately: the likelihood that vertebrates with functional nervous systems are sentient is the same as the probability that some mentally disabled human are sentient, and is much higher than the probability that a plant is sentient.

As the basic right refers to non-vital needs, we have to know whether the consumption of products from vertebrates is vital for us.

Fact 4: For a lot of people it is possible to grant the right not to be used as merely a means (in particular for food and clothing) to all vertebrates (animals with a functional central nervous system), without threatening vital needs.

Again, this fact is based on science. See e.g., the position of the Academy of Nutrition & Dietetics (ADA 2009): we do not need animal products in our diet to live a healthy life, because well-planned vegan diets are nutritionally adequate during all stages of the life cycle. Veganism is feasible in terms of health, at least if healthy plant-based food is available (if this food is not yet available for some people, a corollary of the argument is that we have a duty to make such food available).

Not only feasibility in terms of physical health is required, but also in terms of agricultural productivity and ecological health. Looking at studies of land use, soil fertility, nutrient cycling, resource use and pollution, we can conclude that a worldwide vegan agriculture is most likely suitable to feed all humans without increasing our ecological impact (see e.g., Fairlie 2007; Stehfest e.a. 2009; CEH 2013; Olewski 2010).

The underlying normative assumption of the above facts is of course that on these issues we should follow the scientific consensus opinion of e.g., dietitians, ecologists and agricultural scientists.

From conclusions 6 and 7 and fact 4 we get:

Conclusion 8: Being sentient (having feelings) is a good candidate of a morally relevant criterion for the right not to be used as merely a means by us for food or clothing, and by this criterion mentally disabled sentient humans surely get that right.

Testing Other Possible Morally Relevant Criteria

In addition to sentience there may be other morally relevant criteria, such as being alive, having self-awareness or having a moral sense. However, these criteria cannot be

related to the basic right in terms of use for food or clothing, due to the following two facts.

Fact 5: We need plants as food to survive. So we cannot grant the right not to be used as food²⁸ to all living beings (including plants), without threatening our vital needs.

Fact 6: There are sentient mentally disabled people who have no moral or self-consciousness or moral sense.

As we have seen, the mere fact that these mentally disabled humans are descendants of (grand) parents who have such mental abilities, is not morally relevant, because lineage should not affect having basic rights and privileges.

Fact 7: Apart from species, there is no known identifiable or measurable property that generates a clear and relevant distinction between mentally disabled sentient humans and other (innocent, non-aggressive) sentient vertebrate animals.

From facts 5–7 we get:

Conclusion 9: For the time being, we do not find other morally relevant criteria next to ‘being sentient’ that 1) are met by sentient mentally disabled humans and 2) do not threaten our vital need for food.

To the Final Conclusion

We are now close to the end conclusion. From conclusions 5, 8 and 9 follows:

Conclusion 10: All sentient beings (especially vertebrates with functional nervous systems) have the basic right not to be used as merely a bodily means (i.e., against the will) for our non-vital ends, in particular for food and clothing.

Of course, the question remains whether animals are used as merely a means. I will not describe the practices in standard livestock farming and fisheries. It will suffice to mention that they are treated against their will, they lose a lot of well-being, and of course their bodies are used. So we have to assume the following fact.

Fact 8: Animals in standard livestock and fisheries are used as merely a bodily means for our non-vital ends.

One final normative assumption is necessary.

²⁸ Note that this use is not a use as merely a means if plants do not possess a will and cannot be used against their will. Hence, this right is broader than the basic right in definition 1.

Normative assumption 11: We must follow the moral rule that everyone (who is capable) must follow in all similar situations, even if not everyone actually follows that rule.

I will not further specify the notion of ‘similar situation’, but in this context it suffices to say that it refers to e.g., having access to healthy plant-based food. The rule that is relevant in this context is: boycott animal products. This normative assumption is important because one could argue that buying meat does not cause harm to an animal (because the animal is already dead) or that a single vegan does not always save an animal (because the market may be insensitive to the decision of only one person). But giving money or other incentives to people (e.g., butchers) does promote basic rights violations, and if everyone would follow the boycott rule, the rights violations will disappear.

From conclusion 10, fact 8 and normative assumption 11, we get:

Conclusion 11: As a rule, veganism (not using animal products from conventional agriculture, hunting and fishing) is a moral duty for me and everyone in a similar situation as me.

This concludes the core argument for veganism. It is based on consistency, using a set of assumptions. Accepting the premises but rejecting the vegan conclusion is a kind of moral schizophrenia (Francione 2000, 2008). Perhaps we also need the assumption that not only consistency is important, but that a consistent argument remains valid even when there are other inconsistencies elsewhere in our ethics. There might still be inconsistencies with respect to some moral dilemmas, such as situations where someone is used as merely a means for vital needs (e.g., the predation problem or using someone against his will for organ transplantations or life-saving experiments). Or there might be inconsistencies or arbitrariness with respect to e.g., moral taboos (e.g., not eating human corpses, not burying animals) or extra rights (e.g., not killing non-sentient humans).

So we have to assume that even if there are local inconsistencies in our ethics, those inconsistencies cannot undermine the consistency of another part of the ethical system. If this is the case, ethics should work with a paraconsistent logic, where one local inconsistency does not yet blow up the whole system. It is like solving a crossword puzzle: If a white box contains more than one letter due to two conflicting words, there is a local inconsistency at this white box. But this local inconsistency does not yet invalidate the rest of the crossword puzzle. We are not allowed to arbitrarily fill in letters at will everywhere even if there happens to be a local inconsistency.

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