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Beyond the Basic/Nonbasic Interests Distinction: A Feminist Approach to Inter-Species Moral
Conflict and Moral Repair

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Abstract

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There is no longer a dearth of well-reasoned argumentation for taking animals seriously and thus for questioning our exploitative relationships with them. It is over-determined that animals warrant moral attention. However, playing close attention to animals quickly reveals that taking their interests into account often generates conflicts with humans' interests. One common way to adjudicate competing claims is to point to a difference between basic interests (food, shelter, water, medical care, and avoiding unnecessary pain) and nonbasic interests (non-subsistence related interests) and claim that basic interests are always more important, morally

speaking, than nonbasic ones. For example, a human's nonbasic interest in delicious chicken soup ought not to trump a chicken's basic interest in not suffering a horrific life under factory farming conditions and being killed for others' consumption. Careful attention to humans' interests reveals, however, that some of our seemingly less important interests are tied to highly valued ends. The chicken soup may play a significant role in my Jewish culture and in my relationship with my grandmother, for example. A tension can arise, therefore, between (1) the insight that animals' moral considerability warrants that we not harm them in service of nonbasic human interests and (2) the insight that some of our nonbasic interests are nonetheless morally significant. This tension is the focal point of my dissertation.

I critically examine three methodologies for managing the tension between strong obligations to animals and the robustness of human interests (from philosophers Peter Singer, Paul Taylor, and Gary Varner). After arguing that all three are deficient in important ways, I recommend a feminist approach to inter-species conflicts of interest that I think best addresses the tension. The feminist approach is pluralist, non-hierarchical, and contextualized. It highlights how relationships of love and care complicate both humans' and animals' interests. It also underscores the importance of undertaking the work of moral repair in both the inter-human and inter-species realms when causing harm to some party is unavoidable. Thus, the feminist methodology is well positioned to take seriously our strong obligations to animals without ignoring or discounting the robustness of human interests.

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DEDICATION

In loving memory of Norman S. Care, my philosophy advisor at Oberlin College. Norm taught me that philosophy should be as much about what is in your heart as what is in your head.

CHAPTER ONE INTRODUCTION

In the nearly three years it took me to write this dissertation, in the United States alone, approximately 27.4 billion nonhuman animals were slaughtered for human consumption.¹ Between three million and three hundred million animals were used in biomedical research.² Our reliance on animals for human purposes is staggering. Confronting these numbers underscores the crucial importance of making progress in understanding animal and human interests and how to think about these interests when they conflict.

Over the past four decades, some theorists have devoted considerable attention to establishing the moral considerability of animals.³ They have grounded the moral significance of animals in utilitarian theories, rights-based approaches, and ethics of care. There is no longer a dearth of well-reasoned argumentation for taking animals seriously and thus for questioning our exploitative relationships with them. It is over-determined that animals warrant moral attention. However, paying close attention to animals quickly reveals that taking their interests into account often generates conflicts with humans' interests. Many familial and cultural traditions rely on animals for their fulfillment – think of Christmas ham, Rosh Hashannah chicken soup, Fourth of July barbeques, taking children to the zoo for a day of education and enjoyment, and so forth. This is to say nothing of the millions of animals we use in research in service of humans'

¹ The number is approximate because it comes from the USDA's annual reports on slaughter. These reports do not include fish, crustaceans, rabbits, or other farmed animals the USDA does not report on (Humane Society of the United States. Accessed 5 February 2012.

http://www.humanesociety.org/news/resources/research/stats_slaughter_totals.html). Moving forward, I will refer simply to "animals."

² The number of animals used in biomedical research annually is reported by the USDA in their "Annual Report Animal Usage by Fiscal Year." Unfortunately, these reports do not account for the 85-90% of animals used in research and not covered by the Animal Welfare Act. These animals include rats, mice, birds, and agricultural animals used in agricultural research (People for the Ethical Treatment of Animals. Accessed 5 February 2012. <http://www.peta.org/issues/animals-used-for-experimentation/animal-experiments-overview.aspx>). This is why I put the range at between three million and three hundred million. No one knows the precise number of animals used that are not accounted for by the USDA, but estimates run to between twenty and one hundred million per year.

³ There are too many to list here. Readers can find many resources in the reference list at the end of the dissertation.

interests in living healthier, longer lives (as well as their interests in new, more whitening bleaches, cosmetics, and so forth). Any philosopher seeking to establish robust obligations to animals has to confront the issue of inter-animal conflicts of interest.⁴

Some philosophers working in this area address competing claims by including discussions of priority in their work.⁵ One very common way to adjudicate competing claims is to point to a difference between basic and nonbasic interests and claim that there is something about this difference that serves as a normative guide in helping us resolve conflicts. As Peter Singer describes them, basic interests are related to our subsistence conditions. For humans, they are limited to adequate food, shelter, medical care and some form of education. Nonbasic interests are those related to anything beyond what humans require in order to survive (Singer 1979a, 161).⁶ For many theorists, when a human's nonbasic interest (such as the interest one has in enjoying a bowl of delicious chicken soup) comes up against an animal's basic interest (such as the interest a chicken has in not living a life of abject suffering in factory farm conditions), there are good reasons to think that the basic interest trumps the nonbasic interest.⁷ Deliciousness ought not to trump suffering. This way of thinking about inter-animal conflicts of interest points to an important insight. Defenders of robust obligations to animals often think that animals' important interests ought not to yield to humans' less important interests. The

⁴ I have opted to use the term "inter-animal" to refer to conflicts of interest involving humans and animals. "Inter-species" conflicts is, perhaps, less cumbersome but I want to differentiate between conflicts of interest involving humans and nonhuman nature (as between humans and plants) from conflicts involving humans and nonhuman animals. In chapter three, where I discuss Paul Taylor's view, this differentiation will become important because his moral account includes plants as well as animals. The language of "inter-animal" conflicts may bring forth to some minds the image of a lion preying upon a gazelle. I do not explore those kinds of conflicts here. By "inter-animal" conflicts of interest I mean only conflicts between human and nonhuman animals.

⁵ Peter Singer, Paul Taylor, and Gary Varner are the three I explore in the dissertation. Tom Regan also takes up the issue of priority in Regan 1983.

⁶ Cf., Singer 1972.

⁷ For descriptions of the lives of factory farmed chickens see Baur 2008, 147-166; Masson 2003, 55-95; and Singer and Mason 2006.

chicken ought not to live a horrific life and suffer a terrible death so that I can enjoy a bowl of soup, for example.

There is another insight, however, that complicates this fairly straightforward way of thinking about inter-animal conflicts of interest. This insight is the recognition that some of our seemingly less important interests are in fact morally important or tied to highly valued ends. The chicken soup may not just be a bowl of something delicious to eat, but an important part of my Jewish culture. Eating the chicken soup may be tied to my relationship with my grandmother, whose soup is a deeply entrenched part of my cultural and familial traditions. A tension can arise, therefore, between (1) the insight that animals' moral considerability warrants that we not harm them in service of nonbasic human interests and (2) the insight that some of our nonbasic interests are nonetheless significantly morally valuable. This tension is the focal point of my dissertation.

There is already an extensive literature on this tension as it manifests in the inter-human realm with respect to the obligations of affluent people to the global poor. There the tension plays out in terms of, on the one hand, the apparently strong obligations affluent people have to alleviate the abject suffering of the world's poorest inhabitants and, on the other hand, the importance of leading a flourishing human life. Singer's essay, "Famine, Affluence, and Morality," (Singer 1972) sparked a theoretical discussion over this tension that has raged on for decades.⁸ I do not know that the tension in the inter-human realm has been satisfactorily resolved, but we can hope that the world has benefitted somewhat from theorists devoting their energies to making progress with how to best understand and confront the tension. Despite the

⁸ See, for example, Chapell 2009; Cullity 2004; Gruen 1999; Jamieson 1999; Kagan 1984, 1989; Kumar 1999; La Follette 1991; McGinn 1999; Murphy 1993; Nagel 1979, 1986, 1991; Railton 1984; Scheffler 1992; Singer 1979a, 1993b, 1995, and 2002; Unger 1996; Williams, B. 1981, Wilson 1993; and Wolf 1982. This list is by no means exhaustive.

substantial literature establishing obligations to animals, comparatively little discussion has been devoted to theorizing about the tension between these obligations and the robustness of human interests. The tension between insights one and two has not received much careful consideration yet, as with the parallel tension in the inter-human realm, deep reflection on the topic can help us progress through the complexities.

One need not spend much time contemplating the tension in the inter-animal realm before it becomes apparent how seemingly impossible it is to reconcile. Human interactions with nonhumans are embedded in a profoundly complicated context that includes a long history of dominating and exploiting animals as well as powerful economic, social, and political structures.⁹ This context, combined with the fact that the tension constitutes a complex moral problem, might mean that it is not possible, from where we stand today, to fully reconcile insights one and two. The search for a theory that can defend strong obligations to animals while taking the robustness of human interests into account may well prove futile. Striking a balance is exceedingly difficult. It is easy to fall too far on the side of undermining animals' interests in service of human ends or to trivialize the truly important aspects of human lives in order to best serve animals' interests.

My project is not, therefore, a search for a completely satisfying reconciliation of strong obligations to animals and full attention to the robustness of human interests. There are,

⁹ Here I am thinking of factors like the powerful factory farming lobby (see Baur 2008 for a discussion of the difficulty involved in overcoming the powerful economic and political agricultural and slaughterhouse lobbies in order to pass legislation protecting downed animals), the medical industrial research complex and so forth. Still, these powers can sometimes be over-come. Recently, the National Institutes of Health suspended new grants for biomedical and behavioral research on chimpanzees (Gorman 2011). Similarly systemic difficulties in the inter-human realm are part of the reason Thomas Nagel advocates looking for solutions to global poverty dilemmas at the level of politics rather than always at the level of individual moral agents when it looks like efforts to resolve the tension between morality's demands and personal projects do not succeed (Nagel 1986, 206; cf., Nagel 1991, 85-86). Cf., Railton 1984, 160-161. As I discuss in chapter five, some inter-animal conflicts will require political reconstruction for their resolution and bringing about this reconstruction in any direct way is often beyond the powers of individual agents.

however, better and worse ways of theorizing about the tension between these important insights. Approaches to inter-animal conflicts of interest will do better and worse jobs of managing the tension, of providing action-guidance, and of putting forth the fullest possible picture of all that is at stake when human and animal interests conflict with one another. In chapter five, I offer a feminist approach to inter-animal conflicts of interest that, I think, constitutes the most promising methodology for managing the tension. The methodology is feminist in that it is a non-hierarchical, pluralist, and contextualized approach that highlights how relationships of love and care can both inform and complicate our thinking about inter-animal conflicts of interest. It is rooted firmly in ecofeminist animal theory as well as feminist ethics more generally. These approaches insist on understanding interests as influenced by and situated in political, economic, cultural, and social systems. They stand in opposition to methodologies that abstractly derive principles relying solely on what reason can show us. Feminist methodology embraces the information we receive from our emotions as well as what we can glean about others' interests and desires from attending to them in all of their particularity.¹⁰

In what follows, I critically evaluate three systems for approaching inter-animal conflicts of interests. These are the systems put forth by Peter Singer, Paul Taylor, and Gary Varner. I point to deficiencies in each theorist's ability to adequately address the tension between insights one and two. In chapter five, I offer the beginnings of a feminist approach to inter-animal conflicts of interest and try to show why it is better at addressing the tension than those in chapters two, three, and four. Some of the features of Singer, Taylor, and Varner's approaches overlap with one another. Singer and Varner both work within a utilitarian framework, for example, whereas Taylor's framework is deontological. Both Singer and Taylor establish hierarchies of interests where basic interests are the most important kind of interest whereas

¹⁰ I discuss the feminist aspects of my approach in more detail at the beginning of chapter five.

Varner ranks basic interests at the bottom of an interest hierarchy. Critically analyzing the similarities and differences between the three approaches helps bring out their individual strengths and weaknesses.

I start, in chapter two, with Peter Singer's approach. Singer has what I call a "minimalist" conception of human interests. Sometimes, "minimalism" can be used to describe moral theories that do not demand very much of us.¹¹ This is not the sense in which I employ "minimalist." Singer's view is minimalist because he has a very thin conception of what counts as a basic interest for human beings (i.e., food, shelter, medical care, and minimal education) that he combines with an unnuanced conception of humans' nonbasic interests. In an effort to fully recognize the importance of taking animals' interests very seriously (insight one), Singer often decontextualizes humans' nonbasic interests. He provides truncated narratives, highlighting the insignificance of the human nonbasic interest, and thus strips it of its potentially morally relevant features.¹² Put simply, the problem with Singer's view is that he seems not to acknowledge insight two at all. He does not talk about human interests tied to important relationships and projects and never seems to recognize that some of our seemingly trivial interests are far more nuanced than they at first appear. In failing to notice insight two, Singer offers a significantly deficient approach to thinking about inter-animal conflicts of interest.

In chapter three I turn to Paul Taylor's approach to adjudicating inter-species conflicts of interest.¹³ I label Taylor's view "moderate" because he goes much farther than Singer in recognizing the complexity of humans' nonbasic interests. He notes, for example, that some nonbasic interests are tied to highly valued ends. Taylor spent considerable energy theorizing

¹¹ Kagan 1989.

¹² I borrow the language of "truncated narratives" from Marti Kheel (Kheel 1983, 255-259).

¹³ I have switched to the language of inter-species conflicts because Taylor's account is biocentric and thus includes all living things. See footnote one.

about inter-species conflicts of interest. He offers five priority principles for how to approach these conflicts and wrestles admirably with the tension between insights one and two. As I will argue, however, his approach has some important deficiencies that point to reasons we might look for an alternative methodology. Unlike Singer, Taylor does not ignore insight two. However, in addressing that insight he does not acknowledge the ways relationships of love and care can complicate our interests and, therefore, ignores a significant source of the tension between insights one and two. For example, Taylor does not consider that an interest like recreational hunting might be tied to a person's important relationships in ways that make foregoing that interest deeply complicated. Though I agree with Taylor that respect for animals means recreational hunting is impermissible, we ought not to prohibit it by thinking of it as a trivial interest easily foregone. Capturing the complete moral picture means accounting for the interest in hunting in all its relational richness.

In chapter four, I turn to Gary Varner's account. I call his account "robust" because Varner thinks humans' nonbasic interests, in particular those related to the projects that give our lives meaning, are the most important kind of interest. Thus, Varner fully embraces insight two. Indeed, Varner claims that "to make the extension of moral standing to nonhuman animals plausible, one must give priority to at least some human interests over the interests of animals" (Varner 1998, 79). These interests are those related to our ground projects.¹⁴ Though Varner certainly does not think that just anything goes with respect to animals, he does argue that humans possess interests that are more morally significant than most animals possess and this influences how he thinks about both insights one and two.

¹⁴ Varner borrows the language of ground projects from Bernard Williams. Ground projects are the projects we undertake that give meaning to our lives such as our avocations, raising children, and so forth (Williams, B. 1981).

Though operating within a utilitarian framework like Singer, Varner avoids Singer's mistake of decontextualizing interests. Indeed, he explains how interests are embedded in social, economic, political, and cultural background conditions and notes that these background conditions can significantly impact our thinking about how to adjudicate inter-animal conflicts of interest. Varner's recognition of the background conditions in which our interests are situated strikes me as a critically important aspect of thinking through inter-animal conflicts of interest and vitally important to best managing the tension between insights one and two. Still, as I will argue, Varner's theory is problematic in a number of ways. In particular, reliance on fixed hierarchies of types of interests as well as hierarchies of life forms leads him to endorse a view that overrides animals' interests more than is either necessary or desirable to those who take animals' interests seriously.

Through the critical analysis in chapters two, three, and four I hope to show that the theories and methodologies put forth by Singer, Taylor, and Varner are deficient in their ability to identify (in Singer's case) and address (Taylor and Varner) the tension between strong obligations to animals and the robustness of human interests. The feminist approach I put forth in chapter five will not reconcile this tension completely, but I believe it comes closer to doing so than any of the theories I explore. This is true for several reasons.

First, my approach relies on a methodology that strikes a balance between abstract principles and the particulars of given cases.¹⁵ Rather than approaching inter-animal conflicts of interest with a strictly top-down methodology applying fixed principles and distinctions to every case (as Singer, Varner, and Taylor do)¹⁶, the approach I offer moves between the details of a

¹⁵ This is a methodology commonly found in feminist ethics. See Curtin 1991; Donovan and Adams 2007; Gruen 1993; Held 1995; and Walker 1995 for examples.

¹⁶ Strictly speaking, Varner is not as strongly an adherent to a top-down approach as Singer and Taylor. His theory involves closely examining animals' different capacities and how their interests might be different from humans'

case and guiding principles. The principles enjoin us to take animals' interests very seriously, but attending to the particulars enables us to see what is at stake on the human side as well. Failure to attend carefully to how relationships of love and care complicate both humans' and animals' interests marks a significant source of what goes wrong in the theories I examine in chapters two, three, and four. My feminist methodology enables these features of human and animal interests to come to the fore. The deeply contextualized nature of the approach means that insight two is given a full hearing. It also offers an enriched conception of insight one, regarding animals. What matters about animals is not simply their capacity to feel pain and pleasure or their possession of inherent worth, but also their relationships of love and care.

This means that my approach is able to cope with a feature of the tension that goes entirely unaddressed by Singer, Taylor, and Varner's approaches, namely what to say about the important human values at stake in our nonbasic interests when we determine that we must follow through with strong obligations to animals despite those human values. None of the theories I explore has anything to say about insight two when insight one drives us to decide in favor of the animals. As Taylor notes, taking human obligations to animals seriously will involve a radical overhaul in our lifestyles and ways of seeing the world (Taylor 1986, 312-313). Therefore, I take addressing how to think about the human interests we forego to be a vital part of theorizing about the tension between strong obligations to humans and the robustness of human interests. As Sharon Bishop puts it, "morality does not turn off once one decides which claim is more pressing at the moment" (Bishop 1987, 12).

By recognizing the ways that relationships of love and care can complicate our interests and attending to interests in a contextualized way, my feminist approach brings forward

interests as a result of those capacities. Still, Varner's approach takes rather rigidly constructed hierarchies and applies them to cases and is thus top-down in its overall methodology.

important values that are connected to some of our seemingly less important, nonbasic interests. I bring them forward not to serve as trump cards for humans, but as moral features that should not be ignored. I also offer a way to address them through dialogue and the work of moral repair.¹⁷ It may be over-determined that I should forego my grandmother's chicken soup out of concern for the chickens, but there is work left to do with my grandmother in order to properly attend to the moral damage I may have caused in the relationship by refusing her soup. My feminist approach helps us recognize what of moral importance may be compromised in our inter-human relationships when we attend to animals' interests as well as how we might go about addressing the damage. This is not true of Singer, Taylor, and Varner.

Interestingly, Taylor addresses what we should do if we override animals' interests in service of human interests through his principle of restitution (Taylor 1986, 304). In this sense, his theory is more helpful than Varner and Singer's utilitarian approaches where we weigh interests and, if we get the weighing right, that brings an end to our moral deliberations.¹⁸ Taylor recognizes that, when we do override animals' interests, something morally regrettable has happened and we should seek to make amends. Yet, because he does not take relationships of love and care into consideration, he does not see that something morally regrettable may happen when we forego certain human interests out of respect for the animals those interests would harm. My feminist account enables us to both recognize and do something about these kinds of inter-human moral remainders.

¹⁷ I borrow the language of "moral repair" from Margaret Urban Walker (Walker 2006) and explain how the work of moral repair might be undertaken in chapter five.

¹⁸ This highlights a problem with utilitarian views and reasons we might not be able to get what we need from them. Though I did not set out to highlight the deficiencies of utilitarian theories, in particular, my discussions in chapters two and four of Singer and Varner reveal reasons such theories may not be best-equipped to grapple with the nature of the tension between obligations to animals and recognizing the robustness of human interests.

At the same time contextualizing interests highlights why seemingly unimportant human interests might be tied to highly valued ends, it illuminates a way forward about what we might do to alleviate the tension between these important human values and strong obligations to animals. If we attend fully to context, we will see what inter-personal relationships may be affected when we carry out obligations to animals. By highlighting these issues, the approach makes clear that they must be attended to. In cases where we determine animals' interests ought to prevail, it is not enough to adjudicate the conflict in favor of the animals and move on content with the knowledge that we weighed the interests properly. We must recognize that, often, work remains. The feminist approach underscores the importance of recognizing moral remainders and attending to them. Margaret Urban Walker's description of the "different voice" in care ethics nicely captures what I am saying here:

The different voice need not be seen as denying any role to generalized concern, but as marking its incompleteness. This truly rotates the usual order of philosophical precedence 180°, saying that the particular is always first, and that the applications of rules or generalized standards to someone as a kind of 'case' is not just a derivative, but in fact a degenerate instance. The conviction that *moral adequacy falls off in the direction of generality* seems to be one of the plaintive notes in this style of moral discourse. The note struck is plaintive because it is understood that this kind of inadequacy is recurrent and inevitable. What is condemnable from this perspective, then, is *not* doing one's inadequate best where that is all one can do, but denying or ignoring how far the principled, universalistic view may be from adequate moral response in many situations, and how much responsibility one has evaded in adopting it. This is our situation when truly personal understanding eludes us (Walker 1989, 130).

Singer has a tendency to over-simplify and decontextualize human interests in order to ground strong obligations to animals. Varner underscores the importance of human interests so much that he risks undermining the strong obligations he would otherwise seem to endorse. Taylor strikes a middle ground between Singer and Varner. He defends strong obligations to animals but does not do so by decontextualizing human interests to the extent Singer does. Taylor does not trivialize human interests, but unfortunately he leaves out crucial features of

those interests (related to relationships) and this undermines his view in important ways. Still, of the three theories I explore, mine most closely resembles Taylor's. It can be seen as, in some senses, a feminist overhaul of Taylor's view. The view I put forth does not strongly resemble Taylor's in that mine is sentientist where his is biocentric, pluralist where his is monist, and mine attends to social and political factors which he does not address at all. Still, there are hints of Taylor in my discussions of restitution and moral repair and my thinking about inter-animal conflicts of interest is influenced by his.

During the time I have been working on this project, some philosophers have suggested that we sometimes speak casually of basic and nonbasic interests in order to differentiate the easy cases from the hard cases. So, we say of a woman wearing a fur coat in Manhattan that her coat serves a nonbasic interest in luxury fashion at the expense of the basic interests of the animals tortured in order to make her coat. If we take animals' moral standing seriously, then surely adjudicating the conflict between the woman's nonbasic interest in wearing fur and the animals' basic interest in not suffering is the easiest of possible cases to adjudicate. The woman does not get to have a fur coat – end of story. I agree completely that this conflict is fairly simple to adjudicate. Fashionistas ought not to wear fur coats.

At the same time, I want to be careful about calling cases “easy” that may be simple in terms of adjudication but much more complicated in terms of what we want to say about the human interest. It is a stretch to argue that fur coats serve a deeply entrenched cultural interest for the woman. It is hardly a stretch, however, to see that the woman is enmeshed in a culture that has bizarre standards of beauty and status for women and that these standards surely shape her interest.¹⁹ Unlike the traditional approaches to inter-animal conflicts of interest I explore in

¹⁹ Cf., Kheel 1993, 271n66). Gene Baur highlights the importance of compassion in thinking through inter-animal conflicts of interest (Baur 2008, 223-224).

chapters two, three, and four, the feminist approach I advocate in chapter five highlights the importance of recognizing that even easily adjudicated cases may require more thought in terms of how we judge the person with the interest, how we understand her interest, and what we might want to say to her about it when we ask her to give it up so that animals lives can be saved.

It may be the case that it is impossible to find a satisfactory reconciliation between the insight that we have strong obligations to animals and the insight that many human interests that require undermining animals' interests for their fulfillment are tied to important human values. Still, we can seek a theory that does the best job possible of recognizing and addressing the tension between these two insights, identifying along the way how various theories are deficient in their efficacy at doing so. As Guy Claxton wrote,

To write your book, and then stand back in puzzled confusion while the mass of enthusiastic readers continue much as before, is only possible given an ignorance of the depth of the psychological challenge which a change in lifestyle poses. To become either angry, despondent, or exhausted are the reactions of one who has grievously underestimated the magnitude and subtlety of the problem" (Claxton 1994, 647).

Given the billions of animals' lives that are at stake, it is crucial that we do our best to think about inter-animal conflicts of interest in ways that do not underestimate the magnitude and subtlety of the problem.

CHAPTER TWO

PETER SINGER'S MINIMALIST APPROACH

INTRODUCTION

In my analysis of adjudication schemes for resolving inter-animal conflicts of interests I have opted to begin with Peter Singer's view. Of the three philosophers I will examine, Singer presents the most straightforwardly minimalist conception of human interests. In particular, he thinks humans have a basic interest in adequate food, shelter, and medical care as well as some minimal amount of education. All other human interests are nonbasic. He argues that nonbasic interests ought not to trump basic interests. Anyone reading his work is quickly struck by the numerous ways in which animals' basic interests are violated in order to fulfill humans' nonbasic interests. Factory farming, circuses, zoos, and experimentation are just a few of the pursuits we engage in that cause significant harm to animals in service of humans' comparatively less important interests.¹ Reading Singer one is left with the impression that there is considerable work to be done towards improving our treatment of animals.

Singer's work has been, and continues to be, incredibly important for alleviating animal suffering in this world. *Animal Liberation* was a life-altering book for many, many people (myself included). Singer has been a tireless supporter of animals and is an admirable, and rare, example of an academician who takes his responsibility as a social critic seriously. He has much to teach us about how theory and activism can come together both in our lives and in our work. Nothing I say here is meant to diminish in any way the incredible work Singer has produced over the years in service of alleviating pain and suffering for billions of animals worldwide.

¹ Some might posit that there are good animal welfarist arguments in favor of zoos. This is a topic of disagreement amongst those in the animal rights and welfare movements. In any event, it is certainly the case that many zoos (if not most) currently cause significant harm to animals.

Still, there are problems with Singer's minimalist conception of human interests and I believe these problems are both pragmatic and theoretical. For the animal welfarist there is considerable intuitive appeal to resolving inter-animal conflicts of interest by noting that if the human interest is nonbasic and the animal interest is basic, then the latter almost always trumps the former. If nothing else, this way of weighing interests has simplicity on its side. Yet, human interests are far more complicated than Singer's taxonomy would suggest. We have interests in cultivating and maintaining our relationships of love and care and we have interests in pursuing projects that make our lives worth living. Describing basic interests in the minimalist way Singer does and then lumping all non-subsistence interests together as "nonbasic" misses crucial elements of human life that are, in some sense, necessary for us to live meaningful lives.

In what follows I will provide a description of Singer's moral view with particular attention paid to his system of weighing interests. I will consider the over-demandingness and partiality critiques as well as Singer's eventual concession to partiality. I will then discuss two concerns of my own, viz. that Singer's taxonomy of interests is unclear and that the decontextualized way in which he talks about human interests renders his system deeply problematic. In the end I hope to show why we might want to move towards a less minimalist conception of interests in order to develop a better approach to thinking about inter-animal conflicts of interest.

I pursue the literature on over-demandingness and partiality in large part because these are the areas of the ethical literature where philosophers have expressed concern over the implications of Singer's view on conflicts of interest. To be clear, my worry is less that Singer's view is too demanding and more that he grounds that demandingness by glossing over complex

features of humans' nonbasic interests. In chapter five, I will offer my own approach to inter-animal conflicts of interest. That approach reflects my belief that we have robust obligations towards other animals but that we must not build those obligations on a foundation that inaccurately portrays the kinds of interests at stake on the human side of conflicts.² I am searching for a way to think about humans' nonbasic interests without either trivializing them or blowing them up to such importance that they automatically trump animals' interests. Singer's minimalist account errs on the side of trivializing humans' nonbasic interests. Singer is open to charges of over-demandingness in part because he trivializes and decontextualizes many of our important interests. In doing so, his theory does not provide a way for moral agents to address some of the deep moral complexity they face when interests attached to relationships and projects must give way to our obligations to animals. As I will argue in chapter five, understanding that complexity enables us to locate opportunities for further moral work that might mitigate somewhat the feeling that attending to our obligations to animals requires a great deal of sacrifice on our part. These include opportunities for moral repair and restitution. I will begin with a brief overview of Singer's view.

EQUAL CONSIDERATION OF INTERESTS – SINGER'S MORAL VIEW

In *Animal Liberation* Singer offered his argument for the moral considerability of animals. Following Bentham and Mill in their utilitarian framework, Singer argued that the only morally relevant characteristic is whether or not a being has interests and, in particular, an interest in not suffering. Since animals do have an interest in avoiding unnecessary suffering, it would be wrong to dismiss animals morally. The reason we cannot light kittens on fire for pure

² Of course, our description of animals' interests must be accurate as well.

enjoyment is that kittens are sentient creatures and we are required to take their suffering into consideration when we deliberate about which actions we will pursue. Singer tells us that, “the basic principle of equality does not require equal or identical treatment; it requires equal consideration” (Singer 1990, 3).³ Chimpanzees do not have an interest in taking in a show on Broadway so I do nothing wrong when I give my extra ticket to my best friend instead of the chimpanzee at the zoo. Chimpanzees do, however, have an interest in not suffering. Thus I do something very wrong if I do not give equal consideration to the chimpanzee’s suffering when I deliberate over whether to subject him to a life in captivity for human entertainment and edification.⁴

Singer tags as “speciesist” all positions that grant precedence to human interests on the sole basis that the interests at stake belong to humans. In doing so, these views pick out a morally irrelevant characteristic (membership in the species *Homo sapiens*) and employ it to settle moral questions. Singer likens speciesism to racism and sexism:

Racists violate the principle of equality by giving greater weight to the interests of members of their own race when there is a clash between their interests and interests of those of another race. Sexists violate the principle of equality by favoring the interests of their own sex. Similarly, speciesists allow the interests of their own species to override the greater interests of members of other species. The pattern is identical in each case (Singer 1990, 9).

Just as the sexist employs the morally irrelevant characteristic of one’s sex to settle conflicts of interests, the speciesist employs the morally irrelevant characteristic of species. Singer enjoins us to take all suffering into consideration no matter whose suffering it is and he argues that failing to do so is to draw moral boundaries in the wrong places. We do not condone involuntary experimentation on cognitively disabled humans despite their impaired reasoning ability so why, Singer asks, would we be justified in causing the same amount of pain to a chimpanzee? On

³ Cf., Singer 1979b, 1989, and 1996.

⁴ See Gruen 2011, 130-162 for an in-depth discussion of the moral complications involving captive animals.

Singer's view, only a speciesist perspective, one in which we do not give equal consideration to like interests, allows us to harm the chimpanzee but not the human.

It is interesting to note that Singer defines speciesism in terms of how one resolves conflicts of interests. In a system requiring equal consideration of interests, where like interests must be treated alike, much of the work of morality reduces to how we handle conflicts between interests. The test of whether or not we are correctly assessing which actions to carry out is, to a large extent, a test of whether or not we accurately weighed the interests at stake in a conflict. So, it is critical to a view like Singer's that we have a clear understanding of how to engage in the weighing of interests.

My focus in this work is adjudicating conflicts of interest between animals and humans, but much of what Singer says about conflicting interests appears in his work on global poverty. In those discussions he considers conflicts between the interests citizens of affluent countries have in, say, wearing fashionable clothes and the interests citizens of developing countries have in acquiring food sufficient to meet their basic nutritional needs. In examining these inter-human conflicts, Singer gives us a sense of which human interests count as basic and which do not. Hence, it will be necessary to travel between Singer's writings on both animal welfare and global poverty to piece together what he says about conflicts of interest. I hope to make the weaving in and out of the two sets of literature as seamless as possible.

WEIGHING INTERESTS

HUMANS' BASIC INTERESTS AND INTER-HUMAN CONFLICTS OF INTEREST

In his famous essay "Famine, Affluence, and Morality" (Singer 1972), Singer claimed that affluent people have stringent obligations to forego superfluous goods in order to send their

disposable income to charitable organizations that would in turn use the money to help alleviate the suffering of the world's most destitute people. My brother's interest in buying a new gaming console is outweighed by a starving Bengali's interest in adequate food. My brother might suffer some disappointment or boredom if he does not have the gaming console but the Bengali will die if she lacks nutritious food. Instead of buying the gaming console, my brother should donate the money he would have spent on it to poverty relief. When Singer discusses global poverty issues he appeals to a similarly straightforward distinction between necessities and luxuries. In *Practical Ethics* Singer defines absolute affluence (as differentiated from relative affluence) in the following way:

This means that they [the absolutely affluent] will have more income than they need to provide themselves adequately with all the basic necessities of life. After buying food, shelter, clothing, necessary health services, and education, the absolutely affluent are still able to spend money on luxuries. The absolutely affluent choose their food for the pleasures of the palate, not to stop hunger; they buy new clothes to look fashionable, not to keep warm; they move house to be in a better neighborhood or have a playroom for the children, not to keep out of the rain; and after all this there is still money to spend on books and records, colour television, and overseas holidays (Singer 1979a, 161).⁵

Its [absolute affluence] defining characteristic is a significant amount of income above the level necessary to provide for the basic human needs of oneself and one's dependents (Ibid).

According to Singer, humans have basic interests in sufficient food, shelter, medical care, and some amount of education. When these interests go unfulfilled, humans suffer death, disease, and significant harm. As a result, those of us who have our basic needs met and who have moved along to consuming goods and services for the sake of "luxuries" have robust obligations to forego meeting these nonbasic interests and attend to the basic interests of others. How robust is this obligation? In "Famine, Affluence, and Morality," Singer tells us that affluent people

⁵ Relative affluence reflects one's affluence when compared to someone else. I am not affluent, for example, when compared with the Queen of England. Absolute affluence, on the other hand, is a standard of living that has nothing to do with comparisons with others. I have more money than I need by far and, therefore, count as absolutely affluent even though the Queen has much more money than I do.

have an obligation to reduce themselves to the level of “marginal utility,” or the point “at which by giving more one would cause oneself and one’s dependents as much suffering” as one is trying to prevent (Singer 1972, 234). According to the principle of marginal utility, then, I should donate money to those in dire need until I am living at a level close to theirs. This would certainly entail selling my house, my car, most of my clothing and jewelry, and curbing all of my non-essential consumer habits.⁶

In later writings Singer has backed off somewhat from the claim that we have the obligation to reduce ourselves to the level of marginal utility. In the second edition of *Practical Ethics* he recommends advocating a “ten percent rule” where affluent people donate ten percent of their yearly income to charitable organizations aimed at reducing global poverty (Singer 1993b, 246). This standard, however, is lower than Singer wants it to be. The ten percent rule is his response to the worry that the marginal utility obligation is perceived as overly demanding and, therefore, will be unmotivating to most affluent people. Singer claims that we can advocate a ten percent rule if that is more palatable to the public. Singer advocates marginal utility privately, where concerns about over-demandingness and motivational inertia are not at issue. He advocates the ten percent rule publicly, where these concerns are most pressing. Whether we are looking at the public or private obligation we will still note that the demands on moral agents to forego their nonbasic interests in order to help others meet their basic interests will be quite strong. Equal consideration of interests requires us to forego spending our money on superfluties so that the money can, instead, go to meeting the basic interests of people suffering and dying

⁶ In “Famine, Affluence, and Morality,” Singer distinguished between a strong premise and a weak premise. On the strong version, Singer claims we should give our disposable income away up to the point where giving more would cause us comparable moral harm. Harm, that is, which is comparable to the moral harm suffered by those dying due to lack of adequate shelter, nutrition, and medical care. On the weak premise, we should donate our excess income until, by giving more, we would compromise something morally significant. Here the degree of harm is not comparable to that suffered by the world’s poor, but it is non-negligible. See Singer 1972, 231.

from lack of food, shelter, and medical care. Failure to do so is a failure to give that equal consideration to the interests of all involved.

Singer does not provide a clear definition of the distinction between basic and nonbasic interests but he does supply examples to illustrate the difference between the two. In the quote above we see that Singer refers to food, shelter, medical care, and education as the “basic necessities of life.” When he refers to trivialities and luxuries, Singer points to examples such as extra cars, second homes, fashionable clothing, excess toys, and extraneous travel. Singer employs various terms in describing the kinds of interests at stake in conflicts. He refers at different times to “basic needs,” “essential needs,” “bare essentials,” and “basic necessities” as well as “major interests” and “important interests.”⁷ Later I will return to the question of where “major interests” might fit in Singer’s taxonomy of interests. Putting that ambiguity aside for the moment, we can see that there is a package of “basic interests” for humans that tie to survival interests. These survival interests include food, shelter, medical care, and some access to education.

In the context of global poverty, Singer pushes us to see that our interest in new clothes, cars, and larger homes is not tied to any basic need and, therefore, should give way to others’ basic needs when conflicts of interests arise. It is now time to consider Singer’s proposal for weighing interests where the interests at stake are those of animals. Basic interests for animals are not always the same as basic interests for humans.

ANIMALS’ BASIC INTERESTS AND INTER-ANIMAL CONFLICTS OF INTEREST

Singer argues that because all sentient creatures have a basic interest in not suffering unnecessarily humans must significantly alter their treatment of animals. I will say more about this in a moment. Before doing so, it is important to recognize that sentient animals are not a

⁷ These references are culled from various sources including: Singer 1979a, 1979b, 1989, 1993, 1996, and 2002.

homogenous group of beings. Within this group there are creatures with high levels of cognitive function (e.g., the great apes) and creatures with rather rudimentary cognitive systems (e.g., fish).⁸ Hence, it is reasonable to ask if some sentient creatures might, in addition to having a basic interest in avoiding pain, also have a basic interest in continued life.

Singer tackles this question in his discussions about the wrongness of killing animals. For, if animals have an interest in not suffering pain, then it would appear to be morally permissible to kill them if we did so in a manner that did not cause them suffering.⁹ Though Singer seems uncomfortable in admitting that his view leads to this conclusion, he cannot deny it. In discussing the wrongness of killing persons generally, Singer says:

According to preference utilitarianism, an action contrary to the preference of any being is, unless this preference is outweighed by other contrary preferences, wrong. Killing a person who prefers to continue living is therefore wrong, other things being equal (Singer 1993b, 94).

In discussing the wrongness of killing animals, Singer says:

Some non-human animals appear to be rational and self-conscious, conceiving themselves as distinct beings with a past and a future. When this is so, or to the best of our knowledge may be so, the case against killing is strong, as strong as the case against killing permanently intellectually disabled human beings at a similar mental level. ... In the present state of our knowledge, this strong case against killing can be invoked most categorically against the slaughter of chimpanzees, gorillas, and orangutans (Singer 1993b, 131-132).¹⁰

⁸ There is also some disparity in cognitive function among human beings. This is a point Singer makes constantly in an attempt to show that there is no moral justification for treating a cognitively disabled human with more moral consideration than a fully functional great ape.

⁹ I will leave aside for the moment the question of whether or not such “humane” killing is indeed possible. In recent debates over food justice Americans have become increasingly interested in “humanely raised” meat. There is considerable concern amongst those who study slaughter methods in the United States that the idea of humanely raised meat is a myth. For example, there is no current federal law regulating the manner in which animals are slaughtered. Hence, even animals raised in the comparatively idyllic environments offered by small, family farms are most often slaughtered in the same facilities employed by the industrialized factory farms. The suffering animals experience in transportation to slaughter houses and within the slaughter houses themselves is well documented. Anyone interested in animal welfare needs to be careful not to lend weight to the misconception that free range/grass fed beef, for example, is humanely raised and slaughtered (See Gillespie 2010, 2011; Singer and Mason 2006). This topic comes up again in chapter four.

¹⁰ See Cavalieri and Singer 1994 for Singer’s argument in favor of extending human rights to include great apes.

Whether or not a being has an interest in continued life is determined by whether the being is self-conscious. A non-self-conscious being cannot, according to Singer, have a preference for continued life because such a creature does not have a conception of itself as existing over time or possessing a future (Singer 1979c, 151). Therefore, there is nothing directly immoral about painlessly killing a non-self-conscious being.¹¹

From Singer's account of the wrongfulness of killing animals we can conclude that a sentient animal has a basic interest in not suffering gratuitously and, if it is self-conscious, a basic interest in continued life. It is not completely clear which animals belong to this latter category. Singer is confident that it includes the great apes. He doubts whether chickens count as self-conscious (Singer 1979c, 153) and he is not completely sure about cattle (Singer and Mason 2006, 253).¹² When we are in doubt about whether a being is self-conscious, we should err on the side of caution (Singer 1993b, 119).

This concession that non-self-conscious animals do not have a basic interest in continued life and that, therefore, it is not wrong to kill them painlessly has important ramifications for Singer's view. Though he declared in *Animal Liberation* that we are obligated to be vegetarians, he has since pointed out that the argument for vegetarianism is founded on the wrongness of causing sentient creatures to suffer unnecessarily. In subsequent writings Singer has had to admit that where non-self-conscious animals are raised in pleasant conditions and slaughtered without causing suffering to them or other animals around them it would not be wrong to kill

¹¹ I say nothing "directly immoral" because there may well be indirect reasons that killing a non-self-conscious creature would be morally wrong. The creature in question might, for example, be my beloved dog thus exposing me to grief and loss if she should be killed. There is significant overlap between Singer and Varner's accounts on the issue of self-consciousness as will become clear in chapter four when I examine Varner's view.

¹² Karen Davis, President of United Poultry Concerns and a former ally of Singer's, has taken him to task for his position on chickens, noting that his discourse denigrates chickens and thus under-estimates their moral significance (Davis 2012).

them for human consumption.¹³ This would rule out nearly all consumption of animal flesh because most of us are not in a position to know that our food derives from animals that lived pleasant lives.

Still, this does not rule out killing animals altogether and some people who live in environments sufficiently rural to raise animals themselves, or know very well the people who do raise the animals, might be morally justified in eating the animals. This is not a conclusion Singer feels entirely comfortable with. It is not easy for a paragon of the animal rights world to say that there is no moral problem with painlessly killing happy cows. In reading Singer's thoughts on the issue of killing animals one gets the impression that he is a bit frustrated by the conclusions he is forced to accept by his preference utilitarianism.¹⁴ That said, he is ready (if not eager) to point out that the very same reasons it might be permissible to kill a non-self-conscious sentient being who lived a pleasant life can be used to explain why it would not necessarily be wrong to painlessly kill a non-self-conscious human such as someone with a significant cognitive disability (Singer 1979c, 153).¹⁵ Equal consideration of interests would require that the non-self-conscious animal and the non-self-conscious human are treated the same. This is perhaps Singer's way of reminding us that if we are squeamish about painlessly killing

¹³ Technically this is not quite right. Singer's utilitarian commitment to avoiding a decrease in the amount of pleasure in the world means that it is only moral for humans to raise and kill animals for food if they do not suffer and if we replace them with another animal who will live a pleasant life. This is the Replaceability Argument. See Singer 1979c, 149-152. Cf., Singer 1993b, 121-131 and Singer's response to Coetzee (Singer 1999a, 85-91). Singer's position on the Replaceability Argument has shifted over the years. In *Animal Liberation* he rejected it. I will talk more about replaceability in chapter four.

¹⁴ Reading Singer's earlier work the impression that he is frustrated with where utilitarianism leads him is less pronounced. In responding to Regan's criticism that utilitarianism cannot ground a requirement to adopt a vegetarian lifestyle (Regan 1980), Singer says that theories are not meant to affirm moral intuitions about which judgments are morally correct. If utilitarianism truly did not lead to the requirement to be vegetarian, then Singer would think there was no requirement (Singer 1980, 327).

¹⁵ Cf., 1993b, 117-118 and Singer and Mason 2006, 253. Singer's comparisons of nonhuman animals and cognitively impaired humans have come under scrutiny by some members of the disability studies community. For an example see Kittay 2008.

cognitively incapacitated humans then we should experience a similar squeamishness about killing non-self-conscious animals.

We now have a clear understanding of what counts as a basic interest for animals. All sentient animals have a basic interest in not experiencing unnecessary suffering and all self-conscious animals, those with a conception of themselves as existing over time, have an additional interest in continued life. Therefore, killing a self-conscious animal is morally wrong unless there are conflicting interests that outweigh the particular animal's basic interest in not dying. Let me now turn to discussing the robust obligations that emerge from Singer's conception of animals' interests and how we weigh those interests in inter-animal conflicts.

Singer has always been clear that equal consideration of interests does not always amount to equal treatment.¹⁶ This leads to the obvious point that dogs, for example, do not have an interest in voting, thus relieving us of any obligation to treat them as equal to humans when we consider voting rights in a democracy.¹⁷ It also means that some interests will matter more than others and this will result in winners and losers when interests conflict. Equal interests must be given equal weight, but unequal interests will be assessed accordingly.¹⁸ Here is Singer showing that, even on his view, if a normal adult human and a dog are in a lifeboat scenario it is consistent with equal consideration of interests to throw the dog overboard.

¹⁶ Singer has sometimes been read, wrongly, as advocating for equal treatment. For example, Michael Fox claims, wrongly, that Singer has a rights position akin to Regan's and that Singer's view rules out ever using animals for human purposes (Fox 1978). Fox maintains that Singer is committed to the view that animals have a right to life equal to the right held by human beings. Singer has never held this view except where the great apes are concerned, though he does admit that he used rights language infelicitously in his early work (Singer 1978).

¹⁷ Dogs do, of course, have an interest in the outcome of elections given that they have no control over what people do to them and elections pick the humans who control their fate. Thanks to Jamie Mayerfeld for pointing this out.

¹⁸ Whereas Fox misunderstands Singer because he is an opponent of animal rights, some of Singer's readers misunderstand him because they are advocates of animal rights. Early on, People for the Ethical Treatment of Animals embraced *Animal Liberation* as their movement's bible without noticing that, though Singer's view advanced many of their goals, his utilitarianism prevents him from taking an abolitionist position on many of the issues they hold dear. For an example of Singer's incrementalism see Singer and Mason 2006, 109. Activists looking to adopt an abolitionist philosophy would be better off pursuing either Regan's arguments (Regan 1983, xii, xiv, xvii, and 393-398; 2004, 196) or Gary Francione's (Francione 1996, 2000, and 2004).

We may recognize that the interests of one being are greater than those of another, and equal consideration will then lead us to sacrifice the being with lesser interests, if one or the other must be sacrificed. For instance, if for some reason a choice has to be made between saving the life of a normal human being and that of a dog, we might well decide to save the human because he, with his greater awareness of what is going to happen, will suffer more before he dies; we may also take into account the likelihood that it is the family and friends of the human who will suffer more; and finally, it would be the human who had the greater potential for future happiness (Singer 1979b, 195-196).¹⁹

In a regrettable situation like this one we take the dog's interests into consideration in our deliberations, to be sure. Still, we do nothing wrong if, in the end, the human's interests end up carrying greater weight because, in addition to physical suffering, the human will suffer more psychological anguish knowing as she will that her death is imminent. Equal consideration of interests did not amount to equal treatment in this case. Generally, though, equal consideration of interests will result in robust obligations on the part of humans towards animals.

On Singer's system of weighing interests many of the activities we take for granted that involve animals will no longer be permissible. Singer takes an unapologetically firm stance on the issue of eating meat from animals raised in factory farms. He claims that we have an obligation to abstain from eating nearly all animal flesh because doing so fulfills an interest of ours that can hardly compare to the interest an animal has in not suffering. In *Practical Ethics*, Singer says,

If animals count in their own right, our use of animals for food becomes questionable – especially when animal flesh is a luxury rather than a necessity (Singer 1993b, 62).

In “All Animals are Equal,” Singer notes that,

Since...none of these practices [factory farming] cater for anything more than our pleasures of taste, our practice of rearing and killing animals in order to eat them is a

¹⁹ Cf., Singer 1993b, 58-60. Singer stipulates that the human is a “normal adult” because if the human were instead an infant or a cognitively disabled adult then it may be the dog whose interests prevail since neither the infant nor the disabled human would have the greater interests. How things settle out in such a case would depend on the specifics of the parties involved as cognitive disabilities come in varying degrees.

clear instance of the sacrifice of the most important interests of those other beings in order to satisfy trivial interests of our own (Singer 1989, 79-80).²⁰

In a lifeboat situation involving a dog and a normal adult human there may be human interests at stake that weigh more heavily than the dog's interests, leading us to sacrifice the dog rather than the human. When we consider the diet of people in industrialized countries, however, we see that the balance tips in the opposite direction because the animals' interests weigh more heavily than the humans'. We cannot put our "trivial" interest in pleasures of the palate ahead of the interest in not suffering (Ibid.).

Similarly, when Singer discusses animal experimentation he notes that much of our current use of animals for research is in pursuit of comparatively trivial human interests. When we perform the Draize test on rabbits to determine the toxicity of new mascara, we are putting trivial human interests ahead of very basic interests the rabbits have in not experiencing acute pain. This is impermissible according to equal consideration of interests.²¹ For, the interest a human has in, say, new, lash-thickening mascara can hardly be said to exceed the interest the rabbit has in not suffering intense and inescapable pain for weeks on end. As Singer puts it,

It may be thought justifiable to require tests on animals of potentially life-saving drugs, but the same kinds of tests are used for products like cosmetics, food coloring, and floor polishes. Should thousands of animals suffer so that a new kind of lipstick or floor wax can be put on the market? Don't we already have an excess of most of these products (Singer 1990, 53)?

Equal consideration of interests may, in the end, condone some limited forms of animal testing (e.g., in the very rare, if not nonexistent, cases where animal testing is the *only* route to solving a human problem that is causing massive amounts of pain and suffering). Still, when we

²⁰ I take Singer's reference to "most important" interests in this context to be a reference to the basic interests farmed animals have in not suffering acute pain unnecessarily.

²¹ The Draize test involves placing rabbits in holding devices to prohibit them from scratching their eyes and then placing a toxic substance into their eye. The rabbits must sit in the holding device for days or weeks on end while the experimenters observe the effects of the substance on the rabbits' eyes. For a full description of the Draize test see Singer 1990, 54-55. Singer includes photos as well.

weigh interests on Singer's model we will see that most animal experimentation is entirely ruled out because the kind of experimentation we engage in typically causes extensive suffering to animals in the service of relatively unimportant human needs. Animal experimentation on the great apes would be ruled out altogether because of their capacity for self-awareness.²²

Circuses, rodeos, and most other uses of animals for human entertainment will meet a similar fate as our interests in eating tasty meat dishes and having new household and cosmetics products. Where the human interest at stake carries less weight than the animals' interests, the animals will win over the humans. No doubt this conclusion strikes many of Singer's readers as counter-intuitive given the prevailing norms of our treatment towards animals. Still, Singer maintains that when weighing interests, we must not put a trivial interest ahead of a basic interest no matter what species the parties to the conflict belong to.

Singer's account of interests and his system of weighing interests results in a seemingly clear, action-guiding theory in that a moral agent will know that if she does not have a basic interest in something that requires animal suffering for attainment, then she ought not to have it. Similarly, in the realm of inter-human conflicts of interests, if a moral agent knows that her interest in consuming a particular product or service is nonbasic then she also knows that she should forego meeting that interest in order to provide for others' basic interests.²³

Singer's account also results in a view that establishes demanding obligations. In the sphere of inter-human conflicts of interests affluent people have an obligation to radically alter their lifestyles in order to provide for the basic needs of the world's poor. In the sphere of inter-

²² Technically, on Singer's view, performing vivisection on great apes would be permissible but only in those cases where we would also use normal, adult humans for the same research.

²³ Here it is reasonable to ask if there is an objective stance from which we are meant to determine what we need. We can easily imagine, for example, the average American teenager feeling that it is clearly true that he needs his own car upon reaching the legal driving age. When Singer is talking about basic needs, he has in mind those needs that are common to all human beings (e.g., food, shelter, medical care, and some opportunity for education). Later in the chapter I will turn to the worry of what happens when we consider needs that are not common to all humans.

animal conflicts of interest humans have obligations to radically alter their lifestyles in order to avoid causing billions of animals to suffer and die unnecessarily. These outcomes have led numerous people to wonder if Singer's system of weighing interests results in a moral view that is overly demanding. In what follows I will turn to the over-demandingness objection and Singer's attempts to address it.

OVER-DEMANDINGNESS AND PARTIALITY CRITIQUES

In the years since Singer published "Famine, Affluence, and Morality," there have been a number of philosophical responses about the nature of moral theory and moral agency.²⁴ These responses typically focus on one (or both) of the following two worries. The over-demandingness worry is concerned with the strict moral demands that issue from Singer's system of impartially weighing interests. On the one hand, these demands might appear overly demanding because, though people could live up to them in the abstract, they would never want to. Strict adherence to such stringency would significantly diminish the quality of their lives. On the other hand, these demands might appear overly demanding because people simply never could adhere to them due to our psychological limits.²⁵ It is often said that ought implies can. Insofar as Singer's moral system results in a theory demanding inhuman amounts of self-sacrifice, he has created a system that is of no use because it is not possible for human beings to live in such a self-negating way.

²⁴ For example, Cullity 2004; McGinn 1999; Murphy 1993; Railton 1984; Williams 1981; Wilson 1993; and Wolf 1982.

²⁵ Scheffler, for example, thinks that moral requirements must be structured to take human nature into consideration. He views extra concern for one's own interests as a part of this nature and argues that any theory built on the notion that we should transcend this kind of concern for self is not grounded in psychological or motivational reality (Scheffler 1992).

The second worry about Singer's view is the concern over partiality and the role it should play in our moral lives. When Singer tells us to weigh interests in order to resolve conflicts, he insists that we do so impartially. My son's interests cannot receive more weight than my neighbor's interests simply because my son is my son. Everyone's interests get thrown onto the scales without reference to any special concern we might have for the beings involved. As with the over-demandingness critique, the partiality critique comes in two versions. First, we might worry that impartial reasoning and weighing of interests is impossible. Second, we might worry that even if it were possible to reason and weigh interests impartially it would be highly undesirable for us to do so.

The over-demandingness and partiality critiques are related to one another yet distinct. It is possible to be concerned that Singer's system is overly demanding without being particularly concerned about the ways in which he insists on impartiality. One might think morality, by definition, requires moving away from the personal point of view to one of greater objectivity and yet maintain that the specifics of Singer's method still render obligations that ask too much of us. Alternatively, one might be deeply concerned about Singer's refusal to allow feelings of partiality into the interest weighing calculations and yet think that morality ought to be very, very demanding. An ethic of care, for example, that takes partiality and emotional attachment quite seriously in issuing moral obligations could well result in a theory requiring significant amounts of self-sacrifice from moral agents. Despite the differences between the two critiques, they are often inter-mingled and it can be difficult to fit critiques of Singer's account neatly into one of the two categories.

One critique of Singer that does fall squarely into the over-demandingness camp is Susan Wolf's. In her piece, "Moral Saints," Wolf argued that moral perfectionism is not a desirable

human goal.²⁶ Wolf claimed that we want people to develop and assert parts of their selves that do not merely reflect adherence to a point of view utterly independent of who they are as individuals. So, while “no plausible argument can justify the use of human resources involved in producing a *pâté de canard en croute* against alternative beneficent ends to which these resources might be put” (Wolf 1982, 422), Wolf argues we should nevertheless pursue our love of *pâté*, and do so unapologetically, because there are nonmoral facets of a human life and those facets need to be expressed.²⁷ In short, Wolf accepts that there is a distinction to be made between different kinds of interests, but she rejects Singer’s utilitarian claim that nonbasic interests in literature, wine, music, and gourmet food must give way to helping others fulfill their basic interests in having adequate food, shelter, and medical care. Wolf thinks that a life lived on such a principle is, if anything, supererogatory.

Though Wolf does not specifically call Singer out in “Moral Saints” it is clear her desire to defend the good life is prompted, at least in part, by frustration with his account of the moral life. In describing the “barren life” of the moral saint, Wolf describes exactly the kind of life Singer advocates in “Famine, Affluence, and Morality.”

...if the moral saint is devoting all his time to feeding the hungry or healing the sick or raising money for Oxfam, then necessarily he is not reading Victorian novels, playing the oboe, or improving his backhand. Although no one of the interests or tastes in the category containing these latter activities could be claimed to be a necessary element in a life well lived, a life in which *none* of these possible aspects of character are developed may seem to be a life strangely barren (Wolf 1982, 421).²⁸

²⁶ Wolf 1982. Wolf’s critique is, therefore, that Singer’s view is overly-demanding not in the sense that it sets an impossibly high bar for moral agents but that in living up to its standards moral agents would lead an impoverished life.

²⁷ Wolf claims that these nonmoral facets of our life must be expressed for our own well-being and because moral saints are a drag for other people to be around. For a nice literary example of a moral saint, see Nick Hornby’s characters David Carr and Dr. GoodNews in *How to be Good* (Hornby 2002).

²⁸ Recently it appears Wolf may have backed off somewhat from her intense dislike of the moral saint. In her new book *Meaning in Life and Why it Matters* Wolf says “there may be no such thing as caring too much about...morality.” Wolf 2010, 6 fn 2.

Wolf's despised moral saint is Singer's moral hero (Singer 1993b, 223). Wolf paints the moral saint as a person who knows no moderation in her morality. The moral saint weighs up interests impartially, sees that her own interests do not carry sufficient weight to trump others' interests, and proceeds to devote herself to bettering the world for others. In short, Wolf's conception of the moral saint shows that she takes the view Singer proposes as being minimalist in its understanding of how interests should be weighed. Necessities trump non-necessities and that is the end of the story. This results in a view that is far too demanding for Wolf's conception of a life well lived. Such a life must, according to Wolf, include pursuits that contribute to making our lives flourish. Morality becomes too demanding when it is conceived, as Singer conceives of it, as holding the ultimate trump card in any conflict.

Samuel Scheffler takes a different tack than Wolf though he is also concerned about the demandingness of Singer's views (and others like it). His critique combines worries about over-demandingness and worries about partiality. Scheffler describes four possible responses we can have to the heavy demands on an individual agent issued by a normative theory:

1. Reject the theory and seek a less demanding one;
2. Restrict the scope of the theory so that some areas of human life are not subject to moral assessment;
3. Admit that sometimes it will be rational to ignore the theory's injunctions because they are too demanding; and
4. Admit that the theory is demanding but claim that if people fail to live up to its injunctions they do so because they are flawed.

Singer endorses option four. Wolf endorses options two or three.²⁹ Scheffler endorses option one. He thinks that moral theories need to take seriously the realities of human beings and issue moral demands that make sense given those realities. Human beings are the sorts of creatures for whom relationships and projects matter. Therefore, moral theories must have a place for these

²⁹ It is difficult to tell if Wolf wants to say that some areas of human life are beyond moral assessment or if she wants to say that all areas of human life are subject to moral assessment but that we need not view morality as being the primary concern when considering our lives.

relationships and projects. In *Human Morality*, Scheffler argues for the claim that moral theories must strike a balance between the personal and the impersonal rather than rest on the idea that the point of morality is to require us to transcend our own personal perspectives (Scheffler 1992, 130).³⁰

In his discussion of commonsense moral thinking Scheffler engages quite a bit with the idea of basic interests and projects. Scheffler is one of the very few thinkers in this area to include projects and commitments in his definition of human basic interests. Generally speaking, basic interests are taken to be those whose satisfaction is a necessary condition for the satisfaction of further interests (e.g., food, shelter, and medical care). Anything else is usually considered a nonbasic interest. Scheffler's view is different in that he characterizes many interests as basic where others would consider them nonbasic. He says that basic interests are "construed as including our fundamental human needs as well as the major activities and commitments around which our lives are organized" (Scheffler 1992, 122).

The problem with a view like Singer's, according to Scheffler, is that it requires us to transcend ourselves in order to live in accordance with what morality requires. His "alternative construal" of morality notes that, "...morality itself aims to accommodate not only the equal value or worth of all people, but also the individual moral agent's naturally disproportionate concern with his or her own life and interests" (Scheffler 1992, 123). One way Scheffler's alternative construal avoids the demandingness Singer's entails is that he includes in our most basic interests those pursuits and relationships that are crucial to our conception of ourselves. In this sense, Scheffler's account is more in line with commonsense morality than Singer's.

³⁰ Scheffler's proposal is one where morality is seen as "moderate." For an in-depth discussion of the difficulties in putting forth a moderate moral theory see Kagan 1989, 6.

Scheffler maintains that non-philosophers have agreed on a commonsense morality acknowledging that people's projects and commitments deserve a disproportionate amount of their attention. We almost never hear our neighbors criticizing us for attending our partner's soccer game rather than volunteering at the soup kitchen. But philosophers do argue about precisely this situation and it seems to me that the argument has a lot to do with the invocation of the basic/nonbasic distinction. Scheffler invokes the distinction, but in a non-traditional way. By packing projects and commitments into the conception of basic interests, Scheffler avoids this whole worry. The conflict between the soccer match (nonbasic, usually) and the soup kitchen (filling someone else's basic needs) disappears in his moderate morality because attending your loved one's soccer match is identified with a basic interest worthy of your disproportionate attention.³¹

Scheffler considers his alternative construal superior to an approach like Singer's because under it "morality makes possible an important form of personal integration" (Scheffler 1992, 124). The personal integration Scheffler refers to is a life where we can pursue those projects and relationships that are pivotal in our lives without the sense that we are doing something wrong because our time might be better used helping others. Singer's account is overly-demanding because, by failing to take people's commitments to their loved ones and their projects seriously, it issues moral demands that are not realistic for most of us.³² According to Scheffler, "...it is a crucial feature of morality that it is motivationally accessible to normal moral agents: that living morally is a serious if not always easy option for normally constituted agents under reasonably favorable conditions" (Scheffler 1992, 125). Singer's minimalist

³¹ Along with Shelly Kagan, I do have to wonder how this moderate view of morality avoids "collapsing into the arms of the minimalist" (Kagan 1989, 6). Here, minimalism is a morality that affirms a morally complacent way of life wherein agents could pursue whatever their interests are with very little concern for other's needs.

³² Whereas Wolf's version of the over-demandingness critique was that Singer's account was undesirable, Scheffler's version is that Singer's account is overly-demanding in that it sets the moral bar impossibly high.

conception of human interests, where basic interests only include necessities for survival, creates a moral outlook that is not, according to Scheffler, accessible to normal human beings. The result is a morality that causes people to balk and seek alternative accounts.³³

Like Scheffler's critique, Bernard Williams' critique of utilitarianism does not fall neatly into either the over-demandingness or the partiality category. In his seminal paper, "Persons, Character, and Morality," Williams argued that, because of their reliance on impartial moral reflection, both Utilitarian and Kantian moral theories cause significant problems for agents' personal integrity. In one sense, Williams' worry can be understood as centered on a concern that utilitarianism and Kantian deontological theories are overly demanding because of their insistence on impartiality. That would be an over-simplified way of describing Williams' concern. For, he ultimately claims that strict impartiality renders a moral theory, like Singer's, not merely overly demanding but inconsistent with a person having the will to be moral at all.

Williams' argument centers on the existence of personal projects which, he believes, are what "help constitute a *character*" (Williams 1981, 5). We have projects of different kinds depending on the depth of meaning they add to our lives (a project to get a latte after lunch, for example, is less constitutive of one's character than a project to become a Supreme Court justice) and Williams sets aside the term "ground project" to delineate the most meaningful of our projects. Williams tells us that, "A man may have, for a lot of his life or even just for some part of it, a *ground* project or set of projects which are closely related to his existence and which to a significant degree give a meaning to his life" (12). Williams notes that ground projects need not be selfish. Your ground project might be to alleviate injustice wherever you see it in the world, for example (13).

³³ This phenomenon will be well-known to anyone who has tried to teach "Famine, Affluence, and Morality" to undergraduates.

In addition to differentiating ground projects from less meaningful projects, Williams draws a distinction between standard and categorical desires. Categorical desires, like ground projects, are different from more standard desires in that they constitute a significant part of who a person is as an individual. Indeed, categorical desires are what give us our reason for living. For example, right now I have a desire to stretch my legs because my laptop is heavy, but this is not a desire that gives me a reason for wanting to continue my life. I also have a desire, however, to complete a dissertation and this desire is categorical in that it helps answer the question of why I want life to continue at all.

Even though ground projects and categorical desires can be impartially other-regarding, very often they will not be.³⁴ As a result, Williams is concerned that insofar as these ground projects and categorical desires help establish our character and provide meaning to our lives, impartial moral demands by their impartial nature will alienate us from ourselves. For, if moral demands pay no special attention to who we are as individuals and we are subsequently obligated to act in particular ways no matter what commitments we have, then we will necessarily find ourselves alienated from the very projects and desires that constitute our character and that make our lives worth living. Williams has this to say on the matter:

A man who has such a ground project will be required by Utilitarianism to give up what it requires in a given case just if that conflicts with what he is required to do as an impersonal utility-maximizer when all the causally relevant considerations are in. That is a quite absurd requirement. But the Kantian, who can do rather better than that, still cannot do well enough. For impartial morality, if the conflict really does arise, must be required to win; and that cannot necessarily be a reasonable demand on the agent. There can come a point at which it is quite unreasonable for a man to give up, in the name of the impartial good ordering of the world of moral agents, something which is a condition of his having any interest in being around in that world at all (Williams 1981, 14).

³⁴ Here I am using the somewhat cumbersome term “impartially other-regarding” to mean regarding others who have no connection with us as with the person whose ground project is to alleviate injustice wherever she sees it in the world. My desire to my son grow up is, strictly speaking, other-regarding but since my son is related to me and I am partial to him the desire is not impartially other-regarding.

Williams' particular concern in "Persons, Character, and Morality" is the way in which impartial moral theories issue demands that alienate us from our personal connections to other people.³⁵ Whereas Wolf worries about oboe playing, gourmet food, and novels Williams points to examples of our meaningful attachments to other people. This is where his critique can be understood as at least in part a critique of the kind of impartial weighing of interests Singer requires. If, for example, we walk past a lake and note that both a stranger and our life partner are drowning but we only have the means to save one, Utilitarian views will instruct us to expend our rescue efforts in a way that best maximizes overall utility. Now, Williams acknowledges that the Utilitarian can tell a pretty good story that saving one's own life partner will maximize happiness, but he worries that this is "one thought too many" (18). In other words, my reason for rescuing my life partner should not be the happy coincidence that in doing so I maximize utility. Rather, I should save my life partner because he is my life partner; end of story. As Williams puts it, a man's motivating thought in such a position ought to be "the thought that it was his wife, not that it was his wife and that in situations of this kind it is permissible to save one's wife" (Ibid.).

Williams ends the piece by noting that a dilemma arises when we assert both that human beings have desires and projects that make their lives worthwhile *and* that impartial morality demands that we set aside precisely those desires and projects in order to live a moral life. He says,

³⁵ Williams' claims about impartiality and integrity are echoed by John Cottingham (Cottingham 1989). Cottingham argues against what he calls Singer's "impartiality thesis" both on the basis of concerns about personal integrity and on the basis that the kind of impartiality Singer requires is completely impractical for it would rule out doing just about anything for ourselves. Cf., Marilyn Friedman's excellent discussion of impartiality where she notes that impartiality in moral theory should be thought of as a requirement to name our biases and attempt to work through them (Friedman 1989).

...unless such things exist [deep attachments to other persons], there will not be enough substance or conviction in a man's life to compel his allegiance to life itself. Life has to have substance if anything is to have sense, including adherence to the impartial system; but if it has substance, then it cannot grant supreme importance to the impartial system, and that system's hold on it will be, at the limit, insecure (Ibid.).³⁶

Williams' claim is that in order for a person to be able to commit to the impartial system of morality in the first place she has to feel that there is substance and meaning in her life. If she has substance and meaning in her life then she will not be in a position to give impartial morality the unquestioned place of prominence that Utilitarians (and Kantians, for that matter) claim it should have. Therefore, there is something profoundly wrong with the dominant strands of moral theory.

Williams does not engage openly with the difference between basic and nonbasic interests, but it is clear to me at least that he thinks humans have a basic interest in categorical desires and ground projects because our lives are to some extent unlivable without them. His view seems to be that deep relationships with others is at the very forefront of a meaningful human life and that we cannot go on to do anything else without feeling that our lives have meaning. This suggests to me that categorical desires and ground projects count as basic interests in Williams' view insofar as they are necessary conditions for the satisfaction of other parts of human life. Therefore, his critique of utilitarianism can be understood as supporting a critique of the basic/nonbasic distinction Singer employs. This critique maps to Scheffler's quite nicely. It seems to me that Scheffler and Williams are ultimately up to the same thing when they assert that deep, meaningful relationships and projects are part of what is necessary to live a human life at all and, therefore, must be factored into any reasonable morality.³⁷

³⁶ Cf., Williams 1973, 116-117.

³⁷ Scheffler and Williams differ, however, in that Scheffler is ultimately adapting consequentialism to reflect what he believes is a more realistic view of human nature. Williams' arguments are part of a rejection of consequentialism.

So far my discussion of the over-demandingness and partiality critiques has focused on these critiques as they play out in inter-human conflicts of interest. My focus is, of course, conflicts of interest as they play out in inter-animal moral interactions. My foray into the literature on the over-demandingness and partiality critiques of Singer's account was necessary, however, as most critiques of Singer's view come from within the inter-human morality literature. There, theorists are trying to assess what might be required of us with regard to obligations to others where "others" is understood to mean suffering humans. Wolf, recall, says we cannot morally justify the use of "human resources" that go into making *pâté de canard en croute* when we think of the better use to which those resources could be put. It never enters into her thinking that we might want to question the use of *animal* resources that went into making her beloved *pâté*. Given the grotesque way in which animals are treated in the production of meat, one would think this would be a more pressing moral issue than whether we ought to spend our money on the *pâté* or someone else.³⁸ Presumably, we should not spend the money on the *pâté* whether or not the money could be put to better use elsewhere.

Singer's work regarding robust obligations to relieve global poverty spawned a veritable cottage industry of philosophical work on over-demandingness and how we might best approach the problem from the standpoint of moral theory as well as how we can best conceptualize interests. In contrast, very little has been written about over-demandingness in the inter-species realm.³⁹ Understanding the over-demandingness and partiality critiques as they apply to what

³⁸ For information on how ducks and geese are treated in the process of making foie gras, see <http://www.banfoiegras.org/page.php?module=home>. Not all *pâté* is foie gras, but the point stands.

³⁹ In Timothy Chapell's recent edited volume (Chapell 2009), there are at least eight references to Singer's work and not one of them is to his extensive discussions of animal welfare. Even the essay by Alan Carter, the environmental ethicist, stays singularly focused on Singer's work in the global poverty realm. Given the extremely demanding nature of Singer's view of human obligations to animals, this is stunning. Is it really possible that, after so many years of the animal welfare movement being discussed in the academy and the billions of animals who die annually for human purposes, philosophers still think the problems of over-demandingness are only pressing in inter-human morality?

Singer says about inter-species conflicts is more easily understood, I think, when we have first had a look at those critiques in the inter-human realm. Having done that, let's now think about how over-demandingness and partiality critiques manifest when the interests that conflict belong to humans and animals. In what follows, I will consider the little that has been written by others in this area and then make my own suggestions about what is worrying about Singer's system.

OVER-DEMANDINGNESS, PARTIALITY WORRIES, AND INTER-ANIMAL CONFLICTS

Concerns about over-demandingness in Singer's view with regard to inter-animal conflicts of interest rarely manifest as clear cases of over-demandingness worries. In the global poverty literature, philosophers call out the worry for what it is, viz., a concern that Singer is simply asking too much of people with his impartial weighing of basic and nonbasic interests. When one reads the animal welfare and animal rights literature the kinds of objections that are raised tend to be more focused on whether Singer has adequately established moral considerability for animals. Now, few people in recent years have made the claim that sentient animals are completely beyond the realm of our moral concern. Instead, they claim that Singer's proposal that we grant equal consideration to like interests generates some unpalatable consequences for human beings. We would have to stop consuming factory farmed animals, stop taking our children to the zoo, cease and desist most animal experimentation, and, more generally, give up most of our daily practices that involve animal use. Claims are made that it is more important to cure cancer than it is to stop harming animals, for example, even if we agree that the animals in question are sentient and deserving of our moral attention. Though these objections can be understood as a form of the over-demandingness critique, it is difficult to clearly delineate between over-demandingness and partiality worries. The latter clearly

influences how we think about the former. Moral obligations can feel particularly demanding when they appear to drive a wedge between us and the people, projects, and commitments we care about most deeply.⁴⁰

My sense is that, when we consider inter-animal conflicts of interest, it is best to think of the over-demandingness problem as linked to concerns about partiality rather than try to discuss either as isolated worries. This mirrors nicely the ways in which the two worries are inter-mixed in the global poverty literature. With inter-animal conflicts, the worry really seems to be that Singer's view is overly demanding precisely because it often requires us to set aside important relationships or ground projects in service of meeting obligations to animals.

Certainly, there is a worry that Singer's view is demanding in the sense that it forces us to think carefully about cases where we might intuitively feel clear answers are available. For example, Donald VanDeVeer wrote that Singer "lost some hard-won credibility" when he suggested, in the essay "Animal Liberation," that there was a genuine conflict of interests at play in a situations where rats are biting slum children (VanDeVeer 1979, 22).⁴¹ VanDeVeer recognizes that Singer's claim is not that the rats' interests will trump those of the impoverished children whose homes are overrun. Rather, Singer's position is that we must consider the rats' interests and enter them into our calculations when considering what to do about the situation. We should, for example, consider relocating the rats to a rural area rather than poisoning them. In any event, VanDeVeer's claim seems to be that even a careful reader of Singer's work might well balk at the suggestion that the rats/children situation calls for careful moral reflection. Worry over what to do in this case can strike one as just too much.

⁴⁰ Railton discusses the issue of alienation from relationships and projects and how a consequentialist theory might overcome the problematic ways in which it causes alienation in Railton 1984.

⁴¹ For Singer's discussion of rats and slum children see Singer 1973.

There are some interesting questions about how demanding Singer's ethic is to the extent that it requires us to reflect carefully about cases that some people's intuitions might tell them are easily resolved (as when rats are biting children). Still, I think the most pressing issues for Singer and inter-animal conflicts of interest focus on how we should think about cases where foregoing our interests would significantly impact our quality of life and, thus, notably diminish our opportunities for flourishing. These are cases where our obligations to animals come up against strong human interests in the bonds of love and community as well as our interests in projects and commitments that help make our lives worth living. Such situations are more readily addressed by thinking in terms of how partiality worries influence concerns about over-demandingness.

Deborah Slicer has argued that Singer's discussion of animal experimentation is flawed because he relies on an "essentialist" approach to moral considerability (Slicer 1991).⁴² That is, he "propose[s] a single capacity – the possession of interests – for being owed moral consideration" (110). Slicer objects to this essentialist approach on several grounds, but most interesting for my purposes is her claim that "it renders inessential and unimportant certain relationships – familial relationships or friendships, for example – that do seem essential and important to many of the rest of us" (111).⁴³ In talking through Singer's arguments against animal experimentation, Slicer notes that Singer's view leads to an impasse. For, Singer argues that we cannot morally justify researching on animals if we would not be willing to perform the same research on a human who would suffer similarly. The impasse arises because, in following Singer's view, we realize we cannot perform research on the animal and we cannot perform

⁴² Her critique is also directed at Tom Regan.

⁴³ Cf., Midgley 1983, in particular chapter 9 and Warren, M. 1997, chapter 5.

research on the human so we are left with no obvious way out of the quandary. She goes on to say,

I feel a...frustration with the shallow utilitarian analysis of the research issue that leads to Singer's impasse, with the impracticality of the impasse itself as some sort of proposed resolution, and with Singer's and Regan's assumptions that our allegiance to principled demands will and should cut cleanly through any preexisting emotional or other bonds we might have to members of our own species, community, friends, family, or lovers who may suffer as a result of Singer's and Regan's recommendations. My point is *not* to justify any and all of these bonds as automatic trumps against animals' sufferings. Rather than say that these bonds should count for nothing (as the animal rights literature suggests) or that they count for everything (as the research community suggests), I have been trying to show all along that there are numerous relevant issues that are neglected by both sides, including this one, and there may well be more than just two sides" (119).

Slicer notices that Singer refuses to even acknowledge that people's relationships with others can, do, and should factor into their thinking about conflicts of interest.⁴⁴ If I am weighing an animal's interest in not suffering against my mother's interest in having a new medication to make living with her Meniere's disease more tolerable, then the fact that she is my mother and that she is suffering will enter into my deliberations. Slicer, like me, is deeply sympathetic to the animals' interests in cases like this and may, indeed, side with the animals in the end. Like me, however, she shares the worry that removing emotional attachments from the weighing discussion results in misconstruing the nature of the interests at stake in the conflict. As in inter-human conflicts, we walk into any weighing of interests in the inter-animal arena with preexisting attachments, emotions, relationships, and projects. Claiming that these attachments and commitments are irrelevant or not impartial misses a crucial piece of the deliberations.

⁴⁴ Slicer's feminist critique is different from Williams' nonfeminist critique. Virginia Held describes the difference between feminist and nonfeminist worries about impartiality this way: "Instead of an individual man and his projects or attachments as the contrasting model opposing the dominance of impartiality, feminists tend to focus on relationships that contrast with impersonal impartiality and that are at least partially constitutive of the individuals in them" (Held 1995, 158). Cf., Gilligan 1982.

Though Singer acknowledges the role these kinds of partiality concerns might play in moral deliberations in inter-human conflicts, I have only found two places where he acknowledges them playing out in the inter-animal sphere.⁴⁵ The more concrete of the two is in his response to John Coetzee's Tanner Lectures, "The Lives of Animals" (Singer 1999a). In Singer's response he imagines a conversation with his daughter, Naomi. She asks whether he would have saved her or their dog, Max, if there had been a house fire when she was a young child. Singer responds that he would have saved Naomi because, even as a little girl, she had complex thoughts and plans for the future. Naomi is quick, however, and asks what Singer would have done when she was an infant given that, as an infant, she did not have complex thinking or the capacity to plan for the future. She asks if he would have decided between her and Max by flipping a coin. Singer's response to this is to say, "No, silly. I'm your father, of course I would have saved my lovely baby daughter" (87).

This response is striking. For, Singer moves immediately from this sentence to talking about the cognitive capacities possessed by humans that most nonhumans do not possess and explaining why these capacities might be morally salient in a conflict. This is an imagined conversation, however, so Singer gives himself a break in his fictional dialog by not having Naomi respond as she should have. Namely, Naomi should have insisted that Singer explain why he would have been morally justified in saving her over Max given that, at that moment in time, her cognitive capacities had not yet reached the point where they would have tipped the scales in her favor. We are left to wonder whether he thinks he would have been morally justified in saving Naomi or if saving her would have been antithetical to his moral view. No doubt saving Naomi over Max is what Singer *would* have done (as most fathers would) but the

⁴⁵ I will return to Singer's views on partiality in the inter-human arena shortly when I consider his partialist concession.

crucial issue is whether or not that is what he *should* have done according to his own view.⁴⁶ We will never know since Singer's imaginary conversation turns quickly to other, more comfortable, topics. The Naomi/Max situation is precisely the sort of situation Slicer wants Singer to address. I join her in worrying that Singer's insistence on an impartial system of weighing interests allows no room for a father's love for his daughter in situations of conflict.

The second place Singer mentions the role of emotions and partiality in inter-animal conflicts is in a response to Erin McKenna's piece "Feminism and Vegetarianism: A Critique" (McKenna 1994). In McKenna's piece she calls Singer out for favoring reason over the emotions in his arguments in *Animal Liberation* and goes on to claim that his insistence on impartial reasoning deprives his cause of some much needed help it might receive from focusing on "the deep nature of our connectedness to nonhuman animals" (28).⁴⁷ McKenna's worry about impartiality is different from Slicer's in an important way. Where Slicer is concerned that Singer refuses to take connections of love into consideration in describing the kinds of interests at stake in inter-animal conflicts, McKenna's concern is about Singer's theoretical commitment to impartial reasoning and the limits that commitment places on our moral imagination. Still, I find Singer's response to McKenna on this point illuminating to thinking about Slicer's. Singer says,

...my fear is that if we rely on feelings, the emotional appeal of saving a dying child will always outweigh an appeal to the interests of a rodent, or even a million rodents. If, in the belief that an impartial, objective stance is either impossible or undesirable, we were to abandon the attempt to reach an impartial position, we would do serious damage to the case for animal liberation (Singer 1994, 38).

⁴⁶ Here Singer might say that his own and his wife's attachment to their daughter would shift the balance in favor of her over the dog. This seems right but I think Naomi was getting at the hope that Singer would save her over Max because of who she is and not because of the side-effects of her death to others. Here I am reminded of Williams' "one thought too many" line. Perhaps Naomi wishes her father adhered to a more sophisticated version of consequentialism like Peter Railton's, for example (Railton 1984).

⁴⁷ For other theorists who criticize Singer's reliance on reason only see Donovan 1993; Gaard 2002; Gruen 1991, 1993, 2004; Kheel 1985, 1993; and Luke 1995, 2007.

I read this answer as being about more than the theoretical commitment to reasoning from an impartial, objective, standpoint. Singer is suggesting that when we put partialist concerns into the mix in inter-animal conflicts the animals are going to lose out because their interests cannot withstand the “emotional appeal” of a dying child. Imagine if your house was on fire and you were Singer, choosing between your infant daughter and the family pet. Even Singer, with all his commitments to impartiality, cannot conceive (even in the abstract) of choosing the dog over his daughter even though, according to his own view, his dog probably has more to lose at that point in time by burning to death than his infant child does.⁴⁸

Slicer notes that Singer’s view takes for granted that principled demands will “cut cleanly” through our bonds of love and affection. She notes this but she does not delve deeply into the ways in which partiality can complicate weighing interests in conflicts between humans and animals. I want to think carefully now about the partiality critique as it applies to inter-animal conflicts in Singer’s weighing system and talk through an example to help illustrate the depth of the problem he has with his minimalist conception of humans’ interests. There are really two issues here. First, there is the worry that it is morally dubious to ask people to weigh interests impartially, as if they have no connections to any of the parties. Second, we may worry that, in describing interests, Singer decontextualizes them to the point of stripping them of highly relevant content. Let’s consider my grandmother’s chicken soup.

It is Rosh Hashanah and my whole family has gathered at my grandmother’s house for our traditional Rosh Hashanah meal. The second course (which follows the chopped liver) is my grandmother’s chicken soup. She slaves over this soup, has worked and re-worked to perfection her recipe for matzo balls, and she takes both the giving and receiving of her soup as a sign of

⁴⁸ Of course, if we include the side-effects of Naomi’s death into our calculations, then it is likely that the grief Singer and his wife would suffer would tip the scales in favor of Naomi. Yet, that is not what Singer says in his response to Coetzee. He says he would save Naomi because he is her father and she is his baby girl.

love and respect. Singer's labeling my interest in my grandmother's soup as "trivial" in the face of the chicken's suffering does nothing to fully capture the interests at stake. For, the matriarch's chicken soup is an integral part of my Jewish culture. My grandmother and I have a very close personal relationship and I know that by refusing her soup I will deeply hurt her feelings, something I wish to avoid given her age and poor health. Not to pile it on, but in refusing my grandmother's soup I will ostracize myself from the rest of my family because they will take my behavior as both an affront to my grandmother and to themselves (for clearly I object to them eating the soup as well). I may, indeed, be seen as being guilty of a kind of moral failure despite my efforts to minimize suffering.⁴⁹ Taking all of this information into consideration, it is somewhat less cut and dry that I should have resolved the conflict by noting that my interest in the chicken soup, qua chicken soup, was more trivial than the chicken's interest in not suffering.⁵⁰

In the global poverty literature these sorts of examples proliferate. Philosophers think about our need to commune in meaningful ways with loved ones and friends as compared to starving people's need to find adequate nutrition. In the animal welfare/rights literature these partiality worries are barely acknowledged. Outside of the ecofeminist literature, I cannot see that they are acknowledged at all. Yet, I consider the partiality critique against Singer's animal welfare views to be quite cogent. Even if we agree with Singer's conclusions in favor of animals and even if we are thankful to him for his tremendous contributions to discussions of animal

⁴⁹ Cf., Bishop 1987 and Walker 1989, 1995 for excellent discussions of how in meeting our moral obligations in one area we might act wrongly in others.

⁵⁰ For detailed discussions of the lives of factory farmed chickens see Baur 2008, 147-166; Masson 2003, 55-95; and Singer and Mason 2006. Regan has taken Singer to task for calling our interest in food a trivial interest in pleasures of the palate. He points to gastronomy and how important it is to some people (Regan 1980, 333). Singer's response, affirming the triviality of pleasures of the palate, can be found in Singer 1980, 333. Though Regan points to an important issue about how Singer describes interests, he makes the same mistake as Singer in failing to notice how our interests in food can be tied to important cultural or inter-personal values (see Regan's discussion of arguments against vegetarianism in Regan 1983, 333-337).

welfare we must still look carefully at how his arguments are constructed and whether or not they are in need of improvement.

Having acknowledged this need himself, Singer eventually made a concession to partiality in his work on global poverty. After many years of reading other philosophers level the charges of over-demandingness and partiality against him, Singer made what we can call his “partialist concession.” In the following section I will talk about the partialist concession and argue that even with the partialist concession in hand, Singer’s description of human interests is problematic enough that we might want to turn to considering other ways of thinking about interests and how they play out in inter-animal conflicts.

SINGER’S CONCESSION TO PARTIALITY

Equal consideration of interests requires us to impartially assess the interests at stake when there is a conflict. In “Famine, Affluence, and Morality,” Singer told his readers that they cannot put their interests in fashionable clothes and second cars ahead of the interest poor people have in access to adequate food, shelter, and medical care. Our resources ought to go to those with the greatest need full stop. We do not get to prioritize those who are our nearest and dearest unless their needs in fact turn out to be more pressing than others’ needs.

As we have seen, this view led to considerable criticism, some of which I discussed earlier in this chapter. In response, Singer has gritted his teeth and acknowledged that a concession to partiality may be justifiable on consequentialist grounds. Thus, he has introduced a two-level view in which some partiality is justifiable because enabling people to care for their nearest and dearest before seeing to the needs of others may prove to maximize happiness. If I have only one bowl of rice left and we are starving, I can give it my son instead of my starving

neighbor's son because at the end of the day the world is a better place when parents show their children love and make it clear that their safety is the parent's primary concern (Singer 1993b, 233). In Singer's own words,

Unless we are so intent on suppressing bias that we are willing to engage in an all-out campaign of intense moral pressure backed up with coercive measures and draconian sanctions, we are bound to find that most parents constantly favor their own children in ways that cannot be directly justified on the basis of equal consideration of interests. If we were to engage in such a campaign, we may well bring about guilt and anxiety in parents who want to do things for their children that society now regards as wrong. Such guilt will itself be a source of much unhappiness. Will the gains arising from diminished partiality for one's own children outweigh this? ... Given the unavoidable constraints of human nature, and the importance of bringing up children in loving homes, there is an impartial justification for approving of social practices that presuppose that parents will show some degree of partiality towards their own children (Singer 2002, 160-161).⁵¹

Singer's concession to partiality tells us that there will be times when it is permissible to bypass equal consideration of interests and attend to the needs of our friends and relations. This concession raises the question of just how much I am able to show partiality towards those closest to me. Singer's answer is that we should show only enough partiality that we can ensure achievement of the goods of love and safety.

Thus the partiality of parents for their children must extend to providing them with the necessities of life, and also their more important wants, and must allow them to feel loved and protected; but there is no requirement to satisfy every desire a child expresses, and many reasons why we should not do so. ... With lovers and friends, something similar applies: the relationships require partiality, but they are stronger where there are shared values, or at least respect for the values each holds. Where the values shared include concern for the welfare of others, irrespective of whether they are friends or strangers, then the partiality demanded by friendship or love will not be so great as to interfere in a serious way with the capacity for helping those in great need (Singer 2002, 164).

Singer wants us to determine which of our children's wants are "important" and which of their wants is a desire they've expressed but that does not require fulfillment. Yet Singer truly

⁵¹ Cf., Singer's response to Gruen in *Singer and His Critics* where he discusses the "lousy lover" objection and notes that without certain character traits we will not be able to participate in meaningful relationships with others (Singer 1999b, 297). Hugh LaFollette makes a similar point (LaFollette 1991).

does not want us to take this partialist concession and run away with it. He does not want us to buy our children and loved ones excessive amounts of gifts and toys or take them to expensive celebratory dinners on the basis that doing so will make them feel loved. He wants us to find ways to express and share our values so that we can temper the extent to which partiality will justify the consumption of goods and services, thus preventing us from putting our dollars to better use saving the lives of distant others. He wants us to decipher their important wants with his moral system in mind. This will be very tough ground to navigate given the consumer-driven culture in which we live, the difficulty involved in assessing which wants are important and which are not, and the fact that, like it or not, many of our friends and loved ones will not share the values Singer expresses and that we might share with him.⁵²

This concession to partiality creates two potential problems for Singer's view. Lori Gruen has argued that Singer's partialist concession dilutes the view's action-guiding nature (Gruen 1999).⁵³ With the partialist concession in play, instead of impartially weighing the interests at stake in a conflict, we are now juggling the interests as well as our relationship to the interest bearer, what that relationship requires in terms of partiality, our understanding of the importance of the role the interest plays in that person's life, and so forth. We are now well past the realm of any clear distinction Singer may have once made between basic interests and frivolities. As Gruen notes, prior to his partialist concession, a moral agent could read Singer and know that when faced with a decision between spending money on relationship counseling or donating that money to OXFAM, he should donate the money. With the partialist concession,

⁵² The view I put forth in chapter five recognizes this complexity while trying to show how we might undertake it whereas Singer does not address the complexity at all.

⁵³ Gruen has another worry in this piece, namely that Singer's theory cannot support a partialist concession for theoretical reasons. This is an interesting concern, but it is not directly relevant to my purposes here. I will assume, for the sake of argument, that Singer's theory can support a concession to partiality so that I can explore whether such a concession is desirable or helpful.

the moral agent will have very little idea of how to use his money. The decision procedure is much less clear than it was when put forth in “Famine, Affluence, and Morality” (Gruen 1999, 144).

I agree with Gruen that Singer’s partialist concession diminishes somewhat the action-guiding nature of his view. However, I think this is a step in the right direction rather than a problem. To the extent that Singer is embracing more complexity in humans’ interests, he is moving his view closer to accurately capturing what is at stake for us in some conflicts. Some action-guidance must be sacrificed in service of accuracy. Activists, in particular, are loathe to embrace the kind of complexity that diminishes a theory’s ability to provide guidance for action. I hope to show, in chapter five, that there are ways to embrace complexity while maintaining strong obligations towards animals. It is true, though, that doing so involves some loss of clear guidance.

The second problem generated by Singer’s partialist concession is quite different from the first. Here we have the worry that Singer’s concession to partiality might be an empty gesture. To illustrate this problem we can look at an example Gruen raises: weighing providing educational opportunities for one’s children against the needs of very sick children who do not have access to adequate care. As Gruen says, “The satisfaction of the educational interests of one’s own children, even when combined with one’s interests in one’s own children’s success, surely cannot count for more overall interest satisfaction than providing the sick children of others with the care they need” (Gruen 1999, 142). So, whereas the partialist concession would seem to be aimed at precisely this kind of conflict, we in fact would not be morally justified in putting our own children’s interests ahead of those of the sick children.⁵⁴

⁵⁴ Here someone might suggest that providing added educational resources for one’s children could be justified on consequentialist grounds by noting that children are best able to become talented physicians if we invest in their

In his response to Gruen, Singer says that whether or not this is the case will depend on how the details shake out.

...if the educational opportunities in question are the only chance our children have of receiving the minimum amount of education needed to equip them for a decent life in the society in which we live, then we should not expect caring parents to forego such opportunities in order to benefit the children of strangers, and we should not strive to create a moral system that demands this of parents. Hence we can argue, on the basis of equal consideration of interests, that we should not attempt to suppress the natural love that parents have for their sick children to such an extent that they will put the interests of the sick children of strangers ahead of these important interests of their own children (Singer 1999b, 300).

I cannot see that this response is at all helpful. In using language such as “the minimum amount of education needed to equip them for a decent life,” Singer is dipping back into the land of basic interests. It sounds like he is telling us that, if my child’s basic interest in a minimally decent education is up against a stranger’s child’s basic interest in not suffering from disease, then I am morally justified in benefitting my own child over the stranger’s. But this hardly gets at the worry raised in the partialist critique. The point of the critique is to make clear that, surely, my job as my child’s loving parent is to provide for more than merely his most basic needs. If he shows an incredible gift for piano playing, for example, I should be able to devote resources to him so that he can cultivate that talent and joy in his life. Singer telling me that I can show partiality to my son so that he can have a minimally decent education misses the point of my difficulty. I do not want my child to have a minimally decent education. I want him to have an education that enables him to thrive.

I agree with Singer that most often we will need detailed information about the specifics of a case in order to understand how issues of partiality should be factored into any particular decision. My own view embraces a deeply contextualized approach that encourages us to

educations in certain kinds of ways. I suspect Singer would not endorse this way of thinking. For example, he says that providing education at an elite private school where there is access to good public school is pushing “beyond the degree of partiality that we need or should wish to encourage in parents” (Singer 1999b, 300).

examine situations in detail before determining the right way to adjudicate conflicts. Still, reading his words one is left wondering if his partialist concession is anything more than a very thin gesture recognizing the pull of partiality only in cases where basic interests are at stake. If that is the case, then Singer's concession swings us back to the very thing the partialist critique was worried about in the first place.⁵⁵

Interestingly, Singer does not appear to make the partialist concession in his writing about conflicts between human and nonhuman interests, yet Gruen is concerned that making that concession in the global poverty literature will have an ill-effect on the strong stance Singer takes regarding animal liberation (Gruen 1999, 145). Her concern is that once Singer concedes that we can put our relationships with loved ones ahead of others' needs or interests we might fail to do right by animals when their interests conflict with the interests of those with whom we are in personal relationships. With the partialist concession in hand, for example, I might just eat my grandmother's chicken soup or even drive to the store and buy the chicken for her if she can longer do so. This is not the result Singer wants and would constitute a rather huge loss of the gains he made with his arguments for animal liberation.⁵⁶

It is exceedingly difficult to simultaneously take the full force of our personal relationships and their bearing on our interests into consideration and ensure that animals' interests will not be trampled upon as a result of acknowledging that force. As we will see in chapter four, Varner argues for the robustness of human interests but in doing so weighs them so heavily that animals' interests suffer much of the time. In chapter five, I try to navigate these

⁵⁵ For example, Singer's tone when he discusses the way Israeli mothers on kibbutzim sneak into the communal nurseries to hold and nurture their own babies is best described as regretful (Singer 1999b, 300).

⁵⁶ Indeed, Singer expressed this worry in his response to McKenna when he argued that allowing emotion and partiality into our deliberations in inter-animal conflicts will make it very difficult for animals' interests to be taken seriously. In her most recent book, Gruen has noted that personal relationships can complicate commitments to animal welfare because sometimes interests tied to these relationships can be "personally challenging" to manage when they conflict with obligations to animals (Gruen 2011, 93). Like me, Gruen struggles to account for the bonds of love and friendship while also noting that the claims animals make on us are very real and very important.

treacherous waters by suggesting ways we can think about many of our interests as robust without thereby giving them trumping power in all cases when they conflict with animals' interests. Singer's partialist concession is problematic in part because he sees that concession as a way of granting more weight to a particular interest. Insofar as his concession acknowledges the deep complexity that individual and community relationships add to even our nonbasic interests, I think it is a sign of progress for Singer. He suffers somewhat from a failure of imagination, however. It is possible, for example, to recognize that our bonds of love and friendship with other humans significantly complicate our interests and use that information, not to provide more trumping power to the interest, but to explore other opportunities for action and moral endeavor.⁵⁷ In chapter five, I discuss moral repair as one way of undertaking this work. Acknowledging that my relationship with my grandmother is deeply important and that I stand to lose a great deal in eschewing her soup need not mean that I am permitted to override the chicken's interests. It may mean that I have some work to do with my grandmother and with my family more generally. I will say more about this in chapter five. For now I simply want to say that Gruen and Singer's worry about diluting responsibilities to animals when we take partiality concerns into consideration is a reasonable worry. Still, honest deliberation on these matters requires that we take partiality concerns seriously and I think there are ways to do so without compromising animals' well-being in many, if not most, cases.

In my next section I want to move away from the specific problems of over-demandingness and the partiality critique to consider two more difficulties with Singer's

⁵⁷ This may be less a failure of imagination and more a problem with how utilitarian theories weigh interests. It is an open question whether Singer would think that the weight added to an interest by its connection to relationships of love and care is sufficient to outweigh the animals' interests. It is possible that he would not. Still, given his propensity for trivializing what is at stake for humans, I suspect that the weighing exercise would gloss fairly quickly over the value of personal relationships.

discussion of interests: problems of ambiguity in Singer's taxonomy of interests and the decontextualized way in which he thinks about interests.

PROBLEMS WITH TAXONOMY AND DECONTEXTUALIZING INTERESTS

In "Famine, Affluence, and Morality" Singer drew what appeared to be a very clear line between basic and nonbasic interests. In defending the principle that we should give to more needy others up until the point of marginal utility he made it clear that affluent Westerners could give no weight to interests beyond their most basic necessities. Still, over the course of many years of writing, his discussion of the kinds of interests at stake in conflicts between humans or between humans and animals is overwhelmingly diverse. He refers at different times to: "basic needs," "essential needs," "luxuries," "frivolities," "major interests," "minor interests," "important interests," "less important interests," mere wants," "mere enjoyment," bare essentials," "basic necessities," and "trivial interests."

Now, as I noted earlier in this chapter, it could be argued that some of these terms are synonymous with one another. "Mere wants" certainly sounds like the same type of thing as a "luxury" and "frivolities" might easily be paired with "mere enjoyment." Along the same lines, "bare essentials" could cover the same category of things as "basic necessities." Even if we grant the ways in which some of Singer's terminology could be synonymous, his taxonomy of interests remains unclear. Is "major interests" synonymous with "basic necessities"? Does Singer have some kind of scale in mind where basic needs are at one end, luxuries at the other, and then major interests somewhere in between?⁵⁸ It is difficult to tell yet clarity on this point is necessary in order to know how we are meant to adjudicate conflicts of interests.

⁵⁸ This scaling strategy is one VanDeVeer employs when he distinguishes between basic interests, "serious" interests, and trivial interests (VanDeVeer 1979, 63). "Serious" interests are those that, when they go unfulfilled, impact a being's flourishing but do not deprive the being of what it needs in order to survive.

We can tell a story where “major” interests are synonymous with “basic interests” quite easily. My interest in having a clean water supply is clearly basic in the sense that having access to clean water is a necessary condition for my survival. Thus, one might indeed call my interest in a clean water supply a “major” interest. Alternatively, it is easy to tell a story where major interests are not the same as basic interests. The Makah Native American Indian tribe has a major interest in re-establishing their cultural tradition of whale hunting. Some people think deprivation of that interest would constitute a significant loss for the Makah.⁵⁹ Do we want to say that their major interest is on par with my basic interest in access to clean water? I suspect not, but Singer allows the ambiguity to persist.⁶⁰

When Singer says that “the principle of equal consideration of interests does not allow for major interests to be sacrificed for minor interests” (Singer 1979a, 55) he is attempting to provide us with action-guiding information. Yet, if a “major” interest can be something like carrying out a cultural practice rooted in deeply held beliefs, then it is unclear exactly what the Makah ought to do when their major interest comes up against the whales’ basic interest in not suffering from the acute pain caused by being hunted and killed.

Now, here I imagine Singer will feel some justified frustration. Surely some cases will be so clearly ones in which the human interest involved does not carry the same weight as the

⁵⁹ Jamie Mayerfeld has pointed out that, perhaps, the whale hunt is not as crucially important to the Makah as some would think. It remains unclear, for example, whether whaling is in fact an integral part of their cultural practice. I discuss the Makah case in more detail in chapter three. I want to recognize here, though, that appeals to cultural tradition, like the Makah claim to recommence whale hunting, are profoundly complex and highly controversial. For example, Ronnie Hawkins notes that there is some evidence to suggest that the Makah’s interest in reinstating the whale hunt was driven at least in part by pressure from commercial whaling organizations (Hawkins 2001, 288). Linda Fisher, a member of the Ojibway nation argues that focusing on hunting as a way to preserve traditional ways of life is in deep tension with American Indian traditions of respect for nonhumans (Fisher 2011). I will assume for the moment that whale hunting serves an important cultural purpose for the Makah.

⁶⁰ I should also add that the kind of interest that might be considered “major” need not be as complex and historical as the Makah tribe’s interest in whale hunting. Many people have interests that matter significantly to them but not to the point where deprivation of the interests would cause them to lose the means of survival. Such an interest could be something as simple as an interest in completing one’s PhD. Here I have in mind many of the interests that are linked to our ground projects.

animal interest involved that a full-blown definition of what counts as “major” or “minor” is unnecessary. Singer will want to say that there are clear cases of minimal interests, clear cases of trivial interests, and so forth. Once one has been fully educated on the realities of modern factory farming, for example, it becomes very difficult to have patience with interests that amount to “tastiness” and “I just really like barbequing,” both of which strike one as fairly frivolous. The same can be said for someone’s interest in new mascara that is less prone to clumping.

I am not wholly unsympathetic to Singer’s reluctance to give an argument that these interests are frivolous. Singer has often voiced frustration with people quibbling over the difficult cases because he thinks that even if we stick to the clear cases we would have to make such radical changes in our moral interactions with animals that a tremendous amount of suffering would be alleviated well before we even begin to examine the difficult cases. I suspect that Singer would want to say that there is simply no plausible reading of the Makah’s interest in whale hunting that could elevate that interest above those of the whales they seek to hunt.

On the one hand, this way of looking at our current practices seems eminently reasonable. There are quite a lot of clear cases where our interests are “trivial,” or “minor” or in pursuit of “frivolities” that fretting over the specifics of what those terms mean is akin to arguing over which water vessel is ideal for putting out a fire while you watch your house burn. Clearly, a bucket will do. Still, I have concerns. To begin with, Singer is unclear about whether interests ought to be described in isolation or comparatively. Consider, for example, my interest in eating my grandmother’s chicken soup. We might judge this interest a major interest when we consider it apart from the chickens’ interests. We can describe all of the cultural nuances surrounding Jewish life and chicken soup, my very close relationship with my grandmother, and the fact that

insulting her at the end of her life would demonstrate considerable lack of respect. We might, however, deem that my interest in my grandmother's chicken soup is trivial when compared to the interest chickens raised and slaughtered to make that chicken soup have in not having lived a life confined to a tiny and filthy cage, deprived of daylight and fresh air, and subject to de-beaking without the courtesy of anesthesia. While basic interests and basic necessities might be a clear enough category if limited to those things necessary for survival, we wonder whether minor interests are minor in and of themselves or only when compared to another creature's interests.

From Singer's treatment of conflicting interests, I believe he wants us to engage in a process of comparison. He says,

In considering the ethics of the use of animal flesh for human food in industrialized societies, we are considering a situation in which a relatively minor human interest must be balanced against the lives and welfare of the animals involved. The principle of equal consideration of interests does not allow major interests to be sacrificed for minor interests (Singer 1993b, 63).

When he talks about our minor interest in pleasing our palates he does so as a comparison with a cow's interest in not suffering in a factory farm. This is sensible because comparisons are the only way to judge relative weight but we encounter problems when we look at interests in this purely relative way. First, we miss the importance that the interest has for the individual involved. It is true that someone's interest in new and improved mascara might pale in comparison with a rabbit's interest in not being held in a vice so as not to rub its face and having toxic chemicals forced into its eyes until it goes blind, but when we label that person's interest as "minor" we fail to see the person's interest for what it is *for her*. She may be a teen-age girl who has internalized the grotesquely skewed images of beauty permeating our culture and from her perspective her interest in looking good may not feel trivial at all. Labeling her interest as minor

will do nothing to speak to her concerns. This may strike one as a purely pragmatic problem, viz., that in failing to look at what an interest means to an individual Singer weakens the persuasive powers of his position and, therefore, fails to reach as many people as he could. I do think he has a pragmatic problem insofar as his view is meant to change hearts and minds, but I submit that the issue is more complex than just one of strategizing about how best to reach people and convince them to change their behavior. This brings me to the second of my concerns about looking at interests in this purely comparative way.

When Singer talks about interests in a comparative way he does so by decontextualizing the interest not only from the individual's attachment to the particular object or activity in question (as with the mascara example) but from the interest's role in the individual's larger ethnic and cultural practices. In doing so, he paints the interest with too broad a brush. Here, again, it is useful to think about my grandmother's chicken soup and the Makah whale hunt.

Slicer makes this point nicely when she says,

What is lost in this kind of characterization [describing moral situations without context] of moral life or of a moral dilemma are historical, social, economic, familial, and other details that seem crucial to an assessment of a situation, a decision, or a character. Singer and Regan give us such delimited descriptions, and these descriptions allow them to formulate general, prescriptive principles that are applicable to similarly and superficially described situations (Slicer 1991, 113).

In talking about decontextualized discussions of interests in the debate over animal experimentation, Slicer says, "many people will consider any characterization of [this] issue that leaves out information about methodology and other contextual features to be decontextualized to the point of being misleading, even irrelevant" (117-118). If we look at the interests at stake in the Makah whaling case in the way Singer suggests, we will quickly note that the whales' interest in not suffering gratuitously is coming into conflict with what Singer would classify as the Makah tribe's nonbasic interest in pursuing a cultural tradition. Even if one ultimately agrees

with Singer that the whales' interest should trump the Makah's (as I do) it is difficult not to see Slicer's concern staring right at us. Classifying the Makah's interest as nonbasic is under-describing it in a rather serious way. The Makah tribe is desperately trying to save their traditions from fading forever into obscurity. The whale hunt is a source of cultural pride. Their way of life is under attack from all sides, so the whale hunt represents an opportunity to participate in a centuries-old practice that exemplifies their way of seeing the world. Singer's system for adjudicating conflicts of interests, where we weigh a basic against a nonbasic interest, is not going to be of much help here. As the animal rights groups seeking to end the hunt quickly learned, setting up the whales' interests against the Makah's interest in the way Singer suggests causes more problems than it solves because the method is insensitive to the deep issues at stake for the Makah.

I like that Slicer includes character in her list of assessments that may be skewed when we think of interests in a decontextualized way. For, decontextualized, the teen-ager's interest in mascara makes her look like a superficial jerk. Contextualized, we might think she is superficial, but our assessment of her jerkiness will be softened somewhat when we consider how difficult it is to be a teen age girl confronting our outrageous norms about beauty. Teenage girls who obsess about mascara might be superficial, but given the ways in which their peers who do not so obsess are ostracized we can hardly disparage the character of those who are not strong enough to withstand social pressure at the age of thirteen or fourteen. What is at stake here is not merely the pragmatic concern that Singer could reach more people if he thought about interests contextually. Our assessment of people's moral character and their decision-making skills is also at stake. How we describe people and their moral decisions matters even if we ultimately think their decisions are morally unjustifiable. Though I never did give in and eat my grandmother's

soup, it would not have been fair to describe my behavior had I done so in a way that would make me look as though I cannot tell the difference between a trivial interest and a basic interest.

To sum up, Singer's language is too vague, too varied, and too poorly defined for a moral agent to know exactly how to understand her interests on Singer's taxonomy and this has adverse effects on our ability to accurately compare the weight of interests in a conflict. If "major interests" or "important interests" are the same as basic interests then we might be able to usefully wield his taxonomy. If, however, "major interests" and "important interests" are those that are significant but not essential for survival, then we are really left without much clear guidance as to how to adjudicate conflicts of interest. Moreover, Singer's reluctance to contextualize interests results in an impoverished description of what is at stake in adjudication when interests conflict. This has both practical and moral implications for Singer's view.

CONCLUSION

Singer's moral system tells us to engage in equal consideration of interests. The mechanism Singer provides through which we should conduct this weighing of interests is minimalist in its conception of human interests. When inter-animal conflicts arise we are to assess what kind of interests exist on both sides and, through impartial weighing of those interests, assess which party's interests carry the most weight. Because animals have a basic interest in not suffering gratuitously, Singer thinks that humans' nonbasic interests cannot trump animals' basic interests. This means that we will have to abandon most of our current practices involving animals because they cause the animals intense suffering in order to fulfill comparatively unimportant human interests.

As I noted in my introduction, I am profoundly sympathetic to the conclusions Singer derives through this process of weighing interests. I share his belief that factory farming, animal experimentation, raising animals for fur, and using animals for our entertainment and amusement are immoral practices that must come to an end. Billions of animals die annually throughout the world having lived their lives enduring torment of a kind most of us can hardly imagine. Much needs to be done to remedy these moral wrongs and Singer's work points us in the right direction for beginning our efforts to alleviate animal suffering.

I have often wished that Singer's system for weighing interests would be the one we could all rely on for making the requisite changes in our practices regarding inter-animal conflicts of interest. The system has simplicity on its side as well as first-glance persuasiveness. It is easy to characterize my interest in my grandmother's chicken soup (as well as her interest in watching me eat it) as trivial, point to the horrific suffering endured by the chickens, and then conclude that we must not make and eat the soup. Indeed, because I agree that we must not make and eat the soup, I find it somewhat surprising that I have opted to write a chapter criticizing Singer's view.

Still, we cannot choose a system of adjudicating conflicts simply because it results in the kinds of obligations that we endorse. The system has to be right. It has to characterize the interests at stake in conflicts correctly, in all their richness. In this chapter, I hope to have shown that Singer's minimalist conception of human interests, his decontextualizing of interests, and his somewhat confusing and thin concession to partiality provide reasons for us to wonder if his view is really the best that we can do. At the very least, it is worthwhile looking into other ways of approaching inter-animal conflicts of interest to see if they offer a better method.

To that end, I turn now to an examination of Paul Taylor's view. Like Singer, Taylor recognizes extensive obligations to nonhuman others but, unlike Singer, he does not think that basic interests will always trump nonbasic interests. Taylor thinks there will be cases where humans can rightfully put their nonbasic interests in front of the basic interests of animals and plants. Hence, he marks an interesting departure from Singer's more simplistic hierarchy where the more basic an interest is, the more trumping power it will have in a conflict. I label Taylor's view "moderate" because of his nuanced view of humans' nonbasic interests and want to explore the viability of this moderate approach to adjudicating inter-animal conflicts of interest. Unlike Singer, Taylor put considerable effort into carefully constructing principles to employ in determining the priority of different interests in different situations. Let us see if Taylor's view moves us closer to an adequate system for approaching inter-animal conflicts of interest.

CHAPTER THREE

PAUL TAYLOR'S MODERATE APPROACH

INTRODUCTION

My focus in this chapter is twofold: first, I want to explore Taylor's distinction between basic and nonbasic interests and, second, I want to carefully examine and critique the priority principles he provides for adjudicating inter-species conflicts. Taylor's moral theory, respect for nature, is a rich and complex normative guide for human actions with respect to the nonhuman world. In his book, *Respect for Nature*, Taylor develops an account of inherent worth where all living things have equal worth. Some features of Taylor's theory have struck his readers as, at best, profoundly counter-intuitive and, at worst, internally inconsistent.¹

Taylor's theory is of particular interest to me because, like Singer, he relies on the distinction between basic and nonbasic interests to adjudicate inter-species conflicts of interest. Unlike Singer, however, Taylor does not draw the conclusion that human nonbasic interests must yield to nonhuman basic interests when they conflict with one another. Rather, he takes a nuanced approach to human nonbasic interests by noting that some nonbasic interests are linked to very highly valued ends whereas others are not. In inter-species conflicts where the human nonbasic interests fall into the former category and are consistent with the attitude of respect for nature, Taylor allows for the pursuit of the nonbasic interest even when doing so involves harmful consequences for nonhuman lives. Taylor makes a distinction between nonbasic interests that really are trivial (e.g., an interest in owning figures carved from elephants' ivory)

¹ Some have worried that Taylor cannot defend his move from the descriptive claim that all living things have a well-being of their own to the normative claim that we have obligations towards them on that score. Others have worried that Taylor's commitment to species egalitarianism is indefensible and/or overly demanding. Still others have argued that, if species egalitarianism is defensible, his priority principles for adjudicating conflicts do not fit with his own theory. See, for example, Agar 2001; Des Jardins 2001; French 1995; Norton 1987; Schmidtz 1998; Spitzer 1982; and Sterba 1995.

and those that are not properly characterized as trivial (e.g., a community's interest in building a new library). A careful examination of the parts of his theory directed at a systematic approach to inter-species conflicts of interest will help us see if Taylor's method can avoid the kinds of problems I identified in thinking through Singer's system. In carrying out this examination, I will provide a brief overview of Taylor's theory of respect for nature and then turn to a detailed discussion of his conception of basic and nonbasic interests. Once we have those concepts well in hand, I will move to a discussion of his priority principles for inter-species conflicts of interest. The interaction of those principles with Taylor's conception of basic and nonbasic interests will enable us to identify the strengths and weaknesses in his account.

Of the three accounts of inter-species conflicts of interest I examine, Taylor's comes the closest to the view I sketch in chapter five. Like Taylor, I reject the notion of human superiority and, like Taylor, I think of humans' nonbasic interests as far more nuanced than Singer presents them. Moreover, there is a spirit to Taylor's approach to respect for nature that I thoroughly enjoy and endorse. He takes seriously the fact that, when we do override nonhumans' interests, we must find ways to make restitution. There is a way in which Taylor feels regretful about what humans do to nonhumans that is very appealing. He approaches our inter-species interactions with an air of gravitas that forces us to recognize how deeply we must think through those interactions.² Singer and Varner want us to think through those interactions very carefully as well, but their utilitarian sensibilities force an end to our deliberations once we have done the proper weighing of interests. There is not much room for regret on such accounts and no talk of

² Sharon Bishop discusses how crucial the work of redemption is for signaling that "a person takes the lives and interests of others seriously and feels badly when he or she has to do something that injures them" (Bishop 1987, 14). She notes that we prefer politicians who recognize the problem of dirty hands and signal, through efforts at redemption or restitution, that they take seriously whatever damage they caused in service of a competing goal. This is the tone of Taylor's thinking about restitution.

repair or restitution. It is no surprise, then, that in chapter five there are places where my account shows echoes of Taylor's.

As my critique of his account indicates, however, I do not think Taylor offers the best way to think of inter-species conflicts of interest. Though he accepts that some human nonbasic interests are attached to highly valued ends, Taylor does not address the ways in which relationships of love and care complicated our interests. This renders him unobservant of certain features of interests that make trouble for the various distinctions he draws. In a sense, he offers truncated narratives for interests, though not as truncated as Singer provides. Taylor presents the person with the attitude of respect for nature as having non-environmental values as well, in particular values about her own life projects as well as what matters at the community level. As far as this goes, I think he is correct. Still, by leaving out the ways in which a person with respect for nature also has values and interests related to relationships of love and care, Taylor misses a crucial piece of the discussion about inter-species conflicts of interest. While there is much to admire about Taylor's theory, problems with his conception of conflicts lead me to pursue an alternative approach in chapter five. I will begin with a very brief description of Taylor's theory.

TAYLOR, BIOCENTRIC EGALITARIANISM, AND THE ATTITUDE OF RESPECT FOR NATURE

Taylor's moral theory is a form of biocentric egalitarianism. It is biocentric in two senses. First, Taylor is concerned with moral relations between humans and all living things.³ Second, the attitude of respect for nature that moral agents are meant to adopt is based on a scientifically informed understanding of the planet's ecosystems and the role of humans as one

³ Contrast this with Singer who is concerned with moral relations between humans and all sentient creatures. Singer's moral theory is not biocentric.

part of a very large whole. Taylor calls this the “biocentric outlook.” This outlook is a set of beliefs that recognize the inter-connectedness of all living things, the fact that humans are one species amongst many, that all living organisms have a well-being of their own, and that rejects the idea of human superiority over other species.⁴ It is the *egalitarian* piece of Taylor’s biocentric egalitarianism that strikes some readers as counter-intuitive. Though whether or not his species egalitarianism is counter-intuitive is not central to my concerns, I will discuss that feature of his view. For those unfamiliar with Taylor’s work, it is very difficult to understand Taylor’s priority principles for inter-species conflicts of interest without understanding his egalitarianism.

Taylor’s theory is egalitarian in that he argues that all living things have equal inherent worth. First, we should note that this approach to egalitarianism differs considerably from Singer’s. Recall that in Singer’s utilitarian framework egalitarianism meant equal consideration of interests. Taylor’s egalitarianism is focused on recognizing that all natural beings have equal inherent worth and are, thereby, worthy of equal consideration of their own good (Taylor 1983, 243). On Taylor’s view, animals and plants have the same amount of inherent worth as humans. While “equal consideration of interests” and “equal consideration of good” may sound like the very same thing, Singer’s equal consideration “does not mean treating them alike or holding their lives to be of equal value” (Singer 2003, 58). If two beings’ interests conflict, on Singer’s view we may determine that one’s interests are greater than the other’s. On Taylor’s view, “equal consideration of good” does not lend itself to saying that one being’s good is more valuable than

⁴ For an in-depth discussion of the biocentric outlook see Taylor 1986, 99-168.

another's. Both have an equality of inherent worth. Inherent worth does not seem to admit of degrees.⁵

Taylor talks in terms of “inherent worth” rather than inherent value or intrinsic value because, according to his taxonomy of valuation, both inherent and intrinsic *value* require a valuer. Given that inherent and intrinsic value involve a valuing party, a valued entity's valuation can ebb and flow depending on the attitude of the valuer.⁶ The language Taylor employs is distracting, I think, because many of us think of intrinsic value as precisely the kind of value that exists in the world irrespective of whether anyone recognizes it as valuable. Hearing “inherent worth” makes us think Taylor is up to something new and different. On the contrary, Taylor simply wanted to be very clear that the kind of value possessed by natural beings was objectivist in that it requires no conscious valuer. Taylor thinks of intrinsic value as being subjectivist and, therefore, wishes to distinguish his conception of natural value by using different language. For many readers it will do to think of inherent worth simply as objective intrinsic value akin to the sort defended by Holmes Rolston III.⁷ On Taylor's view as long as a living thing has a well-being, a way in which it can be benefitted or harmed, we can understand it as having inherent worth. This is true whether or not any humans (or others) actually value the living thing in question.⁸ When we reach this understanding of the being's inherent worth we in turn recognize that we have duties towards it. This is because, as Taylor tells us,

⁵ Taylor says that it is logically possible for inherent worth to admit of degrees, but he thinks it would be exceedingly difficult to provide a justification for different degrees of inherent worth (Taylor 1984, 152-156).

⁶ Mount Rainier might have inherent value for the people of the Pacific Northwest, but that value might increase or decline depending on our shifting valuations. At the moment, we might value Mount Rainier more than the Columbia River but those valuations could change and, one day, we might think of the river as being more inherently valuable than the glacier.

⁷ For an interesting, recent, discussion of intrinsic value in nature see Agar 2001. For an older, but very thorough discussion of intrinsic value in environmental ethics see O'Neill 1992. For other objectivist accounts of nature's intrinsic value see Rolston 2003. Eugene Hargrove defends a subjectivist, anthropocentric, conception of intrinsic value in Hargrove 1992.

⁸ Think of mosquitoes, for example.

The assertion that an entity has inherent worth is here to be understood as entailing two moral judgments: (1) that the entity is deserving of moral concern and consideration, or, in other words, that it is to be regarded as a moral subject, and (2) that all moral agents have a *prima facie* duty to promote or preserve the entity's good as an end in itself and for the sake of the entity whose good it is (Taylor 1986, 75).

Elsewhere, Taylor notes that, when we use plants and animals in exploitative ways, "as mere instruments to human ends," we "cannot be said to have genuine respect for nature" (274). This helps illuminate the Kantian features of Taylor's view. Indeed, he argued that respect for nature could be understood as paralleling respect for persons. Where respect for persons requires recognition of the value of rational agency, respect for nature requires recognition of the value of inherent worth (of having a good of one's own).

One might well wonder how Taylor makes the move from the descriptive claim that a being has a good of its own (inherent worth) to the claim that it is a moral subject and that we have duties towards it. The answer lies in the biocentric outlook, which is what informs the normative picture we adopt when we take on the attitude of respect for nature. Among its features, the biocentric outlook precludes a belief in species superiority.⁹ All living things are teleological centers of life and no living thing is superior to any other. Therefore, moral agents have an obligation to treat all living things as equal members of the biotic community (Taylor 1986, 172-192).¹⁰ Once we recognize that all living things have a good of their own, and acknowledge that no species is superior to any other, we see that treating them as having equal inherent worth is the only way of treating them that is compatible with this recognition of their

⁹ For Taylor's discussion of the rejection of human superiority see Taylor 1986, 129-156. See also Taylor 1984. The rejection of human superiority is a place of convergence for Singer and Taylor. Singer also rejects the idea of species superiority. For Singer, we cannot prioritize human interests on the basis of the superiority of the human species. We can only do so if, in a given conflict, humans will suffer more than animals due to their mental capacities. If a chicken turns out to have those same mental capacities, then we would have no defense for prioritizing the human's interests anymore.

¹⁰ This obligation is spelled out in the duties that develop out of the attitude of respect for nature: the duty of nonmaleficence, the duty of noninterference, the duty of fidelity, and the duty of restitution.

good (79-80).¹¹ Taylor argues that this move is parallel to a similar move in inter-human morality. He notes that once we recognize that all persons are autonomous centers of life we see that treating them as having equal inherent worth is the only way of treating them that is compatible with this recognition of their rationality (Taylor 1986, 79).

This is a brief account of Taylor's biocentric egalitarianism. Many questions regarding the view could be raised at this point. The question motivating this chapter asks how Taylor works through adjudicating inter-species conflicts of interests. Taylor's species egalitarianism would seem to preclude humans from doing anything at all. We cannot move from our homes to our jobs without harming at least some plants if not some animals (if we factor in the long-term effects of our reliance on oil, etc.). For my purposes, it need not matter if we are convinced of species egalitarianism. I dwelled on it here because doing so was necessary for understanding his priority principles and because Taylor starts from a very strong foundation of equality and then tries to show how humans can still live an enriched life. While I do not go so far as embracing biocentric egalitarianism in the dissertation, I do want to explore how to balance strong obligations to nonhumans with robust human interests. What interests me is how well Taylor's system of inter-species conflict adjudication manages the tension between strong obligations to animals and the insight that some human nonbasic interests are morally valuable. I turn, now, to Taylor's use of the basic/nonbasic interests distinction.

¹¹ Here, one might well ask why we should adopt the biocentric outlook in the first place. Taylor thinks we should adopt the biocentric outlook because it is the only rational outlook to adopt once we understand how the natural world is organized. He thinks the biocentric outlook is the logical outcome of understanding ecological science. For Taylor's defense of the biocentric outlook as a viable philosophical world view see Taylor 1986, 156-168.

TAYLOR AND THE BASIC/NONBASIC INTERESTS DISTINCTION

TAYLOR'S ACCOUNT OF BASIC AND NONBASIC INTERESTS

Taylor begins his discussion of interests by noting that they can have different degrees of importance to an organism depending on how much of a deprivation nonfulfillment of the interest will be for that organism. He points out that “the most important interests are those whose fulfillment is needed by an organism if it is to remain alive” (Taylor 1986, 271). It is in my cat, Teddy's, interests to have sufficient food and it is also in his interest to have ample opportunities for play. The former is of comparatively more importance for Teddy than the latter since, without sufficient food, Teddy will die.¹² This example raises an important point about Taylor's conception of interests and how it compares to Singer's.

Recall that on Singer's account a being has to have some level of consciousness in order to count as having an interest. In order to count as having moral considerability, a being must at least have an interest in not suffering. This interest, on Singer's account, requires that the being have sufficient consciousness to be aware that it is suffering and would prefer not to suffer.¹³ Taylor's account of interests includes no requirement that the organism in question be conscious at all (Taylor 1986, 271). Here is Taylor explaining his use of the word “interests.”

In our present context it will be convenient if we speak of those events and conditions in the lives of organisms that are conducive to the realization of their good as furthering, promoting, or advancing their interests. Events and conditions detrimental to the realization of their good will be described as adverse to, opposed to, or unfavorable to their interests. I shall use the term ‘interests’ to refer to whatever objects or events serve to preserve or protect to some degree or other the good of a living thing (Taylor 1986, 270-271).

¹² This is true according to Teddy's teleology rather than simply Teddy's perspective.

¹³ This is why Singer's sentientist approach blocks non-sentient life forms from having direct moral value. They do not meet the consciousness requirement for having interests. Still, this does not mean that just anything goes with respect to non-sentient life because our destruction of the environment has negative impact on sentient creatures (Singer 2003).

Taylor's account of interests, unlike Singer's, has no requirement that the entity in question have a subjective value concept. For an entity to have interests it is sufficient that we can speak of it as having a good that can be benefitted or harmed by events or actions whether or not the entity itself is conscious of those interests (Taylor 1986, 65).¹⁴ This does not mean, however, that it is appropriate on Taylor's account to speak of artifacts as having interests. Though we can speak of a machine as being benefitted or harmed, Taylor notes that we cannot do so absent reference to another entity (i.e., the person using the machine). As Taylor puts it, "if we say that keeping a machine well-oiled is good for it we must refer to the purpose for which the machine is used in order to support our claim. ... It is not the machine's own good that is being furthered by keeping it well-oiled, but the good of certain humans for whom the machine is a means to their ends" (Taylor 1986, 61). In contrast, it is meaningful to speak of a wildflower as having a good of its own because we can understand what that would mean without reference to any other entities or purposes.¹⁵

With this sense of interests in mind, we can turn to examining the distinction Taylor makes between basic and nonbasic interests. Taylor has this to say about human basic interests:

I might note that with reference to humans, basic interests are what rational and factually enlightened people would value as an essential part of their very existence *as persons*. They are what people need if they are going to be able to pursue those goals and purposes that make life meaningful and worthwhile. Thus for human persons their interests are those interests which, when morally legitimate, they have a *right* to have fulfilled. As we saw in the preceding chapter, we do not have a right to whatever will

¹⁴ Cf., Taylor 1986, 271. Thus, on Taylor's account it is perfectly sensible to speak of the Japanese maple tree in my front yard as having an interest in water whereas on Singer's account this would not be the appropriate use of the concept of interests.

¹⁵ Cf., Varner's discussion of why artifacts do not have interests on his biocentric account (Varner 1998, 62-76). Varner's differentiation relies on appeal to having biological functions subject to natural selection. Taylor only discusses wild animals and plants in *Respect for Nature*. It would be interesting to know how he would think about restored natural environments where it seems to be impossible to talk about what their good entails without reference to other entities or purposes. A problem of this sort shows up in the debates about ecological restoration where some argue that restored environments are better understood as artifacts than natural landscapes (Elliot 2003 and Katz 2003).

make us happy or contribute to the realization of our value system; we do have a right to the necessary conditions for the maintenance and development of our personhood. These conditions include subsistence and security ('the right to life'), autonomy, and liberty. A violation of people's moral rights is the worst thing that can happen to them, since it deprives them of what is essential to their being able to live a meaningful and worthwhile life. And since the fundamental, necessary conditions for such a life are the same for everyone, our human rights have to do with universal values or primary goods. They are the entitlement we all have as persons to what makes us persons and preserves our existence as persons (Taylor 1986, 273).

Taylor does not list exactly what would count as a basic interest for humans – what is essential to “subsistence and security, autonomy and liberty”-, but such a list would no doubt contain food, shelter, and adequate medical care.¹⁶ It is a question whether the list would include such things as projects and relationships that give meaning to our lives. The passage quoted above is not decisive between whether these things *are* basic interests, or whether what we need in order to pursue them (as necessary conditions of the possibility of pursuing them) are the basic interests. Clarity on this issue of what counts as a basic interest is paramount to accurate use of Taylor's priority principles for coping with inter-species conflicts of interests so I will return to these complications momentarily.

Taylor's conception of nonbasic human interests is as follows:

In contrast with these universal values or primary goods that constitute our basic interests, our non-basic interests are the particular ends we consider worth seeking and the means we consider best for achieving them that make up our individual value systems. The nonbasic interests of humans thus vary from person to person, while basic interests are common to all (Ibid.).

¹⁶ Here it is reasonable to ask if plants and animals also have moral rights on Taylor's view. Does his view mean that plants have a right to water, for example? Taylor does not think it is “conceptually confused or logically absurd to ascribe moral rights in an extended sense to animals and plants” (Taylor 1986, 225), but he thinks we can get all of the protections such rights would create out of his notions of inherent worth and respect for nature. Taylor's discussion of rights and animals and plants consumes an entire chapter of *Respect for Nature*. He ultimately suggests that the traditional conception of human rights would need to be altered in order to apply to animals and plants and then offers a pragmatic argument for why it might not be a good idea to extend the concept of human moral rights to nonhumans (Taylor 1986, 219-255).

While food and shelter are interests common to all human beings, my interests in reading the works of Anthony Trollope or attending a Bruce Springsteen concert are not. Hence, these sorts of interests would count as nonbasic using Taylor's criterion.¹⁷

Taylor's conception of human nonbasic interests includes the recognition that some nonbasic interests matter more to people than others. Hence, within nonbasic interests we have three subcategories of interests:

- i. Community interests related to the values a community takes to be central to its identity and civilization;
- ii. Individual interests linked to ends that we take to be central to a life worth living; and
- iii. Interests that do not fall into categories i and ii.

The community interests concern "the goals and practices that form the core of a rational and informed conception of a community's highest values" (Taylor 1986, 281). These relate to the ways in which communities achieve and maintain "a high level of culture" and "a high level of civilized life" (Ibid.). Taylor points us to examples such as building libraries, museums, and hospitals as well as constructing transportation systems and making new public parks (280).¹⁸ These community interests relate to the values a society thinks of as central to our understanding of who we are, of who we want to be, and of what we consider of the greatest importance as a group of people both with a future and a past.¹⁹ They will also relate to human-created objects

¹⁷ One might well wonder if a nonbasic interest thus construed is simply an individual instantiation of the universal interest we all have in developing our personhood. Sara Goering first pointed out this particular concern and I will explore it shortly.

¹⁸ Taylor refers to these interests as relating to "intrinsically valued ends" and "supremely inherently valued" ends. I cannot see that this cumbersome language adds much to the discussion. I have omitted it here. The point of using the language of intrinsically valued ends and supremely inherently valued ends is to make clear that the nonbasic interests that fall into categories one and two are those that have deep importance for us as communities and individuals. These interests are, thus, different from the nonbasic interests in category three in that they are interests that we are not prepared to give up even in the face of strong obligations that would seem to ask us to do so. More will be said about this in the next section on Taylor's priority principles.

¹⁹ Clearly, in a pluralist society there will be disagreement over what these values are. Taylor doesn't address this complication.

that we take to be extremely important to our identity and achievement as a community. In Seattle, one might think of the Space Needle as such having such status.

In addition to these community held values about certain ends that we take to be crucial to our culture and the objects we have come to treasure as indications of who we are as a society we might also value certain things very strongly as individuals. Some interests have special value for us due to the “central place they occupy in people’s rational conception of their own true good” (Taylor 1986, 281). An individual often values certain pursuits and ends because these ends are integral to her sense of having a life that is worthwhile.²⁰ We can think of my pursuit of my doctoral degree in this light or we might also think of someone’s commitment to woodworking or hiking. These kinds of interests were discussed at length in my chapter on Singer.

The third category of human nonbasic interests includes interests that fall neither into the category of our community’s most cherished values nor those interests that contribute to our sense of a flourishing life as individuals. Interests of this sort proliferate. For most people, it includes things like having new clothes, buying new cars, and enjoying hot chocolate. These are the nonbasic interests that are central neither to our group identity nor to our personal identity.²¹

We can see already that Taylor’s conception of human interests is more nuanced than Singer’s. Where Singer does not differentiate between nonbasic human interests that are crucial to our identity as either groups or individuals and those that are not, this differentiation is central to Taylor’s adjudication scheme. For, Taylor wants to take seriously that humans have nonbasic

²⁰ It is reasonable to think of the kind of value Taylor has in mind here as linking up to ground projects in Williams’ sense of the term.

²¹ Taylor’s description of these community and individual values is limited to the sphere of human’s nonbasic interests. One question worth thinking about, though it is not central here, is whether or not it might make sense to think of humans’ basic interests as having both a community and individual manifestation. Would it even be sensible to talk of a community’s basic interest? To go one step further, we might ask if it makes sense to think of animals’ basic interests as having these two spheres.

interests that are still of vital importance to their conception of themselves and that these interests will factor differently in inter-species conflicts of interests than the more trivial sorts of nonbasic interests Singer talks about. Before I turn to a close examination of Taylor's system for prioritizing interests in inter-species conflicts I want to pause to think carefully and about his conception of basic and nonbasic interests.

QUESTIONS REGARDING TAYLOR'S CONCEPTION OF BASIC AND NONBASIC INTERESTS

First, while it is clear that animals and plants have basic interests for Taylor, it is not clear whether they have nonbasic interests. It is difficult to conceive of a nonbasic interest for a plant, though perhaps someone with Taylor's enriched conception of plant teleology may be able to do so. It is less difficult to conceive of nonbasic interests for animals, particularly animals that have particular ends that they seek to have fulfilled (e.g., play, treats, extra food because it tastes good).²² Taylor does not address animal (or plant) nonbasic interests, but he should. For, human nonbasic interests can conflict with animals' nonbasic interests as when I need to work on my dissertation and my cat Teddy wants to play or have some treats. These conflicts certainly do not constitute moral conundrums of the crucial sort, but they do arise and are worth dealing with directly on a theory that promotes species egalitarianism.²³

Second, as we noticed earlier, one might wonder about Taylor's conception of human basic interests and just how broad a category that is meant to be. Human basic interests are common to all humans; they relate to the essential parts of our existence as persons. Recall that Taylor includes subsistence, security, autonomy, and liberty, as "the necessary conditions for the maintenance and development of our personhood" (Taylor 1986, 273) and, therefore, as basic

²² Nussbaum articulates the kinds of interests I have in mind here in her list of capabilities that are important for animals (Nussbaum 2004, 314-317). She includes imagination and play on her list along with the more subsistence related capabilities like bodily integrity.

²³ It is possible that Taylor does not think of plants and animals as having nonbasic interests. It would have been helpful to understanding his view had he addressed this issue.

interests. It is clear that basic interests will include adequate food, water, and medical care but one is left to ask if it includes interests that go beyond these things. In short, would Taylor call anything a basic interest that Singer would not call basic? Are meaningful projects and relationships basic interests in Taylor's taxonomy?²⁴

I suspect the answer to these questions is "no." I think Taylor's conception of basic interests is almost as narrowly construed as Singer's.²⁵ For, if Taylor conceives of basic interests broadly such that they include meaningful projects and relationships then I am led to wonder why we need the category of nonbasic interests tied to highly valued ends at all. In that second category Taylor carves out space for interests that "are seen to lie at the center of a rational person's system of autonomously chosen ends, thus functioning as the unifying framework for a total conception of an individual's own true good" (Taylor 1986, 282). This would seem to cover precisely the kinds of projects Williams, Wolf, and Scheffler talk about such as our avocations and our most important hobbies. Since Taylor does include his second category of nonbasic interests it cannot be the case that he has a broad conception of basic interests in mind. For, if he did, then he would not need this category of highly valued nonbasic interests at all. They would be accounted for by basic interests. Now, it is possible that when Taylor refers to autonomy and liberty he has in mind the ability to choose projects that provide meaning to our lives, but I do not think the project itself counts as a basic interest on his view.

Someone might wish to object here by noting that projects and relationships do appear crucially important to the "development of our personhood" and thus would seem to count as

²⁴ It is open to Taylor to claim that achieving autonomy requires relationships of care in addition to sufficient security and nutrition. Nothing in his writing suggests to me that he has this relational view of autonomy that is most commonly found in feminist literature.

²⁵ I've said that Taylor's conception of basic interests is "almost as narrowly construed as Singer's." Still, Singer does not talk about autonomy and liberty when he speaks of basic interests. I am not sure if he would disagree with Taylor on this point. I do not think there is anything on Singer's list that Taylor would not count as a basic interest. It is possible that there are items on Taylor's list that Singer would not include.

basic on Taylor's view. Yet, it is not clear that they count as what we "need" to "pursue those goals and purposes that make life worthwhile and meaningful" (Taylor 1986, 273). Meaningful projects and relationships seem more like the goals and purposes themselves, on Taylor's view, rather than what we require in order to go forth and pursue them. In order to pursue our avocations and our closest relationships we need to have our subsistence conditions met and sufficient liberty and security to pursue the ends we have chosen for ourselves. Our basic interests, according to Taylor, include those things without which we would be unable to pursue those vitally important ends.

I will pause to say that the complexities I raise here point to one reason I ultimately argue, in chapter five, that we ought not to use the basic/nonbasic interests distinction as a normative guide. It is just too difficult to say in any clear way what level of importance to give to all of these nonbasic interests until we hear them situated in a person's narrative. For example, I might argue that relationships are integral to the development and maintenance of personhood insofar as they are crucial to developing autonomy.²⁶ If that is right, then Taylor would have to include them as basic interests on his taxonomy. At the same time, I must recognize that some relationships are pernicious and thus destructive to the development and maintenance of autonomy.²⁷ If we simply say that relationships are basic because they contribute to our personhood and then use that basic interest as a normative guide to action in cases of conflict, we risk not recognizing that the relationship in question may be of the pernicious sort and thus giving it inappropriate weight. So, there is a problem with taxonomy here and a problem with methodology.

²⁶ For an excellent discussion of relational autonomy see Friedman 2003 and the collection of essays found in Mackenzie and Stoljar 2000. As I mentioned earlier, I do not believe Taylor has this conception of autonomy.

²⁷ Gruen discusses pernicious relationships in Gruen 1999. Cf., Railton 1984, 134n1 and 160-161.

How to account for relationships on Taylor's taxonomy is an open question that needs answering in order to understand how to deploy his priority principles. For example, the inclusion of relationships as crucial elements in developing our personhood, and thus their inclusion as basic interests, would significantly complicate his priority principles. On a methodological level, as will become clear in my critique of the priority principles, it just seems too problematic to plug a kind of interest into a chart and then find out what sort of principle to use.²⁸ Our interests are multi-faceted, situated in particular historical, social, economic, and cultural contexts, and some are highly valued but deeply entrenched in systems of domination and oppression.²⁹ Taylor's breaking out of interests into categories one, two, and three cannot capture all of what complicates our basic and nonbasic interests.

Another issue stems from the way in which Taylor conceives of nonbasic interests (i.e., those interests that vary from person to person and that are related to the particular ends we identify as worth pursuing). My interest in reading the works of Anthony Trollope appears to be a paradigm case of such an interest because it does not seem to reflect a universal value. I know from personal experience that many "rational and factually enlightened people" do not value reading Trollope as "an essential part of their very existence *as persons*" (Taylor 1986, 273). At the same time, couldn't it be the case that my interest in reading Trollope's works is simply a particular instantiation of what I need to fulfill the very universal interest in developing my personhood? Mightn't rational and factually enlightened people agree that having narrative of some kind that helps us understand our humanity and ourselves is an essential part of our

²⁸ This is Taylor's method. His chart appears on page 297 of *Respect for Nature*.

²⁹ This is in part why Karen Warren argues that an adequate environmental ethic "*must* embrace feminism" (Warren, K. 1990, 144). She argues that an environmental ethic that does not embrace feminism will fail to take seriously the interconnections between the domination of women and nature. She says that, "failure to notice the nature of this connection leaves at best an incomplete, inaccurate, and partial account of what is required of a conceptually adequate environmental ethic" (Ibid.).

existence as persons?³⁰ If so, is my interest in reading Trollope better understood as a basic interest?

Taylor is going to have to respond to this last question in the negative. He may well agree that nonbasic interests often represent instantiations of the basic interest we have in our development as persons. As a Kantian, it would be odd for him not to agree to such a point. We have to develop our personhood somehow, and the means through which we do so will be experienced as interests in engaging in certain pursuits and endeavors. But this need not place them in the category of basic interests. For, while it is universal that, as persons, the development of our personhood is essential to our well-being the specific way in which this interest manifests itself will vary from person to person. This is the very definition of nonbasic interests on Taylor's taxonomy.³¹ So, while developing personhood is acknowledged as being essential to persons, that reading Trollope does this for me has to do with my individual value system. That I need enough food, water, autonomy, and liberty to pursue the interest in Trollope is something I share with every human and is, therefore, basic according to Taylor.

One might reasonably wonder here if, with basic interests narrowly construed, Taylor is open to the same kinds of worries that Singer was regarding how to account for human beings pursuing projects and relationships that add meaning to their lives. As we will see shortly, on Taylor's view human nonbasic interests are sometimes allowed to trump animals' and plants' basic interests. This is why he went to the effort to pull apart the different kinds of nonbasic interests at play in communities and individuals. He needed to separate out the kinds of nonbasic

³⁰ Varner discusses the importance of fictional narratives when he talks about humans having a biographical sense of self (Varner forthcoming, 137).

³¹ Taylor does not explain why he defines nonbasic interests in terms of the particular ends we seek and the means for doing so. My sense is that it would be less problematic to think of nonbasic interests in terms of their importance to us rather than to conceive of them, as Taylor does, in terms of their lack of universal applicability. In doing so, Taylor could have avoided some of the problems I raise here.

interests that could be so important that they might override plants' and animals' interests in conflicts from the ones humans need to be prepared to set aside when conflicts occur. Singer's minimalist conception of human interests coupled with his unnuanced approach to nonbasic interests opened him up to the objections leveled by the likes of Williams, Wolf, and Scheffler that he does not account for the key ingredients of human flourishing that go well beyond subsistence needs. Taylor is not open to this kind of objection even if he does narrowly conceive of basic interests. He accounts for those kinds of non-subsistence but crucially important interests in his conception of highly valued nonbasic interests and then goes on to design an adjudication scheme that takes those interests seriously while at the same time being careful to distinguish them from nonbasic interests that are less central to flourishing. This is certainly true with respect to important projects. Taylor says nothing about relationship of love and care, however. No doubt, they can be included in what people take to be crucial for a flourishing life, but he never explicitly mentions relationships and care as part of a flourishing life. When he thinks about human values, he leaves out relationships.³² Moreover, the way these relationships can complicate our interests gets no attention in Taylor's account. This is a significant deficiency, as I show later. Let's turn now to his priority principles so we can see how his conception of basic and nonbasic interests functions in adjudicating conflicts of interest.

ADJUDICATING INTER-SPECIES CONFLICTS OF INTEREST - THE PRIORITY PRINCIPLES

As Taylor notes, humans cannot survive without utilizing the natural world for their purposes. We must feed and shelter ourselves as well as protect ourselves against nonhumans

³² See Taylor 1986, 258-259 for example.

who are harmful to us (Taylor 1986, 257). Human and nonhuman interests inevitably conflict.³³ Because Taylor sees respect for nature as running a course alongside respect for persons, we may notice that respecting people's moral rights requires using animals and plants for human benefit.³⁴ As he puts it:

Suppose we do have both the attitude of respect for nature and that of respect for persons. The conflict between the good of other species and the realization of human values (including the opportunity to exercise human rights) then appears to us a situation of *competing moral claims*. From the standpoint of respect for nature we recognize the duty not to harm or interfere with a viable life community of wild animals and plants. At the same time we acknowledge and accept the duty to provide for the freedom, autonomy, and well-being of ourselves and our fellow humans (259).

Taylor proposes a set of priority principles for confronting these competing moral claims. He notes that the principles are “general in form, universally applicable, disinterested, advocated for all agents, and considered as properly overriding any non-moral norms” (260).³⁵ They are an attempt to show that we can recognize the equal inherent worth of all living things without giving up all human values. As I noted earlier, Taylor's priority principles have come under fire in part because they seem to undermine his commitment to biocentric egalitarianism. For, it remains unclear just *why* human interests are permitted to trump nonhuman interests in the way the priority principles endorse if all living things have equal inherent worth and we embrace species impartiality.³⁶ I will set that concern aside for the moment and return to it in the next section.

Taylor's five priority principles for coping with competing claims are:

³³ Taylor rejects the idea that, if we take a long-term perspective, we will see that human and nonhuman interests converge. Agar, another biocentrist, has argued that the proliferation of values involved in a biocentric view actually results in a situation where we have interdependent ends and this, in turn, reduces the incidents of conflict (Agar 2001, 153-173).

³⁴ He notes that we may think of choosing a life plan and living it as a basic moral right for humans (Ibid).

³⁵ The features stem from what Taylor argues are the formal conditions for any moral theory. He discusses these features in some detail on pages 25-33 of *Respect for Nature*.

³⁶ Along with those I listed in footnote one, Mary Anne Warren claims that Taylor gives up his species egalitarianism with his principle of self-defense (Warren, M. 2005, 443).

1. The Principle of Self-Defense³⁷
2. The Principle of Proportionality
3. The Principle of Minimum Wrong
4. The Principle of Distributive Justice
5. The Principle of Restitutive Justice³⁸

Of most interest for our purposes here are the principles of proportionality and minimum wrong though I will provide a brief description of the principles of distributive justice and restitution as well. I will hold off on raising concerns about these principles until the following section because we need to understand them all and how they work together before considering their strengths and weaknesses.

To determine which principle applies to a conflict, we must first determine what kinds of interests are at stake for humans (basic or nonbasic).³⁹ As Taylor presents conflict resolution, plants and animals only have basic interests so there is no determination to make on their side.⁴⁰ If the human interests are basic, we use the principle of distributive justice. If the interests are nonbasic, we must determine whether they are intrinsically incompatible with respect for nature (I explain what this means below). If they are, we use the principle of proportionality. If they are not, we use the principle of minimum wrong. I will begin with the principle of distributive justice to show how his theory comes together in practice.

The principle of distributive justice applies to situations where humans' basic interests conflict with the basic interests of wild animals and plants and where the nonhuman organisms are not harming humans (Taylor 1986, 292). The principle tells us that "when the interests of the parties are all basic ones and there exists a natural source of good that can be used for the benefit

³⁷ I will not discuss the principle of self-defense here as it is not central to my work. It maintains that "it is permissible for moral agents to protect themselves against dangerous or harmful organisms by destroying them." For more on this principle see Taylor 1986, 264-269. For an interesting discussion of the principle of self-defense see Agar 2001, 79-80.

³⁸ For convenience, I refer to this as the "principle of restitution."

³⁹ We also need to determine if the wild animals and plants involved are harmful to humans. If they are, then we go straight to the principle of self-defense.

⁴⁰ See his chart of priority principles on page 279 of *Respect for Nature*.

of any of the parties; each party must be allotted an equal share” (292). We are also required, whenever possible, to change situations of confrontation into situations of “mutual accommodation” (293).

One of the most interesting examples of the application of the principle of distributive justice has to do with humans’ need to eat food. Many animal welfarist and animal rights theorists who write about conflicts between humans wanting to eat animals and the animals’ interest in not being killed and eaten conceive of the conflict as one of humans’ nonbasic interests competing against animals’ basic interests.⁴¹ Then, they declare that basic interests override nonbasic interests and end the discussion in favor of the animals.

Taylor cannot conceive of the conflict in this way because he is committed to the view that plants have inherent worth *equal* to that of humans and animals. Therefore, he cannot solve the conflict by noting that humans can subsist on plants. Yet, humans have to eat something. As a result, the conflict between human beings’ need to eat and the interests of wildlife counts as a basic versus basic interests conflict on Taylor’s view and, therefore, falls under the purview of the principle of distributive justice.⁴²

Taylor notes that sometimes conflicts between human and nonhuman basic interests are avoidable. This is where the notion of mutual accommodation enters the picture. Sometimes it is possible for humans to make adjustments in order to turn “situations of rivalry and competition into patterns of mutual accommodation and tolerance” (297). Taylor suggests several

⁴¹ They conceive of it in this way because, in non-subsistence situations, humans can survive very well on vegetarian food sources. See Singer 1990 and Regan 1983.

⁴² It is right to note that, in western countries, the interests at stake are rarely those of wildlife because food sources are not wild animals and wild plants, but rather animals and plants that are the products of modern, industrialized agriculture. At the beginning of *Respect for Nature*, Taylor says that he will not consider “bioculture ethics” (1986, 53-58) which is to say that his theory is about wild nature rather than moral obligations to animals in human-created environments like factory farms. This bracketing off of issues related to bioculture makes it difficult to assess Taylor’s discussion of humans’ need to consume food since so much of the food humans eat is not from wild nature at all. Still, we can study the example to see how Taylor employs the basic/nonbasic distinction.

possibilities for how we might go about turning conflict into accommodation. These include “permanent habitat allocation,” “common conservation” (humans sharing scarce resources with nonhumans), “environmental integration” (fitting human developments into the natural environment), and “rotation” (distributing benefits by taking turns between humans and nonhumans) (Taylor 1986, 297-304).⁴³ Taylor seems to be laying the groundwork for thinking about how humans might moderate their interests, both basic and nonbasic, so that their fulfillment will not involve overriding nonhumans’ interests. This is promising, but I wish he had said more about how it all comes together. Sometimes Taylor’s language suggests that he thinks humans can moderate their interests so as to avoid conflict altogether, but the examples of mutual accommodation he provides often seem more about the fair distribution of benefits and harms. Moderating interests to avoid conflict and fairly distributing benefits and harms are importantly different from one another yet they run together a bit in Taylor’s treatment of mutual accommodation.

The principle of proportionality applies to situations where the human interests at stake are nonbasic and intrinsically incompatible with respect for nature. That is, the human project itself embodies a failure to respect the inherent worth of another organism insofar as it exemplifies an “exploitative” attitude that recognizes wildlife as having merely instrumental value (Taylor 1986, 274).⁴⁴ One of Taylor’s examples is of hunting elephants for their tusks (Ibid.).

The principle of proportionality’s content tells us that,

⁴³ I thoroughly endorse the spirit of Taylor’s discussion here and my approach in chapter five reflects some of the same sorts of ideas. If I read Taylor correctly, however, his options for mutual accommodation tend to play out at the ecosystem level and not at the level of individuals. In discussing rotation, for example, Taylor points out that we might mine a natural area for minerals crucial for human medicinal purposes for fifty years and then turn the land back over to wild animals and plants (302). This is an interesting suggestion and one worth exploring more. Still, in the fifty years we mine the land a tremendous number of individual animal lives will be negatively affected. Given that this is the case, it seems odd to think of this kind of rotation as a form of mutual accommodation.

⁴⁴ Taylor also uses the language of “exploitative” attitudes on pages 278-280 and on page 309. He also employs this language in “Are Humans Superior to Animals and Plants?” (Taylor 1984).

...in a conflict between human values and the good of (harmless) wild animals and plants, greater weight is to be given to basic than to nonbasic interests, no matter what species, human, or other, the competing claims arise from. Within its proper range of application the principle prohibits us from allowing nonbasic interests to override basic ones, even if the nonbasic interests are those of humans and the basic are those of animals and plants (278).⁴⁵

Imagine my project is trophy hunting elephants and I want to see how to adjudicate the conflict between my interest in hunting and my obligations to respect the inherent worth of all organisms. Taylor will tell me to note both that my project is nonbasic and intrinsically incompatible with respect for nature and then apply the principle of proportionality. The principle in turn tells me that in a conflict between my nonbasic interest in trophy hunting and the elephant's basic interest in surviving my nonbasic must yield to the elephant's basic interest. In short, the principle of proportionality tells us that when our nonbasic interests are intrinsically incompatible with respect for nature and they come into conflict with the basic interests of another being with inherent worth, our nonbasic interests must give way to the other being's basic interest.

The principle of minimum wrong involves cases where the human nonbasic interest in question is not intrinsically incompatible with respect for nature, that is, it does not in and of itself involve an exploitative attitude. Taylor helpfully provides us examples of nonbasic human interests that are not intrinsically incompatible with an attitude of respect for nature. His list includes activities such as building libraries, hospitals, roads, and parks in areas that will either destroy or seriously damage animals and/or ecosystems (Taylor 1986, 276). In the Pacific Northwest we might think about, for example, building a Mount Rainier education center.

In these circumstances humans have an interest in undertaking a particular project but the project itself does not reflect the attitude that wildlife has merely instrumental value for

⁴⁵ Taylor notes that his principle of proportionality is very similar to Regan's worse-off principle. Cf., Regan 1983, 308.

human purposes.⁴⁶ Taylor notes that there are two possible approaches to such conflicts. First, a person enlightened with respect for nature might well decide that the interest in question is not important enough to pursue in the face of the consequences its achievement will have on other entities with inherent worth. In these cases the interest is abandoned.⁴⁷ In the second situation, the human interests are important enough that even a rational person who has adopted the attitude of respect for nature “will not be willing to relinquish the pursuit of those interests even when they take into account the undesirable consequences for wildlife” (Taylor 1986, 280).⁴⁸ These are the interests included in categories one and two of nonbasic interests on Taylor’s taxonomy.

Having opted to pursue our nonbasic interest despite the consequences, we turn to the principle of minimum wrong to guide us. The principle states that,

...when rational, informed, and autonomous persons who *have adopted the attitude of respect for nature*, are nevertheless unwilling to forego the two sorts of values mentioned above [intrinsically valued ends and supremely inherently valuable ends], even though they are aware that the consequences of pursuing those values will involve harm to wild animals and plants, it is permissible for them to pursue those values only so long as doing so involves fewer wrongs (violations of duties) than any other alternative way of pursuing those values (282).

There are no doubt a plethora of ways in which the people of the Pacific Northwest could pursue their interest in furthering the appreciation and understanding of Mount Rainier. If it turns out that building our new education center “involves fewer wrongs” than, say, building a giant viewing deck around the summit of the Mountain and running cable cars up its side to enable

⁴⁶ In his work on environmental virtue theory, Ronald Sandler talks about the “range of dispositions” we bring to our interactions with the nonhuman natural world (Sandler 2004, 483). Some readers may think Taylor has something like this range of dispositions in mind when he distinguishes between projects that are intrinsically incompatible with respect for nature and those that are not. As I show later, his conception of “intrinsically incompatible” is actually far more complicated.

⁴⁷ We might imagine a person who wants to own and enjoy a motorboat but who decides to abandon the interest because driving the motorboat in her local lake will be disruptive to fish, birds, and other wildlife. Having taken on an attitude of respect for nature, she concludes that her interest should be set aside.

⁴⁸ Again, Taylor’s view is focused on wild animals and plants rather than domesticated animals and plants. Obligations to the latter group are derivative from Taylor’s view about the former.

people to easily take in the view from the top, then our nonbasic interest in furthering the appreciation and understanding of Mount Rainier can, justifiably, trump the basic interests of the wild animals and plants who will be negatively affected.⁴⁹

The fifth, and final, priority principle is the principle of restitution. This principle applies to situations where we have followed either the principle of minimum wrong or the principle of distributive justice. Recall that both these principles involve causing harm to wild animals and plants. If we have properly adopted an attitude of respect for nature, we will recognize that when we have caused harm we have an obligation to make reparations (304). As Taylor puts it, we need a principle of restitution to complement the principle of distributive justice because “the actions of moral agents always fall short of treating each organism, human or nonhuman, with perfect equality of consideration” (Ibid.).⁵⁰ The principle tells us that the good we do to make restitution must “bring about an amount of good that is comparable (as far as can be reasonably estimated) to the amount of evil to be compensated for” (305).

Taylor claims that, by following the principle of restitution, we can relieve the burden of guilt we experience when we harm wild animals and plants in pursuit of human interests.⁵¹

⁴⁹ In many cases it will be difficult to tell exactly what counts as “pursuing those values.” If we want to increase the appreciation of Mount Rainier, for example, perhaps it we could simply put brochures and educational pamphlets about Mount Rainier in local libraries. Pursuing the value may not require an educational center onsite at all. Still, some might argue that generating pamphlets does not count as pursuing the interest in furthering Mount Rainier appreciation. Clearly, work will have to be done to determine the precise nature of the interest in question and just what counts as pursuing that interest.

⁵⁰ Taylor does not say exactly why we are doomed to fall short, but I suspect it has to do with the difficulty of equally distributing benefits and harms that he discusses right before he makes this claim. Given the basic facts of nature and the difficulty of addressing all beings’ interests equally, we simply will not be able to get it right all of the time. In her discussion of Taylor, Hursthouse points out that we may “have already made such a mess of things that there is no virtuous way of sorting them out by human means” and, therefore, nothing would count as living in accordance with respect for nature (Hursthouse 2007, 169). Some might be discomfited by the idea that we are somehow doomed to acts of injustice. I see Taylor’s point here as recognition of the fact that moral life involves recognizing remainders and making efforts to address those remainders.

⁵¹ Restitution is, of course, a complicated affair. There are lively debates in the ecological restoration literature, for example, about whether such restorations can count as a form of restitution (see Elliot 2003; Katz 2003; and Light 2003). Katz suggests that the duty of noninterference that Taylor defends might be in tension with restoration efforts (Katz 2003, 395). I discuss the problems associated with inter-species restitution in chapter five.

To set aside habitat areas and protect environmental conditions in those areas so that wild communities of animals and plants can realize their good is the most appropriate way to restore the balance of justice with them, for it gives full expression to our respect for nature even when we have done harm to living things in order to benefit ourselves. We can, as it were, return the favor they do us by doing something for their sake. Thus we need not bear a burden of eternal guilt because we have used them - and will continue to use them - for our own ends. There is a way to make amends (Taylor 1986, 306).

These are the five priority principles Taylor provides for helping us determine how to approach conflicts of interest in a worldview where all living things have equal inherent worth. He offers the principles as evidence that biocentric egalitarianism need not break down in the face of conflicts between humans and, say, tulips. Still, Taylor recognizes that there will be cases where the priority principles fail to help us identify priority.⁵² In his characteristically thorough way Taylor offers us one last refuge in such cases. He suggests that we fall back on our vision of an ideal world order. This vision is, of course, informed by the attitude of respect for nature and it is of a “world order on our planet where human civilization is brought into harmony with nature” (Taylor 1986, 308). In the absence of clear guidance at the level of principle, Taylor asks us to remember that we always have guidance in the form of our vision for what the world should be like.

Of course, as Taylor himself acknowledges, our visions of what the world should be like will not be limited to our conception of respect for nature. That vision also includes human beings leading flourishing lives with meaningful projects. I would add close relationships to that vision. Taylor is right to recognize the limits of principles in moral theory.⁵³ Still, he does not offer us much to work with when the principles fail. In chapter five, I sketch an approach that

⁵² Taylor does not provide an example of such a case. It is possible that after reading through this chapter we might think that the Makah whale hunt serves as a good example.

⁵³ Virginia Held has a nice discussion of both the importance and limitations of principles in moral theory (Held 1995, 162).

strikes a balance between principles and particulars as well as flesh out how talking about our visions for the world might be done in a pluralist context.

With both Taylor's conception of basic and nonbasic interests and his priority principles in hand we can now turn to thinking about what is helpful and what is problematic about his system for adjudicating conflicts of interests.

CONCERNS ABOUT THE PRIORITY PRINCIPLES AND TAYLOR'S CONCEPTION OF INTERESTS

Taylor's thoughtful discussion of competing claims and priority principles in *Respect for Nature* is a model for painstakingly careful consideration of the implications of one's own theory on the day to day life of those who would choose to live that theory. Taylor refrains from describing all human nonbasic interests as trivial. Instead, he delves deep into the complexity of our human interests and attempts to take seriously that even people with genuine respect for nature will occasionally feel that harming nonhumans' interests might be necessary in pursuit of some highly valued and yet nonbasic ends. Those of us who defend staunch obligations to nonhumans might initially balk at this and at Taylor's attempt to accommodate it. Still, as readers of his work we have to appreciate his willingness to enter the murky waters of the robustness of human interests while at the same time trying to defend the robustness of our obligations to nonhumans. Though his account has some important deficiencies, his discussion in *Respect for Nature* is a detailed and honest attempt to reckon with these kinds of moral problems.

In what follows, I will critically examine Taylor's priority principles as well as his use of the basic/nonbasic interests distinction. While he does not overly trivialize nonbasic interests like Singer does, Taylor's description of nonbasic interests often relies on a truncated narrative;

one where the person's relationships of love and care are removed from the discussion. This complicates our understanding of nonbasic interests and, thus, the deployment and ultimate success of the priority principles. I think that the problems with Taylor's adjudication scheme reveal the difficulties of a methodology relying on a top-down approach to conflicts of interest. Taylor draws numerous distinctions and then suggests that we use those distinctions to then determine which priority principle to employ. He seems to think that failures of the priority principles will be the exception rather than the rule. The problems I raise below indicate that the opposite is true; we will find that the top-down approach runs into problems far more quickly than Taylor recognized. When we look at the full narratives of particular interests we see that it is far from feasible to fit them easily into the categories Taylor provides. It was in part this recognition that led me to endorse a different approach to inter-species conflicts of interest in chapter five.

Rosalind Hursthouse, who has genuine respect for Taylor's work, had this to say about his priority principles: "[T]he only thing such principles clearly yield are the obvious prohibitions that even the palest green environmentalist is already living in accordance with. Has any one of my readers recently bought ivory or a caged tropical bird or hunted a rare wild mammal?" (Hursthouse 2007, 168). Hursthouse overstates the point, but I agree with the spirit of her remarks, namely that Taylor's principles-driven, top-down approach meets its limits sooner than he recognized. The alternative she offers is an environmental virtue ethic.⁵⁴ The alternative I discuss in chapter five is a feminist approach. I will begin by considering the

⁵⁴ Hursthouse takes Taylor's respect for nature and turns it into the virtue of "being rightly oriented towards nature" (Hursthouse 2007, 162). The environmental virtue ethic Hursthouse sketches in this article reads a bit like a virtue theorist make-over of Taylor's theory. She takes the spirit of what Taylor is up to but improves upon it by turning it into a very different kind of approach, thus avoiding some of the problems his view encounters. Sometimes I think of my last chapter as a feminist make-over of Taylor. My approach reads a bit like what would happen if Taylor had written a feminist account of inter-species conflicts of interest (minus his biocentrism) instead of the deontological approach he did write.

principle of proportionality and the worries about internal inconsistency I mentioned in the last section.

The principle of proportionality informs us that we cannot allow human nonbasic interests that are intrinsically incompatible with the attitude of respect for nature to override nonhumans' basic interests when the interests come into conflict. Any human nonbasic interest that is intrinsically incompatible with the attitude of respect for nature must be abandoned. If we think of all human nonbasic interests as intrinsically incompatible with the attitude of respect for nature, then Taylor's view is unable to account for the robustness of human interests because the view would rule out the pursuit of all human nonbasic interests. This is a crucial area where critics have a problem with Taylor's biocentric egalitarianism. It is difficult to imagine how, on a view positing the equal inherent worth of all living beings, there could be any nonbasic interests that are compatible with recognizing that equality of inherent worth. How, if we take equality of inherent worth seriously, would it be possible to construe these interests as anything other than intrinsically incompatible with the attitude that believes in biocentric egalitarianism? Those who raise this question charge Taylor with abandoning his commitment to species egalitarianism when he takes up the priority principles.

James Sterba has argued, for example, that Taylor cannot remain committed to species egalitarianism while simultaneously allowing humans' nonbasic interests to trump the basic interests of other species (Sterba 1995).⁵⁵ As Sterba puts it,

What is so difficult to comprehend with regard to these principles is how some ways of aggressing against the basic needs of (wild) animals and plants are incompatible with the attitude or respect for nature, whereas other ways of aggressing against the basic needs of (wild) animals and plants are compatible with the attitude of respect for nature (198).

⁵⁵ Cf., French 1995. French claims that Taylor "toss[es] species ranking out the front door of [his] argument only to have it sneak around and into the house from the back" (40).

Sterba's solution is to replace Taylor's set of priority principles with different principles that preclude the permissibility of allowing one species' nonbasic interests to trump another species' basic interests (204). We need not scrutinize Sterba's alternate proposal here, but it is worth noting the apparent tension between Taylor's species egalitarianism and his claim that some ways of harming other species are intrinsically incompatible with respect for nature whereas others are not. If a key feature of the attitude of respect for nature is that all living things have equal inherent worth, then this distinction does seem to generate some internal inconsistency in Taylor's view.

Bryan Norton raises a worry similar to Sterba's in his review of *Respect for Nature* (Norton 1987). Norton points out that Taylor's environmental ethic is meant to parallel human ethics (266). Yet, if humans and nonhumans have equal inherent worth and Taylor genuinely thinks that human and environmental ethics parallel one another, we have to recognize that the principle of restitution does not function in human ethics the way it does in Taylor's environmental ethic. Recall that the principle of restitution is meant to require that, in cases where we harm nonhumans in pursuit of humans' nonbasic interests, we make restitution to the parties harmed. As Norton notes, things simply do not work this way in human ethics.

If a proposed museum siting would deprive some human indigents of life or the basic needs essential to life, it would seem to be immoral to build the museum on that site. Nor would we be willing, I think, to accept that result even if the proponents of the museum can show that there is no alternative means of pursuing the values in question that involve fewer wrongs to human individuals or if the proponents make restitution by setting aside areas for other indigents (266).

Here Norton strikes upon two apparent inconsistencies in Taylor's view. First, he points to a difficulty with the principle of minimum wrong. In human ethics, we would not generally allow a nonbasic interest to trump another humans' basic interest simply because we cannot locate

another way to pursue the values at stake.⁵⁶ Yet, this is precisely what Taylor suggests we do in the case of the principle of minimum wrong. Second, Norton points to the disanalogy between Taylor's environmental ethic and human ethics by noting that, in human ethics, we do not allow ourselves to pursue nonbasic interests at the expense of basic interests on the basis that we can make restitution to other human individuals. As Norton puts it, "it seems doubtful, therefore, that Taylor's priority principles maintain the moral equality of human and nonhuman individuals" (Ibid.).⁵⁷

I cannot see that Taylor has addressed this worry about the internal inconsistency of his view anywhere in print. Still, we can glean a sense of how he might respond by examining his reply to a different kind of objection. Gene Spitler took Taylor's species impartiality to task by claiming that, "Taylor would find that shooting his neighbor was no more morally reprehensible than swatting a fly or stepping on a wild flower" and then registering serious doubt that even Taylor himself could really hold this position in his life outside of philosophical argument (Spitler 1982, 260). Taylor's response to Spitler is relevant to this question of whether or not he backs away from species egalitarianism when he invokes his priority principles.

In his response, Taylor agrees that his adherence to the equality of inherent worth commits him to the claim that, other-things-being-equal, it is as wrong to kill or harm a wildflower as it is to kill or harm a human being (Taylor 1983, 242).⁵⁸ Still, he is clear that "this

⁵⁶ As Norton notes, it is hard to imagine our general moral commitments allowing a situation where we deprive a local homeless population of their basic needs so that we can build a museum where they are currently encamping. That said, I suspect that as a matter of descriptive fact we do this sort of thing more frequently than we would care to admit. Moreover, as Singer is at pains to point out, we certainly do this frequently when the human basic interests in question belong to distant, suffering, others.

⁵⁷ Later, I take up this issue with respect to how inter-species restitution is extraordinarily complicated and may, in fact, point to reasons why we ought not to pursue some human interests in cases where restitution would be impossible or profoundly inadequate.

⁵⁸ The "other-things-being-equal" caveat is meant to indicate that there may be cases where it is more wrong to harm one individual than another. Taylor gives the example of trampling on a wild flower simply because one

in no way entails that humans must never kill or harm a wild animal or plant, must never swat a fly or step on a wildflower” (Ibid.). Humans can do these things so long as they have an “adequate moral reason that outweighs the wrongness of the act” (Ibid.). He goes on to say,

In cases of conflict between them [wild creatures] and ourselves a fair resolution might require that some human conveniences, comforts, and other minor values be given up in order to preserve or protect something of great importance to their well-being. ... Respect for nature does impose upon us one supreme obligation: that we not approach the problem of resolving conflicts between ourselves and other species with an initial bias in our own favor. The impartiality demanded of us is no different from the impartiality we must exercise when we are trying to decide what is the fair thing to do when our personal interests are in conflict with those of our fellow humans (243).

Taylor’s response to Spitler indicates that he would reject the claim that his priority principles are in tension with his species egalitarianism by introducing a species hierarchy. It looks as though he would want to answer the likes of Sterba and Norton by claiming that species impartiality does not commit one to the view that one species’ interests can never eclipse those of another species. Rather, where strong moral reasons exist for doing so, we can harm a member of another species in service of human interests.

Without wading much further into this debate, I will close by saying that I agree that Taylor is in some difficulty here. For, even if we want to make the case that humans are under no obligation to forego *all* their interests in service of species egalitarianism, surely we would need to forego most of them in order to show proper respect for the species impartiality that the equality of inherent worth requires. I can see how Taylor’s response to Spitler shows that we need not sacrifice our basic interests in order to avoid harming other species, but it is not at all clear how Taylor’s view can allow us to pursue most of our nonbasic interests without stepping back somewhat from a firm commitment to the equality of inherent worth. I cannot locate a place where Taylor provides a robust justification for

dislikes the owner of the property versus killing a human in self-defense. He claims that the former is a greater wrong than the latter (242).

the claim that humans' highly valued nonbasic interest can trump nonhumans' basic interests. Saying that the interests are "highly valued" is clearly not enough. We need to know *why* the highly valued human interests can trump nonhumans' basic interests on a view claiming that the humans and the nonhumans have equal inherent worth.

To sum up, some philosophers have expressed concern that the priority principles introduce some internal inconsistencies into Taylor's theory. Though Taylor did not address this concern directly, he has defended himself against a related claim by noting that species egalitarianism does not entail the complete rejection of every human interest that comes into conflict with nonhuman interests. There are good reasons to want Taylor to say more on this point. Further consideration of the internal inconsistency issue must, however, await another occasion. In this chapter, I am more concerned with the way Taylor conceives of interests, how we go about dealing with interests tied to highly valued ends, and how this all plays out for adjudicating interspecies conflicts of interest.

We know that Taylor does think it is possible to be a species egalitarian and yet differentiate between nonbasic interests that are intrinsically incompatible with the attitude of respect for nature and those that are not. The principles of proportionality and minimum wrong turn on this differentiation. If Taylor thought all human nonbasic interests are incompatible with the attitude of respect for nature, then there would have been no point in positing priority principles at all aside from the principle of self-defense, allowing us to defend ourselves against harmful wild animals and plants. Clearly, Taylor does not think that the principle of proportionality rules out all of our nonbasic interests. Let's examine how he differentiates nonbasic interests that are intrinsically incompatible with the attitude of respect for nature and those that are not and see if we can understand how his view handles these kinds of interests.

One significant issue with Taylor's account is that he prohibits the pursuit of human interests that are exploitative without noticing that some are tied to highly valued ends. Taylor's priority principles are designed to show that biocentric egalitarianism can sanction the pursuit of human ends. Of course, it cannot sanction the pursuit of just any human end, but Taylor wants to show that our highly valued ends can be pursued even though we embrace the equal inherent worth of all living things. The principle of minimum wrong tells us that we can pursue highly valued nonbasic interests that are not intrinsically incompatible with respect for nature. Unfortunately, he fails to recognize the category of interests that are highly valued and yet intrinsically incompatible with the attitude of respect for nature. While I do not advocate making such interests permissible, an adequate account of inter-species conflicts of interest must have something to say about them.

Taylor explains that when an interest is intrinsically incompatible with the attitude of respect for nature it is an interest whose pursuit "would be given up by anyone who had respect for nature since the kind of actions and intentions involved in satisfying them directly would embody or express an exploitative attitude towards nature" (Taylor 1986, 273). He goes on to list some activities that fall into this category: killing elephants for ivory in order to make items to sell, killing rhinoceroses for their horns, picking rare wildflowers for a private collection, and recreational hunting (274).⁵⁹ Then, he explains the sense in which these ends are intrinsically incompatible with the attitude of respect for nature:

If we consider the various practices along with their central purposes as representing a certain human attitude toward nature, this attitude can only be described as exploitative. Those who participate in such activities with the aim of accomplishing the various purposes that motivate and direct them, as well as those who enjoy or consume the products while knowing the methods by which they were obtained, cannot be said to

⁵⁹ This is a partial rendering of his list. For those unfamiliar with Taylor's view, it is hard to imagine thinking that picking a wildflower constitutes the same moral wrong as killing an elephant for ivory. Given Taylor's commitment to species egalitarianism, however, this is the correct way to understand his view.

have genuine respect for nature. For all such practices treat wild creatures as mere instruments to human ends, thus denying their inherent worth. Wild animals and plants are being valued only as a source of human pleasure or as things that can be manipulated and used to bring about human pleasure (274-275).

He ends by noting that all of the interests underlying these practices are nonbasic and, therefore, not related to our subsistence needs (275). Finally, he says that judging such interests permissible means that,

...the basic interests of animals and plants would be assigned a lower value or importance than the nonbasic interests of humans, which no one who had the attitude of respect for nature...would find acceptable. After all, a human being can still live a good life even if he or she does not own caged wild birds, wear apparel made from furs and reptile skins, collect rare wildflowers, engage in hunting and fishing as recreational pastimes, buy ivory carvings, or use horn dagger handles. But every one of these practices treats wild animals and plants as if their very existence is something having no value at all, other than as means to the satisfaction of human preferences (275-276).

Interests that are intrinsically incompatible with the attitude of respect for nature are those that (a) are nonbasic and (b) involve an exploitative attitude towards plants and animals thus treating them as mere means (i.e., as if they only have instrumental value). It is important to note that the status of the interest as nonbasic is relevant to the judgment of the interest's intrinsic incompatibility with the attitude of respect for nature. Presumably, then, killing a bear in self-defense while hiking would not be intrinsically incompatible with the attitude of respect for nature (assuming the bear was going to kill us and there were no other means of escape) even though great harm is done to the bear by doing so. At issue in an interest's intrinsic incompatibility with respect for nature is not only whether the pursuit of the interest harms animals and plants but also whether the interest is basic or nonbasic.

In discussing interests that are not intrinsically incompatible with the attitude of respect for nature Taylor notes that these are interests whose fulfillment involves negative consequences for animals and plants but are not "in themselves" incompatible with respect for nature (Taylor

1986, 276). Pursuit of these interests does not involve an attitude that is “purely exploitative” towards nonhuman beings (Ibid.). Still, if we can avoid these consequences we should. A person with the attitude of respect for nature will have to determine if the interest involves an end that is highly valuable enough to outweigh the deleterious consequences of its pursuit for nonhumans. If it is not, then the person with respect for nature will forgo the interest (276-277).⁶⁰ If it is, then the person will pursue the interest. He lists building museums and libraries, constructing transportation systems, erecting dams for hydroelectric power, and taking over a woodland area to build a public park as nonbasic interests that can be categorized as not intrinsically incompatible with the attitude of respect for nature and that might be deemed valuable enough to pursue despite harmful consequences for nonhumans (Ibid.).⁶¹ Taylor has this to say about pursuing these interests:

...although having and pursuing the interests do not embody or express the attitude of respect for nature, neither do they embody or express a purely exploitative attitude toward nature. Wild animals and plants are not being used or consumed as mere means to human ends, though the consequences of actions in which the interests are pursued are such that wild creatures suffer harm (Ibid.).

As an action taken alone, pulling out wildflowers for the purposes of putting them in a private collection is indistinguishable from pulling out wildflowers to create a new public park. Both involve someone leaning over and pulling out the flower, thus harming it, when she does not strictly speaking need to do so.⁶² So, the difference between interests that are intrinsically incompatible with the attitude of respect for nature and those that are not rests on what interest the action is fulfilling and not the intrinsic features of the action itself.

⁶⁰ That is, the person is determining whether the interest falls into category three or categories one or two.

⁶¹ In all of these cases the assumption is that their pursuit will require destroying habitat and bringing harm to wild animals and plants. If they could be undertaken without such destruction, then there would be no competing interests to consider.

⁶² We can imagine that, in both cases, the wildflower might be replanted. Still, Taylor will want to say that we have harmed the plant in some way by removing it from where it is thriving and placing it somewhere else.

Someone might wonder why it is not the case that “intrinsically incompatible” simply denotes those expressions of disrespect that straightforwardly see nonhumans as instruments for human ends. I do not know why Taylor opted not to go this route, but it seems clear that he does not accept this way of thinking about what it means for an interest to be intrinsically incompatible with respect for nature. He notes that our attitudes towards nonhuman nature are exploitative when we treat it as having merely instrumental value and goes on to point out that all of the interests that underlie exploitative practices are tied to nonbasic interests we could easily forego. A lot seems to go into determining what counts as “intrinsically incompatible” and not all of it is well-accounted for by Taylor. For example, he talks about the impermissibility of building ski slopes and hiking trails. He claims that pursuing these human practices would be incompatible with respect for nature because they are nonmoral (Taylor 1986, 93) and nonmoral values never trump moral values on his view (92).⁶³ It is entirely unclear, however, how clearing trees and destroying wild animals’ habitat to build hiking trails in service of recreational or aesthetic values is distinguishable from destroying trees and habitat to build a public park which presumably also serves recreational and aesthetic values. Certainly, a case could be made that hiking trails have moral value if parks do. Both could be said to contribute to the maintenance of personhood, for example. Taylor provides no argument for why the kinds of interests served by parks have moral value where ski slopes and hiking trails do not.⁶⁴ In any event, it is clear that simply having an exploitative attitude is not enough to explain what makes an interest intrinsically incompatible with respect for nature. What kind of interest is at stake,

⁶³ Chapter one of *Respect for Nature* is where Taylor argues that nonmoral norms can never override moral norms. He takes this to be a central feature of how morality works.

⁶⁴ It appears, then, that his list of highly valued ends a person with respect for nature would deem valuable enough to trump nonhumans’ basic interests are those that have moral value.

whether we understand it as serving a nonmoral value or serving a trivial nonbasic interest, factors into the determination.

This raises an important problem. Taylor does not recognize the possibility that we might have a highly valued nonbasic interest that is also exploitative and, thus, incompatible with respect for nature. As a result, when he declares that nonbasic interests incompatible with respect for nature are impermissible to pursue, he cuts out many nonbasic interests without seeing that they are complex and highly valued.⁶⁵ An adequate approach to inter-species conflicts of interest must take this category of nonbasic interests into consideration and have something to say about it. Otherwise, it leaves a crucial element of our moral lives unexplored.

Thinking through an example will be helpful here. Let's consider the Makah whale hunt. As we have just seen, an action is not what is at issue in determining whether an interest is in and of itself incompatible with the attitude of respect for nature. It is the interest that counts. So, on Taylor's system, we cannot reject the Makah whale hunt as immoral if all we know about it is that it involves killing a whale. If the Makah tribe were living in a remote area of the Pacific Northwest that is inhospitable to vegetation, then hunting the whale to meet subsistence conditions would be both permissible and not intrinsically incompatible with the attitude of respect for nature.⁶⁶ The Makah do not wish to hunt for subsistence reasons, however, so we need to think more about their nonbasic interest in whale hunting in order to determine if it is intrinsically incompatible with the attitude of respect for nature and, therefore, ruled out by the principle of proportionality.

⁶⁵ Virginia Held talks about the importance of testing a theory in practice (Held 1995, 154). Part of what goes wrong with Taylor's account here seems to me to be that he does not engage his distinctions and principles in detailed particulars. These particulars would bring to light the deficiencies in his principles.

⁶⁶ For Taylor's treatment of subsistence hunting see Taylor 1986, 293-294.

If the Makah's interest in whale hunting can be understood as an interest in hunting in order to obtain whale parts to manipulate in some way and sell to tourists, then it is clear that their hunt is intrinsically incompatible with respect for nature and is ruled out by the principle of proportionality. Understood in this way their interest would be indistinguishable from the interest of a person who hunts elephants for their tusks. For, no one with genuine respect for nature would think that an interest in carving whale bone outweighs the harm a whale suffers when hunted and slaughtered.

If we understand the Makah's interest in whale hunting differently, then perhaps it is not intrinsically incompatible with the attitude of respect for nature and, therefore, not ruled out by the principle of proportionality. If the Makah whale hunt is understood as tied to the community's highly valued interest in maintaining its centuries old traditions and preserving its way of life in a world hostile to its people, then one might well conclude that the tribe is not engaging in an interest that is intrinsically incompatible with the attitude of respect for nature when it hunts and slaughters a whale. Their interest is nonbasic, to be sure, but it is highly valued in the way that building a new library or park is highly valued by other communities.

It seems to me that Taylor could say one of two things here. First, he could claim that a deeply held community-defining practice of exploiting animals is intrinsically incompatible with respect for nature. In this case, it would be ruled out by the principle of proportionality. Second, he could say that the Makah whale hunt is not intrinsically incompatible with respect for nature because the belief system of Native peoples is non-exploitative towards nature and because the whale hunt meets a highly valued community interest. In this case, it would fall under the principle of minimum wrong and thus be permissible alongside museums, hospitals, and parks. Either response lands Taylor's approach to inter-species conflicts of interest in some difficulty.

The first option fails to recognize that some exploitative practices are tied to highly valued ends. If Taylor's system prohibits the Makah whale hunt out of hand in this way, it is putting the hunt in the same category as hunting leopards and jaguars for luxury fashion items or trapping wild birds to keep them in cages (Taylor 1986, 274). If the tribe's interest in the whale hunt is best understood as rooted in a desire to save a traditional way of life threatened by the forces of racism, environmental degradation, and marginalization in the legal system⁶⁷, then thinking of the Makah whale hunt as in the same category as hunting leopards for their hides misses an important feature of Makah tribe's interest. Unlike an interest in fur coats, the interest in maintaining a traditional way of life that is under threat can be viewed as a highly valued end. Taylor's principles have nothing to say about an interest that is exploitative yet serves a highly valued end. Such an interest could not be said to fall under the purview of the principle of minimum wrong because that principle only applies to cases where the interest is not intrinsically incompatible with respect for nature. The principle of proportionality will prohibit the Makah tribe's interest in whale hunting without addressing the ways in which the hunt is deeply important to their community.

This is precisely the approach environmental and animal welfare activists took with the Makah. They lined up on the shores of Neah Bay holding signs telling the Makah members how morally corrupt they were for hunting down a whale. Their position was seen as both privileged and culturally imperialist and thus not well-received by the Makah tribe.⁶⁸ I am in complete agreement that allowing the whale hunt to continue is the wrong way to resolve this conflict, but we need a system of adjudication that has more to say about how to address the tribe's interests. Failing to recognize their interest as significant at all will not do.

⁶⁷ I say "if" because, as I noted in chapter two footnote 59, it may well be true that the Makah tribe's interest in reinstating the whale hunt is far less noble than this description lets on.

⁶⁸ See Gaard's discussion in Gaard 2001.

Now, this could be precisely the sort of case Taylor had in mind when he said that the principles will fall short because “the right thing to do is undecidable” (Taylor 1986, 307), but note two things. First, we have reached the end of the viability of the priority principles with a case that is by no means extraordinary or unusual in its complexity. Second, if it is the case that the priority principles cannot handle this sort of conflict, then Taylor will not have declared non-subsistence hunting impermissible when it is a fairly straightforward human pursuit to rule out on a view that takes nonhuman life seriously. I suspect that many interests currently highly valued by humans are exploitative in Taylor’s view. Taylor thinks, for example, that the principle of proportionality can prohibit recreational hunting because it is both intrinsically incompatible with respect for nature and serves an unimportant nonbasic interest. But, just as Singer did a disservice in describing my interest in my grandmother’s chicken soup as “nonbasic” in the sense of being unimportant, Taylor risks erring in the same way. He wants to think of recreational hunting as serving nonbasic interests that are not terribly important. I would love it if this were the case, but I think many people who grew up hunting and for whom it has become a crucial means of communing with loved ones would argue that Taylor is just as dismissive of their hunting interest as Singer is of my chicken soup interest.⁶⁹ His nuanced conception of humans’ nonbasic interests was supposed to prevent him from making this kind of mistake.

I cannot definitively diagnose why he omitted how to account for highly valued ends attached to community interests or important relationships that are intrinsically incompatible with respect for nature, but I think it has something to do with the Kantian underpinnings of his

⁶⁹ In an essay about hunters’ ethics, Brian Luke provides numerous examples of hunters talking about their ethics. While it was not Luke’s goal to make this point, the quoted passages from hunters illuminate the deep ways in which their hunting is tied to their relationships with their families (their fathers and grandfathers in particular). See Luke 1997.

view. Taylor's account is meant to be rationally grounded (Taylor 1981, 197; 1986, 9). In his book and many articles he does not address emotions and relationships or how they can inform moral thinking as well as complicate our interests.⁷⁰ Even when Taylor does list interests that are highly valued for individuals and communities, they are always the sort of things that can be understood as somehow contributing to the development of our personhood where personhood is understood in the traditional sense of the Kantian autonomous agent. Despite his efforts to show the complexity of human interests, love and care do not enter his discussion at all. As a result, he provides an incomplete picture of some kinds of interests and thus misses their important features.

The approach I put forth in chapter five seeks to avoid these problems by recognizing the way emotion can inform our sense of what matters about nonhumans' lives but also how relationships of love and care can complicate our interests in important ways that must be addressed. While my approach will not condone recreational hunting, it prohibits it while paying acute attention to the relational elements of the interest in hunting and offers a way to think about how to cope with the damage done to those elements when the interest is given up. Taylor's principle of proportionality simply rules out interests that are highly valued and yet exploitative of nonhumans without addressing (a) that those kinds of interests even exist or (b) the kind of inter-human restitution or repair that might be necessary to attend to the damage done in the human realm when we attend to obligations in the nonhuman realm. I have more to say about this later.

The second option I noted for what Taylor could say about the Makah whale hunt example is that he could assert that the tribe's interest is not intrinsically incompatible with respect for nature. In that case it would properly be under the purview of the principle of

⁷⁰ Marti Kheel discusses Taylor's reliance on rationality in Kheel 1985, 142.

minimum wrong. Taylor may want to argue that the Makah tribe's Native belief system is such that they approach whale hunting without an exploitative attitude towards the whale. This would distinguish their attitude from that of European hunters because the Native belief system regarding animals is so radically different from the European one that it can somehow reflect respect while hunting and slaughtering.

Before I show why this approach is problematic for Taylor's account, I want to register some skepticism that appeal to the belief systems of Native people can explain why non-subsistence hunting is not reflective of an exploitative attitude. It is important not to romanticize belief systems we do not know much about.⁷¹ I am certainly willing to accept that Native beliefs towards nonhumans are less exploitative than European belief systems, but we must proceed with caution in this area. For example, some Native people argue that pursuing hunting as a means to preserving traditional ways of life fails to reflect the respect for nonhumans that Native American belief systems endorse (Fisher 2011). Moreover, Native people, like any other people, do not speak with one voice about what their belief system entails. Greta Gaard notes, for example, that the Makah themselves were split over the issue of how to interpret reinstating the whale hunt with respect to their beliefs about the natural world. She points out that women elders in the tribe opposed reinstating the whale hunt, though their voices were silenced by males in their community (Gaard 2001, 16). This is all to say that I think it is not at all straightforwardly true that the Makah tribe's belief system is such that hunting and slaughtering a whale is not exploitative on that system. Finally, in 1999 the Makah killed a whale using three

⁷¹ Varner discusses this when he talks about prelapsarian visions of sustainability. He notes that Native American bison hunts in the period when they first made contact with Europeans was hardly reflective of what we would consider a respectful regard for the bison (Varner forthcoming, 212-213). He notes that "Native American drive hunts were not just inefficient but caused an enormous amount of suffering..." (213) and that they "[left] hundreds of carcasses to rot, sometimes only butchering the cows, or taking only favorite parts such as tongues and humps, or fetuses" (212).

harpoons and two rifle shots (Shukovsky 2002). It is a stretch to call hunting a whale with the aid of a rifle “traditional” and this makes me wonder how much the current interest in whale hunting could actually reflect a traditional, non-exploitive, belief system.⁷²

Let’s imagine, though, that we could be sure that the Makah tribe’s interest in hunting a whale is not intrinsically incompatible with respect for nature. If this is right, then the principle of minimum wrong permits the Makah to pursue their interest in the whale hunt. Recall that the principle of minimum wrong requires that, of the alternatives available to us for pursuing the interest, we choose the one that involves the fewest wrongs. The principle also requires that we recognize that our actions are harming beings with inherent worth and, therefore, approach this harm with a sense of having done something regrettable. We must make restitution. So, whenever we invoke the principle of minimum wrong we must also invoke the principle of restitution. Invoking the principle of minimum wrong in the Makah case points to some deficiencies in Taylor’s account.

First, if the Makah tribe’s interest is in hunting and slaughtering a whale according to traditional methods, then it is unclear how they can find a way to pursue the interest that does not include the harm of, at the very least, killing a whale. Though I want to acknowledge the importance of the whale hunt for the Makah, this result strikes me as deeply disturbing. It seems to me that an environmental ethic has gone awry when it can condone people piling into boats and shooting passing whales in the head with rifles. This seems even more true when we consider how incredibly difficult it would be to make restitution to the whales. We cannot make restitution to the whale who died, certainly. What does it even mean to make restitution to her pod? Taylor’s principle of restitution says that we should “bring about an amount of good that is

⁷² Luke argues that, in the ethical code of European hunters, it is precisely the aspects that pick out what is morally important about the animals that makes the code in fact an argument for not hunting at all (Luke 1997). I suspect that Luke would want to say something similar here.

comparable (as far as can be reasonably estimated) to the amount of evil to be compensated for” (Taylor 1986, 305), but this task will be very difficult to undertake. Inter-species restitution is profoundly complicated even if we can make restitution to the actual individuals we have harmed. In cases where we have killed those individuals, focusing our concerns on the ecosystem as a whole, as Taylor suggest (Ibid.) is something, but it can easily fall short of bringing about an amount of good equal to the harm we caused. I wish Taylor had explored more deeply the complications involved in inter-species restitution and how those complications make our decisions about which human interests to fulfill all the more difficult. It may be that the inability to make restitution should cause us to reflect anew on the interest and whether or not our fulfilling it is really permissible. The problem here, then, is that if the principle of minimum wrong permits the Makah to hunt and slaughter a whale, then a whale dies a fairly awful death, a whale pod must suffer the loss of one of its members, and it is very difficult to understand how we could ever make this right for the whales through restitution. Surely, there ought to be a way to adjudicate this conflict that avoids these kinds of problems.

I think there may be a way on Taylor’s view, but it too points to a deficiency in his account. The principle of minimum wrong requires that we pursue our highly valued interest in a way that causes the least harm possible. If the Makah’s interest in whale hunting can only be understood as an interest in hunting and slaughtering a whale, then we run into the problems above. What happens if there is some other way to fulfill the interest that causes less harm? The Makah tribe’s interest might not be in whale hunting itself but in carrying on traditions, making clear that their treaty rights are important, and finding ways to prevent their way of life from disappearing.⁷³ If this is the case, then surely the tribe can fulfill their interest by pursuing a less

⁷³ Shukovsky 2002 points out that one of the central issues that came up in the case of the Makah whale hunt was the court’s overruling of the tribe’s treaty rights to fish.

harmful alternative than hunting and slaughtering a whale. There are ways to carry on important traditions, clarify treaty rights, and prevent the disappearance of their way of life that do not involve killing a whale. These might include re-enacting the whale hunt through some creative medium, reclaiming and re-establishing some other, long set-aside tribal tradition that is less harmful for nonhumans, or working to ensure that their traditional language does not die out. The work here would not all be on the Makah side. The United States government would also need to do its part to correct some of the wrongs it has committed against Native Americans insofar as those wrongs are playing a role in what is happening for the Makah with respect to the whale hunt.

This is a promising way of approaching the Makah whale hunt example, but Taylor left some important work unfinished. First, there is a problem of description. Taylor does not provide a nuanced discussion for how we can go about the process of providing a proper understanding of an interest's contours. In the Makah case, for example, it is unclear whether the interest is best understood as necessitating hunting and killing a whale. Taylor says that it is the person with the attitude of respect for nature who deliberates over the adjudication process (Taylor 1986, 60), but that strikes me as problematic. To begin with, in a cross-cultural conflict of this kind the deliberation process should involve a plurality of voices: the Makah, the environmental and animal rights community, the various government agencies responsible for overseeing indigenous rights to fishing and whaling, and others. Not all of these parties will be understood as having respect for nature in the way Taylor describes it.⁷⁴ Indeed, even people with respect for nature may disagree about the right course of action. This is not a unique

⁷⁴ Gaard provides an interesting discussion of the Makah whale hunt and what a robust, cross-cultural, conversation about the interests at stake might look like (Gaard 2001). Lugones and Spelman offer suggestions for how cross-cultural theorizing can best avoid the problems of cultural imperialism that would be helpful here as well (Lugones and Spelman 1983).

problem for Taylor since it is one moral theories often encounter, but he does not address the possibility that disagreement among those with respect for nature could arise or what to do about it.⁷⁵

Additionally, as Hursthouse points out, the world currently suffers from a real dearth of people who genuinely possess the virtue of respectful regard for the nonhuman environment (Hursthouse 2007, 168).⁷⁶ So, at least for the moment, there may be a problem in relying on people with the attitude of respect for nature to call all the shots with regard to human interests because such people may not actually exist. Of course, we will have to do the very best we can and muddle along with the best of intentions so this is not a terrible problem for Taylor or, again, one unique to his view.⁷⁷ I do wish, however, that he did not write so passingly of “taking up the attitude of respect for nature” as if, as Hursthouse says, “this were something one could do more or less overnight, through a rational process” (163). Taylor recognizes how radical a shift respect for nature will be for people, but he only mentions it in passing rather than pausing to reflect how this will complicate moral work in actual situations.⁷⁸

The second deficiency in Taylor’s account is that he does not notice that when we take a highly valued end and alter it somewhat in order to meet the interest in a way that causes the least possible harm something important is often given up. If the son of a recreational hunter from a family of generations of recreational hunters comes home one day and informs his father

⁷⁵ Ronald Sandler’s environmental virtue approach “allows for genuine and sincere disagreement even among environmentally virtuous persons” (Sandler 2004, 494 fn38). Taylor may take the same approach, but I do not see where he says so. Reading him one gets the impression that people with respect for nature will speak with one voice. This seems highly unlikely given both the complexity of our interactions with the nonhuman world and the fact that environmental values are one value among many that people hold.

⁷⁶ Hursthouse makes a point to notice that academic philosophers do not yet show evidence of really possessing the environmental virtues (Ibid.).

⁷⁷ A lack of people with practical wisdom will be a problem for Hursthouse’s and Sandler’s environmental virtue ethics too, for example.

⁷⁸ He also over-simplifies how people come to have the attitude of respect for nature, as Hursthouse points out. He thinks it will be a process achieved through reason. In chapter five, I defend an approach that relies on both reason and emotion for understanding animals’ moral significance because relying on reason alone seems both ineffectual and unnecessary.

that, out of respect for nonhumans, they should pursue their interest in outdoor time together and building community by hiking instead of hunting he will potentially cause some moral damage in that relationship. Close, personal, relationships rely on a certain predictability in our interactions with one another. Margaret Urban Walker refers to this as “the learned codes of expression and response built up in particular relationships, and built up culturally around kinds of relationships” (Walker 1995, 142). Taylor recognizes that restitution has to play a role in thinking through our interactions with nonhumans, but he misses the important kinds of restitution, or repair, that might need to go on in our human relationships when we take nonhumans’ interests seriously. The kind of inter-personal damage done when we take steps to respect the inherent worth of all living things cannot always be captured through appeal to respect for persons. The damage generated may not be expressible in the language of justice and rights; it may require an ethic of care for its proper expression.⁷⁹ Taylor’s reliance on a traditional, deontological, framework makes it so that he does not see this cost to people when interests are altered or given up altogether. Subsequently, he offers no discussion of how inter-human moral work can address this damage.

A related problem arises when Taylor talks about the principle of minimum wrong with respect to the interests a person with respect for nature will deem too unimportant to outweigh the harm their pursuit would cause animals and plants. Taylor claims that these are interests the person with respect for nature will “willingly” forego (Taylor 1986, 276). I suspect that he believes a large number of interests fall into this category and that is why the shift to respect for nature will be quite radical for many of us. The attitude of respect for nature is a very demanding world view. In adopting it we must come to see that many of the nonbasic interests whose pursuit we currently take for granted is beyond the pale for us.

⁷⁹ See Gilligan 1982.

This is not in and of itself a problem. I agree with Taylor that respect for nonhuman life will result in significant obligations for humans and demand a great deal of us. Yet, Taylor has moved too quickly past the fact that taking on the attitude of respect for nature will be extremely demanding. The interests we forego, while not always central to our conception of flourishing, will likely add up to quite a bit of happiness for us when taken in the aggregate. Taylor seems to think that a person who is enlightened with the biocentric outlook and who genuinely approaches the world through the lens of respect for nature will not feel the loss of these nonbasic interests too keenly. For, her worldview is such that the interests are so clearly unimportant that she is happy to give them up in service of doing the right thing from the moral point of view. He might be right in some cases. As a vegan, I do not daily mourn the loss of my formerly beloved bit of cheese. Still, even the most morally enlightened of human beings will not experience unmitigated satisfaction when faced with the loss of her many nonbasic interests. These interests are often tied to social gatherings with friends, for example. Our friends and loved ones may not travel alongside us in our moral journeys and our relationships with them will be impacted when we make lifestyle changes. Taylor does not recognize the loss incurred when such things happen. When we think about human interests and how they are impacted by obligations to nonhumans, we must at least make this recognition and have something to say about it.

To draw this analysis to a close I will summarize by noting that Taylor's enriched conception of nonbasic interests, including his recognition of the fact that some nonbasic interests are linked to highly valued ends, helps us see how we might think about interests that are neither subsistence interests nor trivial interests. On Taylor's view we can see the Makah's interest in whale hunting as a nonbasic, but still very important interest for them. This is an important step forward in thinking about how we should conceive of interests in inter-species

conflicts and it invites a more genuine dialogue about the interests and what they mean to us than Singer's system does. That said, when we look at Taylor's priority principles we see that several problems arise. First, Taylor does not acknowledge, and therefore has nothing to say about, highly valued ends that are exploitative of nonhumans. This generates further issues because it shows either that the priority principles are not particularly useful or that he cannot rule out human interests like non-subsistence hunting tied to highly valued ends.⁸⁰ Moreover, his failure to recognize how relationships complicate our interests results in a theory that does not account for the inter-human damage done when we forego interests in service of obligations to nonhumans. In a sense, he works with truncated narratives because he does not recognize the relational features of interests. Second, we noted that inter-species restitution is profoundly complex. Difficulties with restitution might point to reasons we ought to give up some of our highly valued interests rather than pursue them in the false belief that restitution will make up for the wrongs we have done. Third, we noticed some problems related to how to best describe interests (particularly with respect to the principle of minimum wrong) and what to do when people with respect for nature disagree about the right course of action. This last set of issues does not pose tremendous problems for Taylor's view, but his account would be improved if he had had something to say about them.

Finally, Taylor's priority principles depend on accurately plugging in the kind of human interest at stake in order to know which principle to use. This involves both distinguishing between basic and nonbasic interests and, within nonbasic interests, between trivial interests and highly valued interests and then highly valued interests that are intrinsically incompatible with

⁸⁰ It is, of course, an open question whether an environmental ethic should condone or condemn non-subsistence hunting aimed at wildlife management. I leave that question aside in this analysis, though readers interested in the debate should see Varner 1998, 98-120 and Luke 1997, 38-39. Surely, an ethic of respect for nonhuman nature should prohibit non-subsistence hunting for recreational purposes and certainly Taylor takes his ethic to be doing just that.

respect for nature and those that are not. I think it is a point in Taylor's favor that he discusses nonbasic interests in a way that acknowledges a spectrum. I remain skeptical, however, that the various distinctions he requires in order to use his priority principles can be clearly determined most of the time. Even in his attempt to take humans' nonbasic interests seriously, Taylor ended up trivializing some potentially important human interests. It may seem reasonable to think that a person with respect for nature would automatically reject an interest in recreational hunting as too unimportant, but then she is classifying it as a category three interest when it may be a category one or category two interest. The Makah whale hunt can be thought of as recreational hunting and yet can clearly be construed as a category one interest. Adjudicating conflicts of interest with truncated narratives can lead to these sorts of problems. This is partly why, in chapter five, I move away from using the basic/nonbasic interests distinction as a normative guide. I do not think the kind of interest can tell us very much about what to do or think when used in abstraction. Taylor's way of talking about interests can be seen as a partial step away from abstraction, but does not come far enough.

CONCLUSION

I will admit that I first approached Taylor's work in *Respect for Nature* with significant skepticism. I was affronted by his unwillingness to address issues related to our interactions with domesticated animals, particularly in the areas of industrialized agriculture and vivisection.⁸¹ After spending more time with his work, however, I've grown to have a deep appreciation for his careful consideration, his recognition of the importance of thinking through how we can pursue our nonbasic interests in the most minimally invasive way, and then go about making restitution

⁸¹ I thank Steve Gardiner for encouraging me to stay with Taylor and look more carefully despite my disagreements with his approach.

for the harms we caused in doing so as well as distributing those harms as equitably as possible. This piece of what it means to show respect for nonhumans' wellbeing goes unnoticed in so much of daily life. We give ourselves blanket approval to pursue our ground projects, but rarely pause to consider which method for that pursuit would most align with our values. Restitution is almost never part of our thinking. Taylor reminds us that our ground projects can be important, they may even be important enough to warrant occasionally harming other living things, but we cannot, nevertheless, charge forward with them in blind pursuit.

My desire to build a tree house for my child to enjoy might, for example, on one description, count as just the sort of interest a person with true respect for nature would set aside in order to show proper respect for the well-being of animals and plants. Tree houses just do not seem that important when compared to the basic interests of animals and plants. Seen another way, however, my interest in building my child a tree house may be rooted in his profound love of tree houses. Perhaps he has special needs of some kind and tree houses are particularly soothing. No one else in the neighborhood has a tree house we can borrow. When we add the context for my interest in building a tree house we see that it is now less clear that a person with respect for nature would set aside the interest in the tree house as too trivial. It is a category two nonbasic interest so it goes to the principle of minimum wrong. The principle of minimum wrong will remind me that, though I can pursue the interest in tree house building, I need to find the most minimally invasive way of doing so and I must make restitution of some kind for the plants and animals I harmed in the construction process (as well as its use).

This will be hard work. I cannot just take a ride to the local Home Depot, buy the cheapest materials I can find, and construct my son's tree house. I will need to research the various options for materials, learn about which trees in my yard can best withstand the burden

of a tree house, and think carefully about the best way to make restitution for the harms I cause in undertaking my tree house project.⁸² The recognition that I need to be thoughtful in pursuing even those interests that link to my ground projects and personal relationships is vitally important to living a life that is respectful of nonhumans' interests. Taylor's view may fall short in a number of ways, but it does remind us that we have obligations to be thoughtful and careful in the pursuit of our interests and that our choices will often generate moral remainders. This seems to me to be closer to what we are looking for in a system of adjudication than what Singer offers.

Whether or not the distinction between basic and nonbasic interests can ultimately do the work Taylor wants it to and whether or not his priority principles can work the way he thinks they do, we have much to take with us from his theory when we go about thinking through what might be a better way to approach interspecies conflicts of interest. I will turn to that issue in my final chapter. In the next chapter, I want to consider Gary Varner's approach to interspecies conflicts. Like Taylor, Varner recognizes the importance of humans' ground projects. Unlike Taylor, however, he flips the hierarchy of interests and places nonbasic interests at the very top. Varner's approach is a more sophisticated form of utilitarianism than Singer's, one that takes the context of interests very seriously. Let us turn, now, to Gary Varner.

⁸² This is the sort of thing Taylor considers in his discussion of environmental integration as a form of mutual accommodation. See Taylor 1986, 299.

CHAPTER FOUR

GARY VARNER'S ROBUST APPROACH

INTRODUCTION

In chapter two, we examined Singer's conception of basic and nonbasic interests and noted that his discussion of inter-animal conflicts of interests is impoverished. Singer's failure to contextualize human interests and to distinguish between peripheral and highly valued interests results in an overly minimalist conception of human interests. Even if we can agree with many of his conclusions regarding how inter-animal conflicts of interest should be adjudicated, we are left feeling as though something morally significant is missing from the discussion. This has practical implications for activists and advocates because Singer's theory renders it difficult to convince people to take on demanding moral obligations. It also has theoretical implications because, by failing to describe human interests in all their robustness, Singer provides an incomplete moral picture. He recognized neither the complexity of moral agents' lives nor the moral work remaining even if we adjudicate a conflict in favor of the animals.

In chapter three, we considered Taylor's priority principles and his conception of basic and nonbasic interests. Taylor's thinking about human interests is considerably more evolved than Singer's in that he recognizes that some human interests, while nonbasic, are tied to highly valued ends that are constitutive of a life worth living. His priority principles are a carefully considered effort to take nonhumans' interests seriously while simultaneously recognizing that even the most environmentally conscious of us will have interests we consider worth pursuing despite the loss and, sometimes, devastation that pursuit will cause for the nonhumans affected. Though Taylor's work on inter-species conflicts of interest is more nuanced than Singer's, his priority principles are still problematic. Taylor rules out certain interests on the basis that they

are exploitative of nature. Relationality and how it complicates our interests is absent from Taylor's account. As a result, he misses a crucial element of what is at stake with some human nonbasic interests by ignoring the possibility that many human interests that are exploitative are also tied to highly valued ends. Finally, Taylor does not address the issue (that I will take up in chapter 5) of how at least some people might forego fulfillment of their highly valued ends and then go about the work of moral repair to assuage the problems generated by foregoing that fulfillment.

Though Singer and Taylor differ extensively in their theoretical underpinnings, their views overlap somewhat. Both endorse a hierarchy of interests where basic interests are the most morally significant. In this chapter, we will examine Gary Varner's work on inter-animal conflicts of interest. Varner started off a biocentric individualist, like Taylor, but now endorses a sentientist moral perspective, like Singer.¹ Yet, Varner inverts the hierarchy of interests we have considered thus far by placing basic interests at the bottom of his hierarchy.² For Varner, basic interests are foundational -- they must be met if other interests are to be fulfilled -- but they are not the most morally significant. Indeed, he rightly notes that a person could have all of her basic interests satisfied and live a miserable life if, for example, all of her most meaningful projects were thwarted (Varner 1998, 96-97). Varner shows that animals' interests matter

¹ In *In Nature's Interests?*, Varner defended the existence of nonconscious, biological interests by critiquing the mental state theory of individual welfare (Varner 1998, 57). The existence of these kinds of interests grounded the moral considerability of non-sentient living things and, therefore, his biocentric individualism. Numerous reviewers claimed that Varner's rejection of the mental state theory was unsound (Carter 2000; Johnson 2001; Rowlands, 2000). In *Life's Intrinsic Value*, Nicholas Agar made a particularly cogent argument regarding the unsoundness of Varner's critique of the mental state theory (Agar 2001, 76-77). Varner agreed with Agar's argument and he subsequently retracted his biocentrism (Varner 2003). Varner maintains that the arguments he presented in chapters four and six of *In Nature's Interests?* regarding the prioritization of interests and the justification his axiological anthropocentrism provides for the environmentalist agenda remain unaffected. Therefore, the move from biocentrism to sentientism has no impact on my discussion of Varner's work. For further criticism of Varner's rejection of the mental state theory see Carter 2000; Jensen 1999; and Rowlands 2000.

² In *In Nature's Interests?*, the bottom of the hierarchy was biological interests because Varner had been defending the existence of non-conscious, biological interests and the moral significance of nonsentient life forms. Since he has moved away from biocentrism, he no longer endorses the existence of biological interests in this sense. Still, "basic" is what Varner would use to describe interests that are necessary in order for other interests to be satisfied.

morally, but he also defends the moral primacy of humans' interests, at least where their ground projects are concerned.³ Varner's view is of particular interest for my project because, in many ways, his discussion of human interests moves closer to my idea of how we need to think about humans' nonbasic interests. He talks about the importance of taking context into consideration and takes seriously the fact that asking people to radically alter their interests in service of reducing animals' suffering will cause psychological pain, economic distress, and social disruption. In a way, this is exactly what I am up to when I say that we need to contextualize human and animal interests in ways that provide them with complete descriptions. In this sense, Varner's thinking about interests is significantly better than Singer's. However, though I fully support the introduction of context and complexity into the discussion of humans' interests, as I will argue later in the chapter, Varner's efforts to include the complexity go somewhat awry.⁴ The result is that human interests override animal interests much of the time including cases where many animal welfare activists would agree they ought not to be overridden. As will become clear, some of the deficiencies with Varner's account are attributable to the utilitarian framework within which he works. Some of the issues, however, have to do with the specifics of his view and they are not problems that all utilitarians would confront. Varner provides a very careful analysis of interests, striving to understand human and animal interests, to show how we can understand the differences between them. In many ways he is more careful than either

³ As will become clear, Varner is not defending the primacy of humans' interests so much as he is defending the primacy of interests that belong to persons. Varner's understanding of current science is that it shows that only human beings meet his criterion for personhood, namely a biographical sense of self. Depending on felicities of language, I will refer either to humans or to persons but it should be understood that right now Varner only recognizes human beings as persons. All other animals are either near-persons or merely sentient.

⁴ Margaret Urban Walker talks about utilitarianism as a contextualized ethic, but notes that the utilitarian approach to context is very different from that found in an ethic of care. For utilitarians, human relationships are simply part of the "math problem" of moral decision-making whereas an ethic of care takes these relationships to be in and of themselves a central piece of moral decision-making and as having something to teach us about what it means to be a moral agent (Walker 1980, 126-127).

Singer or Taylor in this regard. Still, there are problems with Varner's account. A close examination of his latest work will reveal the difficulties.

Varner's most in-depth discussion of his sentientist approach to environmental ethics appears in his forthcoming book tentatively titled *Personhood, Ethics, and Animal Cognition: Situating Animals in the Two-Level Utilitarianism of R.M. Hare*.⁵ As the title indicates, Varner is focused on Harean two-level utilitarianism and how it provides a theoretical underpinning for taking animals seriously while also explaining why some human interests are more morally significant. Varner argues that the theory is well equipped to help us understand how to approach issues in animal ethics or, what he calls, "humane sustainability."⁶ He undertakes the important work of moving Hare's theory past where Hare himself took it. For, except for his one piece on demi-vegetarianism (Hare 1999), Hare did not devote much theoretical energy to the implications of his view for nonhuman animals.

As will be seen in my discussion of the manuscript below, Varner still endorses a hierarchy of moral significance similar to what he defended in 1998 (his axiological anthropocentrism). Indeed, his new work is a robust defense of the position he took in *In Nature's Interests?* defending the priority of ground projects over other interests, except that he makes a different argument for *storytelling* being what makes ground projects so important.⁷ In

⁵ The book is currently undergoing copy-editing and is expected to go to press with Oxford University Press in the spring. I am working off of a copy of the manuscript that Varner shared with me in May 2011. I will refer to it as the "manuscript" so it is clear that I am citing an earlier version of the text rather than the finished product.

⁶ "Humane sustainability," means "...thinking of sustainability with the well-being of the affected animals as a primary focus. The focus cannot be exclusively on animal welfare, because human social systems exist to serve human interests, but in humane sustainability there is a strong emphasis on animal welfare." (Varner forthcoming, 208).

⁷ Varner uses Williams' language of ground projects and categorical desires. Williams introduces the notion of a ground project and then uses it to show that utilitarianism (and Kantianism) issue unreasonable requirements of impartiality on a moral agent such that she would have to abandon the very projects and desires that give her life meaning (Williams 1981, 12) in order to meet the demands of morality. It may seem odd, then, that Varner relies so heavily upon Williams' taxonomy of projects and desires. Varner uses the language of ground projects to indicate the kind of human interests that are inclusive in that they require for their fulfillment the satisfaction of other kinds of interests and also carry a great deal of value for the person with the interest. He is not the only utilitarian to speak

In Nature's Interests? Varner offered a hierarchy of life forms (from top to bottom - human beings, beings with desires, organisms without desires)⁸ that mapped to a hierarchy of interests (from top to bottom – ground projects/categorical desires, noncategorical desires, biological interests) (Varner 1998, 96). Only human beings were understood to have all three kinds of interests, while other beings with desires had non-categorical and biological interests. The hierarchy of moral significance of life forms he provides in his new work is couched in different language and without reference to non-conscious organisms. He places persons above near-persons and near-persons above the merely sentient. The hierarchy of interests he defends in the new work is also similar to what he put forth in *In Nature's Interests?*, though the bottom level shifts from biological to basic interests.⁹ I will turn now to a brief discussion of Varner's new work with a focus on the areas of particular interest to my project, namely those that shed light on inter-animal conflicts of interest.

VARNER'S HAREAN TWO-LEVEL UTILITARIANISM AND THE MORAL SIGNIFICANCE OF PERSONS

R.M. Hare's version of utilitarianism was two-level in the sense that Hare thought we needed easily accessible moral rules for governing our day-to-day moral lives and then a critical level of reflection that both justified those rules and enabled us to think through novel cases.

Varner summarizes Hare's view as follows:

in terms of ground projects (see Railton 1984). I will set aside the question of whether a utilitarian can properly talk in terms of ground projects at all.

⁸ Varner says "humans" rather than using a more abstract characterization like "persons." This speaks to why he thinks of his view as a form of axiological rather than valuational anthropocentrism, namely that he prioritizes a certain kind of interest that, as it happens, only humans possess rather than prioritizing humans' interests simply because they belong to humans (see Varner 1998, 8 and 121). As I will discuss later, however, Varner says several times that a plausible environmental ethic will have to give "pride of place to certain interests which only humans have" (Varner 2003, 416; cf., Varner 1998, 79). So, the fact that his view prioritizes certain human interests is not accidental and makes it seem more valuationally anthropocentric than it might otherwise appear.

⁹ Varner's old hierarchy is very similar to the one defended by Mary Anne Warren (Warren 2005).

...he [Hare] argues that moral judgments have three logical features: they are universalizable, over-riding, and (in his special sense) prescriptive. According to Hare, these three features force us, when taking the moral point of view, to adopt an attitude of generalized or disinterested prudence. So on Hare's theory, just as accounts of prudence stress not discounting the future, morality involves not discounting others' experiences – morality, on Hare's view, is 'universalized prudence.' And when we take this disinterested perspective on interest satisfaction, according to Hare, we would make the same choices that a utilitarian would make.

That is, according to Hare, the logic of moral discourse forces us to think like utilitarians. For several reasons, however, Hare argues that real-world human beings need non-utilitarian principles for day-to-day decision making... (Varner forthcoming, 10).

These non-utilitarian principles we rely on for day-to-day decision making are the “intuitive level” rules. Varner goes on to note that, “for the purposes of moral education, these rules must be fairly simple, like ‘don't lie.’” We need to think of these rules in a way that renders us “diffident” of breaking them which is why they are “deontological in flavor” (Varner forthcoming, 10). These intuitive level system rules (ILS rules, as Varner calls them) are justified using utilitarian thinking at the critical level, that is, they maximize aggregate happiness. A complete set of ILS rules includes: laws, common morality, professional ethics, and personal morality. So, in addition to the common moral and legal norms of our times, people can also adhere to ILS rules as determined by their professional organizations as well as a set of ILS rules that function on the personal level. This latter category generally applies when people go beyond the ILS rules of the common morality, as people do when they adhere to vegan lifestyles or as abolitionists did in the antebellum South. I will have more to say about common and personal morality later.

On some occasions, our ILS rules will not suffice and we need to bump to the critical level to solve moral problems. Varner identifies, following Hare, three circumstances in which we *must* use “explicitly utilitarian thinking” (critical level) and one circumstance in which we

should rely on critical level thinking though, strictly speaking, the ILS rules are still functional (Varner forthcoming, 11).

We must use critical level thinking:

1. “In novel cases (which intuitive level rules are not designed to handle, and on which they give little or no guidance),
2. When intuitive level rules conflict, and
3. To select and amend intuitive level rules over time and in light of new information and experiences.

Hare says we *should* use critical level thinking when:

4. Something is ruled out by the intuitive level rules one has internalized, but both (a) it seems clear that the violation will maximize aggregate happiness and (b) one can trust one’s judgment that this is so” (Varner forthcoming, 11).

Varner notes that, because Hare’s account is utilitarian, it forces us to take animals’ interests into consideration. Of course, for many people, ILS rules do not currently recognize the moral significance of animal interests. Varner is nonetheless optimistic about the theory, noting that it is possible to “incorporate an animal rights component into Hare’s theory, if it can be shown that sound critical thinking would support extending similar intuitive level protections to at least some animals” (Varner forthcoming, 16). Varner argues “that this is the case, at least with regard to what I call ‘near-persons,’ and at least in modern, affluent societies” (Ibid.).¹⁰ However, this moral protection may be limited in scope. He goes on to say, “I also believe that sound critical thinking supports adopting substantially different intuitive level rules governing our treatment of animals that are ‘merely sentient,’ and this drives my view closer to the animal welfare camp, at least where merely sentient animals are concerned” (16-17). Thus, merely

¹⁰ Varner says “an animal rights component” but his view is actually an animal welfare view. He notes this on page 18 and in chapter 9 of the manuscript. Still, on the Harean two-level system, because ILS rules are deontological in flavor, they can incorporate rights’ insights such as a right to bodily integrity.

sentient animals will need to have their interests considered, but will receive fewer protections from harm caused in pursuit of human interests than those received by near-persons.¹¹

Varner maintains that all sentient creatures have moral standing, though they will differ in moral significance (Varner forthcoming, 18).¹² As noted above, he endorses a hierarchy of moral significance with persons at the top followed by near-persons which are in turn followed by the merely sentient (112). Humans are alone on top because they are the only candidates for full personhood that Varner believes current science can identify.

In *In Nature's Interests?*, Varner noted that only humans have ground projects, though he suspected it might be possible that the great apes and some cetaceans have ground projects as well.¹³ In *Personhood, Ethics and Animal Cognition*, Varner moves away from grounding humans' special moral significance in their capacity to have ground projects. Instead, he says,

I have become convinced that *storytelling* is both the best candidate for a capacity that sets humans apart from animals, and a capacity that gives our lives special moral significance. For this capacity explains both the centrality of ground projects to humans' lives and a range of other features commonly attributed to normal, adult human beings" (Varner forthcoming, 112).

So, it is the capacity for storytelling that adds a special value to persons' lives. The storytelling is tightly linked to ground projects since it is through these projects that we create a narrative of who we are, where we have been, and what future we desire.

¹¹ As I will show later in my discussion of the replaceability thesis and the principle of least necessary harm, the protections for merely sentient animals may not be as robust as Varner himself might want given his commitment to animal welfare. I do think he would argue that critical thinking can support ILS rules that would require us to change some of our current, egregious behaviors towards animals. Certainly, Varner does not think that we are getting it right with respect to the well-being of the merely sentient. Unfortunately, as I read his view, I do not see Varner's theory supporting the kinds of changes that many of us would like to see with respect to that particular class of animals.

¹² The "moral standing" or "moral considerability" versus "moral significance" distinction is one that Kenneth Goodpaster made in 1978. Moral standing refers to whether an entity is morally considerable at all. Moral significance refers to a continuum of how important their interests are. Varner, like all sentientists, agrees that all sentient animals have moral standing.

¹³ In his manuscript he retracts this (Varner forthcoming, 141). He now thinks no known nonhuman has ground projects.

What is it, exactly, about the capacity for storytelling that grants those who have it special moral significance? It is not the storytelling itself that adds the moral value. Rather, it is that the capacity for storytelling points to having a biographical sense of self, which in turn points to a special kind of interest. Beings with the capacity for storytelling can understand their lives as unfolding over time.¹⁴ Such beings can not only experience but also “author” their own life stories by setting goals for the future, making choices about what sorts of people they want to be, and deciding which features of their stories make for decisive information about who they are.

In these ways, the lives of storytelling beings can be richer and more complex than those of beings that lack the ability to tell stories. This complexity is richer than is revealed by simply noting that we have complex aspirations for the future, as I argued in chapter four of my first book (Varner forthcoming, 115).

Keeping to his use of Perry’s Principle of Inclusiveness from *In Nature’s Interests?*, Varner points out that “if we know that an experience A contains some value, and that experience B contains all of that value and more, then we know that experience B contains more value than experience A” (Varner forthcoming, 135). Beings with a biographical sense of self have all of the value contained in the experiences of the merely sentient as well as all of the value of the experiences contained in those of near-persons. In addition, they have the values added by storytelling. These include the value of re-experiencing past events and anticipating futures one (Varner forthcoming, 137).¹⁵

¹⁴ Readers familiar with Regan’s subject-of-a-life criterion will note the similarities between what Varner is saying and Regan’s account. Still, Varner’s standard for having a biographical sense of self is much higher than Regan’s standard for the subject-of-a-life criterion. For Regan, any mammal over one year of age qualifies as a subject-of-a-life (Regan 2004, 81 and 243). For Varner only humans qualify as having a biographical sense of self and only near-persons count as having sufficiently robust sense of their past and future to deserve special moral protections.

¹⁵ Varner includes the value that experiencing fictional stories adds to our lives as part of the additional value of persons’ lives. He points to the amount of resources we devote to participating in storytelling endeavors that involve others’ stories. It is not clear to me why this interest in fictional stories matters from the moral perspective.

Having this biographical sense of self gives persons an interest that is not shared by near-persons and the merely sentient, namely an interest in “how their life-as-a-whole goes” (Varner forthcoming, 143). Here Varner points to the example of his cat, Nanci. He notes that she lived a good life in that she had positive experiences overall but that we cannot say she lived a good life-as-a-whole because she had no life-as-a-whole (Varner forthcoming, 133). Nanci could not form goals for the distant future and then experience the happiness of achieving those goals, so we cannot measure her life in terms of whether or not it went well for her on the whole. Rather, we have to look to whether her life contained more positive than negative experiences. It is different for persons.

A person, by contrast, thinks of their life as unfolding according to the logic of narrative, and this means that how well their lives go is not completely addressed by asking how good it felt, on the whole, to live that life. In this way, a person’s chosen self-narrative determines, to a very significant extent, what is best for him on the whole; it is the basis for making judgments about what is in a person’s interests, ‘all things considered’ (Varner forthcoming, 142).

Given that working on my dissertation is often painful, it would not be apt to say that this contributes to more positive than negative mental states (most days). Still, in considering what is in my best interests all things considered, it would be optimal for me to complete my doctoral dissertation because doing so is a goal that has directed my life choices for nearly two decades. Given my chosen self-narrative, that is, it would be nearly impossible to say that my life-as-a-whole went well if I failed to complete my Ph.D.

Varner identifies the category of “near-persons” to indicate animals that have auto-noetic consciousness but not a biographical sense of self in the way that humans do. Auto-noetic consciousness can be understood as having a “conscious awareness of one’s own past, present, and future” (Varner forthcoming, 133). Animals with auto-noetic consciousness have greater moral significance than the merely sentient, Varner argues, because their sense of their own past,

present, and future adds a value to their lives that the merely sentient do not have. Based on his examination of scientific evidence, Varner concludes that candidates for near-personhood include: great apes, cetaceans, and elephants as well as, quite possibly, scrub jays (Varner forthcoming, 178).¹⁶ Still, given that it is possible that no sentient beings live exclusively in the present, it is best to understand autozoetic consciousness as a continuum which in turn leads to a continuum of moral significance (Ibid.).

Let me pause for a moment to say that I have concerns about Varner's hierarchy of moral significance. I will have more to say about hierarchies in chapter five, but for now it is worth mentioning that I remain unconvinced that having a biographical sense of self makes a being's life more valuable than the life of a being who lacks such a sense of self. Choosing a biographical sense of self as the determining factor in having the most moral significance looks like another instance recognizing, as Rosalind Hursthouse put it, "a few psychological capacities selected ad hoc to capture intuitions about which animal should win in cases where interests conflict" (Hursthouse 2006, 139).¹⁷ Varner starts out trying to determine what gives humans special moral significance, so it is no surprise that he finds something to account for that significance. Yet, I do not see that having a sense of one's life unfolding over time according to a narrative makes one's life any more valuable than the life of a sentient creature who is embedded in relationships of love and care and who stands to lose everything that matters to her by being deprived of her freedom or her life.¹⁸

¹⁶ In Varner's characteristically rigorous way, he goes very, very deep into cognitive science to determine which creatures have autozoetic consciousness and to show why, even though some great apes have language comprehension, they do not possess a biographical sense of self. Readers keen to explore his understanding of the science should look to chapters 6 and 8 of the manuscript.

¹⁷ It is unfair to think that the capacities Varner settles on are "ad hoc," but they are nevertheless problematic.

¹⁸ Cf., Lori Gruen's discussion of whether having grand plans for the future thwarted makes a being's death worse than that of one who is not capable of making such grand plans. As Gruen says, if her life goal to write a play is thwarted by premature death and her dog's desire to go on a walk by the river in the afternoon is thwarted by death, both experience a total loss of the valuable experiences they were anticipating (Gruen 1991, 347). Elizabeth

With respect to pain, lack of cognitive sophistication can make an experience even worse for a being precisely because she cannot understand that it will end or what purpose it serves. Sahar Akhtar argues that, because some animals are not cognitively sophisticated enough to have a sense of their live-as-a-whole, there are good reasons to think pain may in fact be worse for them than it is for humans. For example, without the capacity for self-awareness and a sense of one's life as playing out over time, animals cannot discount their pain in service of future, more important interests the way humans can (Akhtar 2011). Akhtar also argues that a lack of cognitive sophistication in this regard may well make the intensity of pain worse for animals than comparable pain is for humans. Moreover, Akhtar argues that animals may be worse off than humans when in pain because, if pain avoidance is your chief interest in life along with very few other interests, then having pain inflicted on you constitutes a significant change in your welfare in comparison with someone whose interests are more numerous and diverse (500). This is all to say that higher cognitive functioning may not be a good indicator either of the value of what is lost when death occurs or of how much pain matters to a being.

The project of determining whose life matters more and making comparisons between how human and animal experience is full of difficulties. I just do not see that my life matters more to me because I have a biographical sense of self than my cat, Ira's, life matters to him. If you tried to kill either one of us right now, we would both fight with everything we have to preserve our lives, for we both stand to lose everything that matters to us. This is to say nothing of the fact that, while most humans no doubt do have a biographical sense of self, many lack the kinds of projects, life-guiding in nature, that Varner indicates as being so important that they add value over and above the moral value of other animals' lives. Surely such people can tell a story

Harman has argued that we can harm animals by killing them even if they do not have desires or plans for the future because, in killing them, they lose "out on a future life that would be good" (Harman 2011, 730).

about how their lives-as-a-whole go but whether or not those stories include valuable experiences over and above those my cats would report (if they could make such a report) is up for debate. Plenty of us are just muddling through life rather than living according to a grand vision of ourselves.¹⁹ I will return to the issue of hierarchies in chapter five, for now I wanted to note my skepticism about Varner's hierarchy here because, as I argue later in this chapter, it causes problems for him in achieving protections for merely sentient animals that I suspect he would want to endorse given his commitment to taking animals' interests seriously.

In the next section, I will take up the question of what this hierarchy of moral significance has to say about a hierarchy of interests.

MORAL SIGNIFICANCE AND A HIERARCHY OF INTERESTS

Varner says that thinking about conflicts of interests on his system will, in most cases, involve invoking the moral hierarchy he defends for much of the manuscript. In his words,

Some intuitive level system (ILS) rules might be formulated in terms of 'When it's a choice between satisfying interests of type X and Y, go with X.' And the hierarchy of persons, near-persons and the merely sentient that I defend... says, in effect, that ILS rules should 'favor' persons and near-persons in certain ways (at least under certain background social, technological, etc. conditions) (Varner personal correspondence, June 2011).

Some cases of conflicts will require us to bump to the critical level of reflection. This would presumably be the case in the situations Varner cites as standard cases where a Harean utilitarian would need to use explicitly utilitarian critical thinking – in novel cases where the ILS rules are not helpful, when ILS rules conflict, when we want to amend our ILS rules, and when something

¹⁹ It is unclear to me how the narrative of a human with no vision for her life would be substantially different from the narrative of an animal who also lacks a unifying narrative for understanding her life-as-a-whole. Varner wants to say that the storytelling provides us with a sense of how someone's life-as-a-whole has gone and that the merely sentient do not have such lives-as-a-whole. But, if the human in question really just lives day to day with no major plans directing her choices then it is unclear that her life can be understood as going better or worse on-the-whole.

is ruled out by the ILS rules but we have good reasons to trust that we are correct in our judgment that breaking the rule would maximize aggregate happiness (Varner forthcoming, 11). It looks as though, in our day-to-day morality, Varner's Harean two-level utilitarianism will result in ILS rules endorsing a hierarchy of interests very similar to that defended in *In Nature's Interests?* as follows:

1. Ground projects/Categorical Desires
2. Noncategorical desires
3. Basic Interests

Since the merely sentient "have no desires that go beyond the very immediate future" (Ibid.), we can understand them as having basic interests as well as an interest in the fulfillment of their noncategorical desires that are attached to the present and immediate future. I will call this latter set of interests "noncategorical interests."

Let me pause for a moment to clarify what is meant by noncategorical interests.²⁰ Noncategorical interests are the sorts of interests held by humans and most animals that play an important role in our lives but do not give our lives meaning. My desire to drink a hot chocolate on a cold day is a noncategorical interest as is my cat, Teddy's, desire to sleep on his cat tree rather than on the couch. I enjoy hot chocolate, but my desire for it does not answer the question about what makes my life meaningful and Teddy certainly enjoys the view from his cat tree perch but I suspect being able to sit there rather than on the couch does not answer the question of what makes his life meaningful.²¹ On Varner's view, both Teddy and I suffer no great harm if our respective noncategorical interests are not met. Alternatively, I do suffer great harm if my ground project, categorical desires, or basic interests go unfulfilled.

²⁰ See my discussion of Williams in chapter two for the definitions of "ground project" and "categorical desires."

²¹ Indeed, since Teddy has no sense of his life playing out as-a-whole, Varner would want to interject that there is no sense in which Teddy's life can be said to be meaningful for him. There are answers to questions about making Teddy's life better or worse, but certainly not to what makes his life meaningful for him.

One final point before we move on: Because on the Harean two-level view we sometimes need to break with our ILS rules (as articulated above), this hierarchy will be somewhat flexible. It may be the case that, at times, utilitarian critical thinking leads us to shift the prioritization of interests somewhat. Still, for most day-to-day moral decision making Varner's moral hierarchy will result in this hierarchy of interests.

To summarize, Varner argues that utilitarian critical thinking can show us both that the interests of all sentient creatures matter and that there are moral reasons to generate ILS rules that give special moral significance to the interests of persons because persons alone have a biographical sense of self. As it stands, Varner thinks science shows that only human beings are persons as he has described the term and, therefore, he thinks there are good utilitarian reasons for ILS rules to treat humans as having special moral significance with respect to near-persons and the merely sentient. Near-persons have a sense of the past and future, but do not understand their lives as unfolding according to a narrative. Therefore, they are less morally significant than persons but more morally significant than the merely sentient who have only basic interests as well as noncategorical interests connected to their very immediate desires.²² Merely sentient animals' interests matter, of course, but Varner thinks it would be a mistake to think of them as possessing the same moral significance as either persons or near-persons. Varner's hierarchy of moral significance (persons, near-persons, and the merely sentient) translates roughly to a hierarchy of interests (ground projects/categorical interests, noncategorical interests, and basic interests). In chapter five, I will put forward a view that eschews hierarchies of moral significance and interests in favor of a feminist approach to inter-animal conflicts of interest. As will become clear in my analysis of Varner's account of such conflicts, I believe his adherence to

²² Both near-persons and the merely sentient have basic and noncategorical interests. Varner thinks the noncategorical interests of near-persons matter more because they reach further into the past and future than those of the merely sentient.

these hierarchies contributes significantly to the deficiencies of his approach. Before I turn to that analysis, I need to explain two important features of Harean two-level utilitarianism. One of them, the conservative bias, will play a critical role.

“BENIGN RELATIVISM” AND THE “CONSERVATIVE BIAS OR INERTIA” OF HAREAN TWO-LEVEL UTILITARIANISM

The first feature of Harean two-level utilitarianism Varner discusses is its “benign relativism” (Varner forthcoming, 47-48).²³ Hare’s theory requires that ILS rules must be responsive to changes in technological, ecological, cultural, and economic background conditions (Varner 2010, 38). For animal welfare this means that we may have to say that inefficient hunting methods, for example, were morally justifiable in earlier times, though they would not be now (Varner forthcoming, 212; 2010, 38-39). From a Harean perspective, “showing proper respect for animals may mean something very different in pre-industrialized societies than it means in a wealthy, industrialized state” (Varner 2010, 39). There are interesting questions that could be raised here and their answers may influence what Varner would say about inter-animal conflicts of interest in pre-industrialized societies, but I will set them aside for the moment as my project is focused mostly on inter-animal conflicts of interest in wealthy, industrialized states. The benign relativism is an instantiation of the second feature of Varner’s view, the “conservative bias or inertia” (Varner forthcoming, 48). Varner introduces context into moral deliberations through this conservative bias. As a result, some of what I discuss below will sound uncannily like what I have been arguing for throughout this project. Still, as I noted in the introduction, Varner takes contextual details in a direction I do not endorse.

²³ Cf., Varner forthcoming, 212-213 and Varner 2010, 38.

Varner's view requires us to include in our calculations the views and feelings of those who are relying on a particular practice when we consider changing the rules about that practice. This is in addition to taking the technological, ecological, cultural, and economic background conditions into consideration as described above.²⁴ For example, when abolitionists were contemplating outlawing slavery, they needed to include the feelings of slave owners in their calculations.

When it comes to questions about humane sustainability, deeply entrenched social and economic interests count as costs that must be weighed against welfare improvements that various social reforms would have and that various technological advancements would make possible. In thinking through enforcing more humane farming practices, then, we would need to consider "economic interests, cultural traditions, and existing consumer preferences" when determining new policies (Varner, 2010, 41-42) along with the feelings of those impacted by the proposed changes.²⁵

²⁴ It is certainly true that anyone operating, as Varner does, within a utilitarian framework will always have to take the experiences of all affected into consideration, weighing the results of that consideration in terms of what option will generate the best consequences. In this, Varner is clearly not alone. Still, it is worth noting how what Varner is doing here differs from Singer's utilitarian approach. Singer very rarely addresses the transition costs of changing entrenched human institutions, for example, whereas Varner brings these costs to the fore and attempts to wrestle with them. In this sense, Varner is a more nuanced utilitarian than Singer (see Tom Regan's discussion of Singer's failure to address transition costs in Regan 1980, 310-313). Still, when Singer does talk about the transition costs, he claims that animals' interests will prove more significant than the humans' (Singer 1980, 332-334). Varner's understanding of the transition costs leads to what he calls a "conservative bias." Singer's understanding prompts him to think it is clear that significant changes to our institutions involving animals are justifiable on utilitarian grounds which gives his approach a more "revolutionary bent," as Varner calls it. The result of these differences is that the discussion of Varner in this chapter is different in tone and focus from the discussion of Singer in chapter two. Note, however, that neither Singer nor Varner recognize the costs of change to humans in terms of how relationships of love and care may be affected by obligations to animals. The problems with trying to calculate transition costs and how they compare to animal suffering seem impossibly complex. This may be a reason to think that utilitarian, consequentialist views may not be the best equipped to manage inter-animal conflict adjudication. When we think about comparing animals' suffering with the transition costs of changing the global food system, for example, the empirical task is daunting to say the least.

²⁵ Compare this to Tom Regan's view that those who benefit from immoral industries ought not to have their interests taken into consideration when abolishing the practices from which they benefit (Regan 2004, 338-343 and 346-347).

As Varner points out, this conservative bias is deeply troubling to reformers. It is difficult to imagine taking the feelings of those running factory farms into consideration when developing policies to arrest the tremendous suffering those factories generate for billions of sentient animals a year. Still, Varner is quick to point out that the Harean perspective also has a “potentially revolutionary bent” (Varner, 2010, 42-44; forthcoming, 49-51) and points to Singer’s *Animal Liberation* as an example of what a visionary operating in his own time can accomplish by putting forth a conception of treatment that radically disagrees with current cultural norms.²⁶ Singer was able to look at contemporary treatment of animals and see that we were not consistently applying our ILS rules regarding the importance of avoiding causing unnecessary suffering. He used that understanding to undertake a revolution of sorts in how we ought to treat animals.

An interesting feature of Harean ILS rules is that they operate simultaneously on different levels. We have ILS rules of common morality, ILS rules that function as laws in society, ILS rules governing professional trades, and ILS rules of personal morality (see Varner forthcoming, 42-47). Thus, while we may not have an ILS rule against factory farming at the level of common morality, people may well take up such a rule on the level of personal morality. Here is Varner explaining how this works from the Harean perspective:

...some visions of sustainability can be read as challenges to deeply entrenched cultural biases and economic interests, and people who strive to live up to these ideals in the present can be understood as attempting to re-educate the public by their example. Thus from a Harean perspective, self-styled ‘animal activists’ can be understood as living a lifestyle that it would be unethical to force upon society at large – at least at present – but which might become feasible as a social norm in future generations. In Harean terms, such animal activists have internalized, as their personal morality, a set of ILS rules that require more of them than the common morality of their present society, so it is no wonder that they sometimes consider their moral commitments heroic (Varner, 2010, 42).

²⁶ Cf., Varner forthcoming, 219-221. He also points to Mill’s advocacy for women’s suffrage well ahead of most other thinkers in his time.

So, along with the “conservative bias” of the Harean view comes a “revolutionary bent” that can help facilitate broad social change. Still, those who take on ILS rules at the level of personal morality that demand more than the ILS rules of common morality are understood as doing something supererogatory in Hare’s theory (Varner forthcoming, 44-45 and 219). This is because Hare’s notion of supererogation “focuses on the third of the four situations where one should rely on critical thinking: when selecting and amending ILS rules” (44). In thinking through amending ILS rules, people may “set their sights higher and train themselves to do more than the ILS rules of common morality” (Ibid). Each individual decides for herself just how capable she is of living in accordance with ILS rules that go beyond those of common morality. Hare’s system does not require moral agents to transcend common morality because it “would be requiring more than most people are capable of” (45). It is good, however, to have some people who are willing to push the ILS rules past where they currently are set because such people serve as an example to others and help common morality progress.²⁷ In what follows I will discuss what all of this means for inter-animal conflicts of interest on Varner’s account.

THE CONSERVATIVE BIAS AND THE PRINCIPLE OF LEAST NECESSARY HARM

How conservative is the conservative bias requiring that we take the transition costs of changing the status quo into consideration? What effect does this bias have on inter-animal conflicts of interest? My answers to these questions are that the conservative bias is quite

²⁷ As we saw in chapter two, Singer is often accused of requiring people to do more than most people are capable of. I suspect he must disagree with the Varner/Hare line that going beyond common morality is supererogatory. Singer seems to think that, when we see an opportunity to maximize aggregate happiness, we must push ourselves to seize that opportunity in part because he generally thinks that the requirement to do so amounts to less disutility than the gain in utility of making changes. In thinking through the problem of morality and alienation, Peter Railton points out that “alienation of some individuals or groups from their milieu may at times be necessary for fundamental social criticism or cultural innovation” (Railton 1984, 148). I think this is the sort of alienation Hare and Varner are pointing to when they say that taking on personal ILS rules that go beyond those of common morality can be very difficult.

conservative and that its effect on inter-animal conflicts of interest is that human interests are permitted to override animals' interests more often than Varner himself might want.

Varner's discussion of fox hunting is particularly telling (Varner 2010, 41). Varner talks about Hare's discussion, in *Moral Thinking*, of cases where thousands of people get a great deal of pleasure from torturing one poor individual, as in Roman times, or fox hunting in present times. In these cases it could actually be the case that the pleasure outweighs the suffering. Here is what Hare says,

The argument is plausible but fallacious. For what ought to be done, on any theory including the utilitarian, depends on the alternatives to doing it. It would be absurd to suggest that there was no other way in which the Roman populace could get its pleasures. The right thing to have done from the utilitarian point of view would have been to have chariot races or football games or other less atrocious sports; modern experience shows that they can generate just as much excitement. Mass sadism does occur, perhaps; but it does not have to. It is in accordance with utilitarian critical thinking to recommend the adoption of prima facie principles which forbid its indulgence and encourage less harmful pleasures. If we all had the right intuitions (the ones which a wise critical thinker would seek to inculcate) we would condemn such practices unhesitatingly. There need therefore be no conflict between utilitarianism and received opinion over this kind of example. (Hare 1981, 142)

This makes for a hopeful case for the foxes. If utilitarian critical thinking can generate a rule saying that we should condemn "sadist" practices where other pleasures generating just as much aggregate happiness can be found, then clearly fox hunting can go the way of Roman man vs. tiger spectacles. We can replace rooster fighting with soccer or NASCAR and the same for so many other sports that depend on animals' suffering to generate human pleasure.²⁸ This is promising as far as it goes, but I think Varner may in fact be more conservative on this point than Hare was. After noting that Hare thinks we should find a replacement activity that would "generate just as much excitement," Varner says, "This is certainly correct, but a consistent utilitarian must admit that it takes time to accomplish such changes when the targeted activities

²⁸ For a discussion of rehabilitating roosters used for fighting and the toll this fighting takes on the birds see Jones 2011.

are deeply entrenched in a culture's traditions, and that various 'transition costs' must be taken into consideration" (Varner 2010, 41). In a footnote, Varner quotes Hare's line about how, "if we had the right intuitions...we would condemn such practices unhesitatingly" and adds that he "tend[s] to think that Hare underestimates the degree to which bull fighting and fox hunting are entrenched in the cultures that celebrate them..." (48, fn3).

I find this discussion disquieting. Is Varner suggesting that fox hunting is so deeply entrenched as a national pastime (for the wealthy, to be sure) that when we factor in the transition costs of redirecting people's fox hunting energies to less cruel endeavors we will see that it is in fact too much to ask of people right now?²⁹ If so, this is an unfortunate result. Moral theories striving to take animals' interests seriously should be able to unequivocally support the abolition of fox hunting as a means of entertainment.³⁰ To be clear, this is precisely what I was trying to avoid when I pointed out how culturally entrenched is my family's love for my grandmother's chicken soup. I wanted to note the entrenchment but not allow it to trump the chickens' interests. Varner does the right thing by acknowledging the possible depth of the fox hunters' interest, but he goes awry in allowing the weight of the interest to potentially override the foxes' interests. I will return to this point later in the chapter and then discuss it in depth in chapter five. Unfortunately, Varner is possibly doing worse than Hare with respect to the foxes. This is an odd result given that the purpose of Varner's project is to extend Hare's two-level utilitarianism to animals.

²⁹ It may be that the differences between how Hare and Varner see the fox hunting issue relate to how they are counting the transition costs. Hare may think that the transition costs of shifting one's interest from fox hunting to football, for example, amount to very little whereas Varner may think they amount to quite a bit. The disparity between Hare and Varner's assessments of the transition costs points to the empirical difficulties of making such assessments.

³⁰ Fox hunting was, in fact, banned in England through the Hunting Act of 2004. The law is controversial, however, and there is movement afoot to consider repeal. (Guardian <http://www.guardian.co.uk/uk/2010/dec/27/david-cameron-hunting-ban-vote>, accessed 18 October 2011) Fox hunting is alive and well in the United States, however. See <http://www.mfha.org/about.html>, the website for the Masters of Foxhounds Association and Foundation (accessed 13 October 2011).

When Varner talks about the conservative bias in *Personhood, Ethics, and Animal Cognition*, he says

...various costs must be taken into account when considering reforms to common morality, laws, or professional ethics. These would include, for instance, the economic losses slave owners suffer during abolition, as well as the feelings of offense that racists suffer in the process and afterwards (Varner forthcoming, 48).

He goes on to note that reformers find this “repulsive” and considers Hare’s response to their repulsion, namely that moral principles are about the world as it is and that moral theories that do not include this kind of critical thinking don’t “make contact with reality” (Hare 1981, 167-68).³¹ Varner then says that “...in the real world, people don’t tend to prosper under tyranny and slavery, and the pleasures of rapists don’t tend to outweigh the suffering of their victims” (Varner forthcoming, 48). Elsewhere he notes that the “educational efforts” of those on the forefront of change can “reduce the costs of changes in common morality and laws” (Varner 2010, 42). I suppose, then, that the fate of slaves in the antebellum south was very much in the hands of how much education reformers could do and how quickly they could do it so as to bring down the costs of reform. Now, because slaves and rape victims are persons with a biographical sense of self whose ground projects and categorical desires are thwarted by slavery and rape (this is presumably what Varner is getting at when he points out that “people don’t tend to prosper under tyranny and slavery”) and because categorical interests add moral significance, I think all will turn out well for them on Varner’s Harean two-level utilitarianism. I am not so sure about the animals, however.

My sense is that the situation for merely sentient animals is complicated on Varner’s account because he adds a priority for interests linked to ground projects to Hare’s conservative

³¹ As I will show in chapter five, I am all in favor of grounding moral deliberation in reality, but I think we can do so without becoming mired in it.

bias.³² Taken together, these will result in tremendous trumping powers for humans' ground projects and categorical interests. In the case of fox hunting, we can ask two questions. First, is the conservative bias creating a problem for fox hunting abolitionists because any human interests tied to our ground projects and categorical desires get to trump the interests of merely sentient animals? Second, is it the case that the foxes' pain does not add up to more than the economic, cultural, and social pain reform would cost those who "ride to hounds"? I am arguing that both are at issue in Varner's view and that this may not bode well for the animals. To explain why, we need to consider the principle of least necessary harm that Varner invoked in *Nature's Interests?*

The principle of least necessary harm stipulated that "other things being equal, it is better to satisfy ground projects that require, as a condition of their satisfaction, the dooming of fewer interests of others" (Varner 1998, 93). This principle helps us decide which of our possible ground projects to fulfill as well as to address conflicts between individuals' ground projects. For the latter case Varner talks about Jack's ground project of beating the world record for serial murder versus Jill's ground project of becoming an academic. We can mitigate the conflict of

³² Though a utilitarian could not fail to be conservative in this way (unless, like Singer, he either does not address the transition costs or thinks they do not amount to much), Varner's approach embraces hierarchies of life forms and interests that further the problems caused by the conservative bias. It is possible to be a utilitarian and not endorse Varner's hierarchies, thus avoiding the addition problems the hierarchies create. Agar, for example, situates his biocentrism in a utilitarian, consequentialist framework while rejecting the very hierarchies Varner embraces (Agar 2001, 153-173). It is worth adding, though, that utilitarians do say different things about this kind of conservatism. Railton, for example, highlights the importance of being alienated from one's ground projects if that alienation would lead to better lives for others. Like Varner, he takes the transition costs of sweeping changes into consideration. Unlike Varner, he thinks there are reasons to be wary of the conservatism in taking these transition costs into account. He suggests that the disruption to people's lives caused by making changes "may be offset by the opening of more avenues of self-development to a greater number of people" (Railton 1984, 162). Once again we come up against the empirical question of weighing interests that utilitarianism requires and that seems so hard to undertake in many cases.

Jack wanting to kill Jill by noting that Jack's ground project will doom his victims' interests whereas Jill's ground project seemingly dooms no one's interests (92-93).³³

Varner goes on to specify the principle of least necessary harm more precisely to include language covering how to handle different noncategorical desires. For "two noncategorical desires similarly situated in an individual's hierarchy of interests, the satisfaction of the desire that dooms fewer biological interests is preferable" (Varner 1998, 95).³⁴ Varner considers Mary Midgley's example of the person who wants to torch the forest just to see it burn (Ibid.) and points out that the more specific version of the principle of least necessary harm makes it clear that Midgley's arsonist could surely form desires just as important to him that would doom fewer interests and would thus be morally preferable to torching the forest for amusement. Varner notes that if Midgley's arsonist is torching the forest for performance art rather than idle amusement, however, then the case is more complex because the desire might be a categorical desire rather than a noncategorical desire. In that case, the principle of least necessary harm would encourage the artist to find a way to achieve his ground project that involves thwarting fewer interests but Varner does not claim that the principle would require the arsonist to give up the ground project if he could not find an equally satisfying alternative. Why this is so will become clear momentarily. It has to do with Varner's hierarchies of moral significance and interests.

The principle of least necessary harm plays an important role in Varner's system. Without it, his hierarchy of interests would give priority to any ground project regardless of its impact on others' interests and it would be impossible to say how to solve the conflict between

³³ We can assume, for the sake of argument, that Jill is pursuing an academic track in an area that does not doom the interests of others though obviously some academic tracks do which would complicate the example somewhat.

³⁴ For reasons discussed earlier, this version of the principle is now best understood as requiring that we choose to fulfill noncategorical desires that doom fewer *basic* interests.

Jack and Jill's ground projects or between the forest arsonist's desires and the interests of the creatures who will die when the forest alights. In the manuscript, Varner does not devote as much space to a principle of least necessary harm, but he does make mention of something along those lines. In his discussion of the difference between principles and rules, Varner says that a principle about killing sentient life "that is a good one for every culture to include among its ILS norms" might be "Don't kill sentient animals unnecessarily" (Varner forthcoming, 186). Varner claims that this would be a good principle because it serves as a reminder that all people everywhere should think carefully about how they treat nonhuman animals and it helps reinforce for children that animals should factor into their thinking when undertaking actions (Ibid). There are, then, good utilitarian reasons to guide our choices so that we cause the least necessary harm for any sentient being.

With a principle of least necessary harm in place we might think, optimistically, that Varner's moral hierarchy and subsequent hierarchy of interests would not result in too much overriding of animals' interests. For, the principle puts some limit on what projects we can pursue. If I could fulfill my noncategorical desire to entertain myself by going fox hunting or by watching a movie, then the principle of least necessary harm would direct my energies towards the movie thus saving the interests of the fox(es) I would have killed in my hunting endeavors. Yet, I think there are good reasons to worry that Varner's theory does not actually lead where he intends it to go. In the next section, I will discuss how Varner sees his project versus how it seems to play out in reality. Ultimately, animals fare worse on his view than he intends.³⁵

³⁵ Why this is so will become clearer in the following section. Given Varner's long-standing theoretical and personal commitment to improving animals' lives, the notion that some animals will fare poorly on his view is hard to accept. Still, I am not alone in thinking that Varner's principles will fail to protect animals' interests much of the time. See Agar's discussion of Varner in Agar 2001, 80-85. How animals will fare on Varner's account also depends on what sort of animal we are discussing. Animals that count as near-persons receive more protections than the merely sentient. Given that most of our moral interactions are with animals that Varner would classify as merely sentient, the lack of special protections for them creates some worrisome results.

VARNER'S TWO-LEVEL SYSTEM AND INTER-ANIMAL CONFLICTS OF INTEREST

In *In Nature's Interests?*, Varner said that “to make the extension of moral standing to nonhuman animals plausible, one must give priority to at least some human interests over the interests of animals” (Varner 1998, 79). In setting out on his latest work, Varner is continuing his efforts to take animals’ interests seriously while also holding steady to his belief that any plausible theory of animal ethics will give pride of place to some human interests (Varner 2003, 416). He is trying to walk a very thin line between taking animals seriously and allowing humans space to pursue the projects that give meaning and purpose to their lives. Varner wants to give principled justification for why certain human interests may trump animals’ interests so that his view remains axiologically anthropocentric rather than valuationally anthropocentric. In pushing Harean two-level utilitarianism further into animal ethics than Hare himself took it, Varner sees himself as developing a theory that can successfully walk this very thin line.

One of the strengths of Varner’s account is that he situates his discussion of various human/animal conflicts in their context. Unlike Singer, who does not engage with what is at stake for farmers, for example, Varner insists on including the economic, social, and technological conditions of the time into consideration. In thinking through inter-animal conflicts of interest, Varner demands that we look to all of the complexity of what is at stake for the humans.³⁶ He maintains, though, that even with taking all of those complexities seriously he has still provided a theory requiring us to attend to animals’ interests carefully. As Varner sees

³⁶ While Varner takes these background considerations seriously, it is interesting that he does not mention the relevance of the devastating effects of factory farming on humans. Surely these must be relevant to any discussion of the background conditions and not merely the economic, technological, and social conditions relative to the farmers and consumers. No doubt Varner would agree that they must be included, but it is disappointing that he does not bring them forth himself. For a brief but fairly detailed account of the ill effects factory farming has on humans see Rachels 2011, 887-893.

it, he has shown how Harean two-level utilitarianism can ground taking animals' interests into consideration while maintaining plausibility by giving priority to certain human interests.

Varner's attempt to walk this line is admirable, but his theory may not fully accomplish what he set out to do.. There are two reasons for thinking this. First, Varner's hierarchies of moral significance and interests, combined with the conservative bias, seem to grant quite a lot of trumping power to ground projects so that they can override merely sentient animals' interests as long as the number of interests harmed in their pursuit is minimized. Second, Varner views merely sentient animals as replaceable, which means that as long as we minimize their suffering and replace them with another animal that leads a pleasant life, we do nothing wrong by killing them. Though he thinks there are good reasons to have an ILS rule reminding us not to kill sentient animals unnecessarily (something like a principle of least necessary harm), he defends the permissibility of humanely killing sentient animals *unnecessarily* because they are replaceable. Let me start with the first issue and then return to replaceability.

As we noted above, the principle of least necessary harm puts some limits on what projects we can pursue: we should pick the projects that doom the fewest interests of other sentient beings. Where noncategorical desires are at stake, this is fairly easy to do. If I could either fox hunt or go to the movies and nothing very important to me turns on which I do, I ought to go to the movies. Yet, with ground projects, our desires are not quite so interchangeable because the desires in play are categorical (answering the question Why is life worth living?) rather than noncategorical. A ground project simply is not the same as wanting to pass the time pleasantly or being in the mood for a hot chocolate. As Varner's discussion about the arsonist shows, if the desire to torch the forest to watch it burn is a ground project then the project itself is

not necessarily rejected on his system. Rather, it may be the case that the person must find a way to achieve the fulfillment of the project that dooms fewer basic interests.

It is difficult to decipher exactly what Varner would want to say about such cases. In *In Nature's Interests?* he says that the principle that satisfying ground projects is more important than satisfying noncategorical desires “is a generalization about the comparative value of interests of two types taken in isolation rather than a generalization about states of affairs. Therefore, conclusions reached using it are not statements about obligations (or even permissions)” (Varner 1998, 91). This would seem to suggest that, though ground projects are generally weightier than noncategorical desires, when we put them in context and examine states of affairs we might not always get the result that the ground project trumps.³⁷ So, the arsonist’s ground project may not be allowed to move forward. Yet, though he asserts that the principle defending the priority of ground projects gives us only prima facie reasons to treat ground projects as more important than noncategorical desires, Varner often talks about ground projects in ways that indicate that he is thinking in terms of permissions and not merely prima facie priority. He says, for example, that the principle granting the priority of ground projects “does not always give humans carte blanche to use animals in any way we like, but it does imply that, where our most important interests are at stake, we can use animals in various ways” (79). In more recent work, while responding to Agar’s claim that he “ground[s] environmental policy by appealing to the priority of certain very inclusive interests, which only humans have,” Varner

³⁷ Varner points out that it is very difficult to assign cardinal utilities to various interests. This makes it impossible to compare the satisfaction of a ground project to the satisfaction of a set of noncategorical desires taken in the aggregate (Varner 1998, 91). This is why he can only provide a prima facie reason for thinking that a ground project is weightier than a noncategorical desire or a set of noncategorical desires. His discussion of the problems of assigning cardinal utilities to interest satisfaction can be found on pages 80-84. The difficulty associated with assigning cardinal utilities leads Varner to reject a kind of utilitarian calculation that would enable a number of lower-level interests to justifiably trump a high-level interest (Varner 1998, 81; see Agar’s discussion of this feature of Varner’s view in Agar 2001, 82-83). This is why, on Varner’s view, we cannot simply add up the number of foxes harmed and say that the thwarting of their interests amounts to more disutility than the satisfaction of a human’s ground project to hunt foxes; the foxes’ interests are not on par with the humans’ interests.

reasserts his earlier position that a plausible environmental ethic will have to elevate some human interests above animals' interests (Varner 2003, 46). He goes on to say that his work on the manuscript is proving to him all the more that ground projects have priority.

Given what Varner says in the manuscript about humane sustainability, it is clear that the kind of priority in question extends considerably to actual states of affairs. Moreover, in the manuscript, he says we have good utilitarian reasons to form ILS rules that grant special moral significance to persons (humans) and near-persons. Though ILS rules can be understood as *prima facie* principles that can be overridden, that will only be the case in the limited situations where the Harean two-level system recommends moving to critical level thinking. Certainly there will be cases when critical level thinking tells us to put nonpersons' interests ahead of those of persons, but these cases are fairly rare and Varner is clear that in day-to-day morality ILS rules should favor persons and near-persons. While Varner slips between asserting that the priority of ground projects is not about obligations or permissions and discussing permissibility in *In Nature's Interests?*, his latest work is rather overtly a defense of the permissibility of favoring persons and near-persons' interests in day-to-day morality at least under certain background conditions (Varner forthcoming, 18).³⁸

How does the priority of ground projects view play out in actual cases? Does it mean that the arsonist can burn a portion of the forest rather than the whole forest? Does it mean that he should enter a virtual reality machine to have the experience of watching the forest burn rather

³⁸ Varner says "A set of ILS rules is designed to cover a range of ethically charged situations that are encountered by the target population in the normal course of their affairs. Internalizing the rules properly produces dispositions to judge, react emotionally, and act accordingly. It also makes the individual diffident about violating them, even when clear critical thinking indicates that doing so will maximize aggregate happiness" (Varner forthcoming, 43). This language makes it clear that, while we certainly can override ILS rules on some occasions, they are generally claims about permissions and obligations.

than having it play out in reality?³⁹ Clearly, the principle of least necessary harm would recommend the latter option over the former but if the virtual reality machine just will not cut it for the arsonist-artist or is unavailable then there may be nothing to prevent him from pursuing his ground project insofar as he does so in the way that dooms the fewest interests. This may well mean that a portion of the forest burns along with all of the merely sentient creatures therein.⁴⁰ . Morality seems to be getting things wrong if it can endorse a situation where, just because a person has the capacity for a biographical sense of self, his ground project gets to trump the basic and noncategorical interests of, potentially, thousands of sentient creatures.

Here I am reminded of my discussion of the Makah whale hunt in previous chapters as well as the discussion about fox hunting above. Insofar as some human ground projects involve causing horrific (and unnecessary) suffering for nonhuman animals, giving priority of place to ground projects will lead to morally justifying a great deal of suffering even with the principle of least necessary harm in place. Not only does the conservative bias add to the difficulty of banning practices like fox hunting, but if the fox hunter in question considers the endeavor an irreplaceable ground project, then the animals could lose in Varner's system.

At this point is it reasonable to ask who gets to define the contours of a ground project. For example, it seems as though a performance artist ought to be able to pick other forms of expression besides burning down the forest and all the creatures living therein. Why wouldn't the principle of least necessary harm require the artist to find some other form of expression? Put another way, we might ask how the principle of least necessary harm interacts with the

³⁹ Actually, a virtual reality machine might not suffice on Varner's view. In discussing people with inherently evil desires, Varner says it might be best to use "complex hallucinations" to satisfy such desires. He notes that, in order to feel satisfied, people need to believe the interest was actually fulfilled (Varner 1998, 84). My understanding of virtual reality is that people know what they are doing is not actually happening, so the technology would not provide the belief that the interest has been fulfilled.

⁴⁰ Agar has argued that Varner's theory permits the arsonist-artist's forest torching because such a project might contribute to a variety of important human interests that would overwhelm the importance of nonhumans' interests (Agar 2001, 85).

choosing and adaptation of ground projects (where adaptation comes into play when we are already in the midst of our project when we realize that it requires harming sentient beings).

As far as I can tell, Varner does not directly address this issue. When he talks about ground projects he tends to treat them as the sorts of things we have to deal with as described by their possessor. So, while Jack's ground project certainly counts as an "inherently evil interest" in Varner's view, he still maintains that the satisfaction of an interest is "considered in and of itself, a good thing" (Varner 1998, 84). Varner would have no problem if Jack wanted to pursue his ground project through a virtual reality machine, so that he could kill people without actually thwarting their interests (Ibid).⁴¹ The question of whether Jack ought to seriously reconsider what gives his life meaning does not come up; nor does the question of whether there might be something morally objectionable about this ground project even if he only ever carries it out on a video screen.⁴² Instead, Varner points out that Jack's ground project will require for its fulfillment the thwarting of many other ground projects and, when we weigh all of this, we see that Jack does not get to kill people to win the world record for serial murder. Considered in itself, Jack's ground project is not deeply objectionable, but once we see it situated in relation to others' interests we note that satisfying Jack's interest would involve thwarting many other important interests. This is why Jack will have to pursue his interest through virtual reality or hallucination rather than actually carrying it out. One gets the impression while reading Varner that he is reticent to ask people to alter their interests. In thinking through Perry's claim that we must sometimes "ask the fortunate so to alter or moderate their claims as to make them

⁴¹ Contrast with Railton who notes that alienation from one's ground projects may be a good thing in some cases because people should bring their ground projects up for review or their autonomy is compromised (Railton 1984, 147). While Varner may think that periodic review of one's ground projects is a good thing, he does not mention it at all.

⁴² For example, we might worry that Jack devoting his life to surpassing the record for serial murder through virtual reality simulation might desensitize him to violence in ways that have implications in other areas of his life. We might also worry that there is a fundamental problem with Jack not recognizing the value of people's lives if he thinks that devoting so much time to bring those lives to an end is a proper use of his energies.

consistent with those of the unfortunate,” Varner wonders whether a “moderated interest is really the same interest” (Varner 1998, 86).⁴³ This worry about moderated interests, the high value Varner places on the fulfillment of interests as the interest-bearer conceives of them, makes it look as though he prefers to work with the interest as it is understood by the interest-bearer rather than demanding that it be changed or given up entirely, though there are cases where it must be (as Jack’s interest must be).

Still, in inter-human morality, where two ground projects conflict with one another, the one that dooms fewer interests of others is preferable. Therefore, Jack has to do something else with his time rather than kill Jill. In inter-animal morality, however, the kinds of interests that conflict do not belong to equals. On Varner’s account, persons have the highest moral significance and their ground projects and categorical interests have highest priority in the interests hierarchy. When a merely sentient animal’s interest comes up against a person’s ground project, we are no longer in a situation like the conflict between Jack and Jill where the interests at stake and the interest bearers are on the same levels of the hierarchies. Instead, we have an interest bearer at the bottom of the hierarchy competing against an interest bearer at the top. Moreover, we have an interest from the bottom of the interest hierarchy competing with

⁴³ This matters for Varner because Perry’s Principle of Inclusiveness “compares the value created by the satisfaction of a set of interests to that created by the satisfaction of a proper subset of those interests” (Varner 1998, 83). If the moderated interest is not the same as the original interest then we have satisfaction of a different set of interests rather than satisfaction of a proper subset of the same interest. The question of moderating interests does not come up quite so overtly in either Singer or Taylor’s discussions on interests. Clearly, on both their views, human interests would need to be moderated in many cases in order to accommodate animals’ interests. Both Singer and Taylor seem to take this as a given and do not give the issue much consideration. I discussed the issue of moderated interests in chapter three when I considered Taylor’s principle of minimum wrong and the case of the Makah whale hunt. A problem with Singer, Taylor, and Varner is that none of them address how we might go about addressing the moral costs involved with moderating certain human interests, namely those associated with relationships of love and care.

what Varner takes to be the most important kind of interest; a ground project. In the inter-animal case, things will go differently.⁴⁴

If we have a human's ground project or categorical interest that is irreplaceable, then we may be permitted to pursue it as long as we minimize the number of interests harmed in doing so. If fox hunting matters so much to me that nothing else will do and it answers the question of what gives my life meaning (along with other things, I would hope), then I do not see that Varner's theory has a way to object to my fox hunting other than to say that I should minimize the amount of unnecessary harm I cause. Of course, all animal activists will say that *all* the harm caused by my fox hunting (to the foxes, the dogs, the horses, etc.) is unnecessary.⁴⁵ But I do not think this answer is available to Varner because (a) I have selected fox hunting as one of my ground projects and (b) ground projects generally trump the noncategorical and basic interests of the merely sentient. My position at the top of the moral significance hierarchy coupled with my ground project's standing at the top of the interests hierarchy will work against any claim that the foxes, dogs, or horses have.⁴⁶ Add the conservative bias to this, factoring in the social, emotional, and cultural costs of my giving up fox hunting and the foxes are in even deeper trouble. This analysis would apply equally to the Makah whale hunt example discussed in earlier chapters. While there may be restrictions on the kinds of ground projects we can pursue when it comes to conflicts with other humans and their ground projects, these restrictions do not seem to apply with the same kind of stringency when it comes to conflicts between humans and the

⁴⁴ This is true despite Varner's claim, in *In Nature's Interests?*, that the principle of least necessary harm applies regardless of what kind of interests are at stake and whether the interests belong to humans or nonhumans (92-93). As I am arguing, Varner's hierarchies of interests and moral significance combined with the conservative bias and the replaceability of the merely sentient will work against many of the protections presumably afforded by a principle of least necessary harm.

⁴⁵ I include the dogs and the horses because the horses are sometimes pushed to take risks in jumping that result in deadly falls and the dogs can get trampled on and hurt in the thrill of the chase.

⁴⁶ Of course, if my fox hunting pursuits satisfy only my noncategorical desires then Varner's view will require, as Hare's did, that I find some other way to amuse myself.

merely sentient. Persons have different status than the merely sentient and this translates to protections the latter do not receive. This is particularly clear when we look at the issue of replaceability.

Varner's theory treats merely sentient animals as replaceable.⁴⁷ This means that, so long as we do not cause them too much suffering and we replace them with new sentient animals who will experience mostly pleasant lives, we are morally doing all that is required for merely sentient animals.⁴⁸ Unlike persons, merely sentient animals do not have a strong sense of their past and can only form desires for the immediate future. Therefore, at least insofar as raising animals for food is concerned, it is morally permissible to slaughter animals humanely as long as their lives are pleasant and we replace the utility lost when they die with other animals who will live pleasant lives up until they meet their humane end.⁴⁹

The replaceability argument helps us understand why the principle of least necessary harm will not protect merely sentient animals in many cases where animal activists would think that they ought to be protected. Even though Varner says a principle of least necessary harm would be a good ILS norm for any culture to adopt, he also says that killing the merely sentient for food unnecessarily is morally justifiable due to their replaceability (where replaceability

⁴⁷ For his arguments showing why merely sentient animals are replaceable but not merely sentient humans, see Varner's manuscript §9.7. See §9.6 for his discussion of the non-replaceability of persons. For those interested in Singer's struggles to cope with the problem of marginal cases, Varner's discussion in chapter nine regarding replaceability and marginal cases will be of particular interest since he devotes considerable attention to Singer's views there.

⁴⁸ Varner does note that, in his sequel, he is going to argue that some pets and working animals ought not to be thought of as replaceable (Varner forthcoming, 201). It will be very interesting to see what grounds the special privileges accorded to companion animals even though they are not near-persons.

⁴⁹ Elizabeth Harman calls the view that we have strong reasons not to cause animals intense pain but that we do not have strong reasons not to kill animals the "The Surprising Claim." She notes that a claim of this kind is at the root of a view, like Varner's, maintaining the moral permissibility of factory farming while upholding the moral permissibility of "humane farming." Harman goes on to argue against the Surprising Claim. Her argument against the view that killing animals is not wrong because they do not have a sense of their own future including desires and plans that would be thwarted by death is particularly relevant to Varner's discussion about replaceability (Harman 2011). Stuart Rachels has argued that with respect to "humane farming" we may want to work from an "Argument from Caution" against killing animals for food since it is possible that animals have a right to life that we have not yet recognized (Rachels 2011, 894).

includes the requirement that they live pleasant lives overall, are slaughtered humanely, and are replaced by other animals who will be treated in the same fashion). This is why Varner advocates “humane sustainability.” He does not see death as a harm for the merely sentient. This is something Singer has struggled with, as we noted in chapter two.

The notion that merely sentient animals are replaceable in the way Varner describes is something with which many animal activists, myself included, would take serious issue. Most object to Varner’s conception of the empirical realities of so-called “humane slaughter,” thus disagreeing with him that it is even possible to raise and slaughter animals in a humane fashion. There is good reason to be sceptical here as the current status of “humane farming” has been shown to be deeply questionable (see Gillespie 2010, 2011; Singer and Mason 2006). I do not imagine it is ever going to be possible to raise animals who lead pleasant lives until they meet a humane end. For, built into the very process of raising animals for human consumption, is the necessity to curb their species typical behaviors, thwart the pursuit of some of their interests, and cause them stress when it comes time to kill them.

Still, even if we could overcome these obstacles to humanely raised and slaughtered farmed animals, many of us would maintain that there is something wrong with the idea of replaceability in and of itself. It misses a rather significant piece of what matters about nonhuman animals even if they are “merely” sentient. In particular, the suggestion that no harm comes from killing an animal who has lead a pleasant life obscures that this animal was in relationship with other animals who may mourn her loss.⁵⁰ It glosses over the fact that this animal, who may well by nature choose to avoid close contact with humans, came to trust over

⁵⁰ Baur discusses the emotional effects on cows and calves when they are separated. Quoting Temple Grandin he notes that the mother and calf sometimes “bellow themselves hoarse” when they are parted (Baur 2008, 120).

time that her caregivers meant her no harm only to be ushered to her death in an act of betrayal.⁵¹ It misses entirely that this animal was an individual with particular likes and dislikes, with a personality and character all her own, and that all of this uniqueness is lost when the stun gun makes contact with her brain and she is slit at the throat and left to bleed out on the ground.⁵² Finally, it passes over what all of us who have regular contact with animals know from our experiences with them, viz., that they are valuable in ways that the words of philosophers cannot always capture satisfactorily when relying on the stark language of reason. Direct experience with animals teaches us what matters about them in ways that a dispassionate listing of their interests may not fully capture, just as what I have offered here surely fails to capture something crucial about why animals are not replaceable.

In appealing to the moral information accessible to us through experiencing animals first hand, I am in good company. For, ecofeminists have long called for a pluralist approach to our thinking about animals; one that relies on more than simply listing features accessible through “reason” and that encourages moral knowledge obtained through direct experience with animals (see Cuomo and Gruen 1998; Donovan 1993; Gaard 2002; Gruen 1991, 2004, 2011; Kheel 1985; Luke 1995, 2007). As Brian Luke puts it, “...there is something artificial about reducing animal liberation to a principle of respect for sentience (or subjecthood), since we do not in fact respond to oppressed animals as *cases* of sentience or subjecthood, but as individuals who are in one way

⁵¹ If this is not initially compelling to you, imagine raising a feral kitten who, by nature, is wary of human beings and stressed by contact with them. Over time, you work carefully with this kitten so that he trusts that you will not harm him. He comes close to you to get food, for grooming, and for veterinary care. Then, one day, you lead him to a metal chute just as you’ve led him every day to his food, only to have someone point a gun at his head and shoot a metal rod into his brain. I suspect that the only reason we meet the analogous example of the cow or the chicken with incredulity is that we have come to see them as somehow different from other domesticated animals so that we can treat them in ways we would never condone treating dogs and cats. If we can accept that there is something to the idea of betrayal in the case of the feral kitten, then I think we have to accept that there is something to the idea of betrayal in the case of the cow or the chicken. Mary Anne Warren discusses how humans can betray animals with whom they are in relationship in Warren, M. 1997, 169-170.

⁵² For a particularly vivid look at the methods of humane slaughter, see Katie Gillespie’s discussion of mobile slaughter units (Gillespie 2011).

or another communicating their needs to us” (Luke 1995, 295). Varner’s reliance on sentience as the only thing that matters about many animals prevents him from seeing that there are other, morally significant, features of these animals that make viewing them as replaceable suspect from the moral point of view.⁵³

The combination of Varner’s moral hierarchy, interests hierarchy, conservative bias, and the replaceability argument could prove lethal for merely sentient animals more often than Varner himself might actually endorse. The replaceability argument shows that slaughter-based agriculture in non-subsistence conditions is morally justifiable. Once we add the conservative bias into the picture and take the costs of significant changes to our economic, cultural, and social norms into consideration, even factory farming methods might be justifiable for the foreseeable future.⁵⁴ To illustrate what I mean here it is helpful to think about Varner’s distinction between “contemporary and utopian visions of humane sustainability” (Varner forthcoming, 208).⁵⁵

Contemporary visions are “attempts to improve animal welfare using contemporary science and engineering, but constrained, at least generally, by contemporary consumer preferences and economic realities” (Varner forthcoming, 209). They therefore reflect the conservative bent discussed above. Further, “utopian visions give concrete expression to the ideals of utilitarianism, and over time they can ‘shift the goal posts’ of common morality,

⁵³ It is certainly open to Varner to count feelings expressed by animals in his assessment of what matters about them, but he does not. It is unclear whether he neglects to do so because he thinks merely sentient animals do not have morally important relationships with one another (perhaps because he thinks the fact that they only have desires for the immediate future impacts their ability to form relationships) or because he simply over-looked mentioning how relationships complicate animals’ emotional lives. Either way, it would be helpful to his theory if he thought about the ways in which both animals’ connections to others and their emotions complicate their interests.

⁵⁴ Stuart Rachels has noted that many people’s reactions to the realities of factory farming may be like the views a white Southerner would have had about slavery in the antebellum South. “Industrial farming is manifestly immoral, but it’s the status quo: it benefits the wealthy, it’s entrenched in our economic system, and most people on the street support it” (Rachels 2011, 882).

⁵⁵ Varner also discusses “prelapsarian visions” where we look to the past for ways to think about humane sustainability as we might do by considering Native American hunting methods from the nineteenth century (Varner 2010, 44; cf., Varner forthcoming, 208-209).

making achievable what were once utopian proposals” (Ibid.). Our utopian visions set aside concerns about “economic and technological feasibility” and “imagine that consumer preferences could be altered to suit the envisioned system” (Ibid.).

Varner thinks that,

‘Contemporary visions’ appropriate to affluent, industrialized nations will tolerate no [intense and prolonged] suffering in normal production practices, and they will, to the extent consistent with current economic and technological realities, move in the direction of providing production farm animals with a range of natural behaviors (Varner forthcoming, 211-212).

For example, the Prevention of Farm Animal Cruelty Act was passed by California voters as “Proposition 2” on November 4, 2008 and would count as a contemporary vision on Varner’s view. It stipulates, among other things, that certain farmed animals must be confined in a manner permitting them to extend their limbs, turn around freely, and lie down. This is progress of a sort, but it also contains exemptions so that the Act does not apply:

- “During scientific or agricultural research
- During transportation
- During rodeo exhibitions, state or county exhibitions, 4-H programs, and similar exhibitions
- During slaughter
- To a pig during the seven-day period prior to the pig’s expected date of giving birth” (CA Prop 2, http://ag.ca.gov/cms_pdfs/initiatives/2007-07-11_07-0028_Initiative.pdf accessed 5 November 2011)

Given that transportation and slaughter are crucial times when a great deal of suffering is endured by farmed animals, these exemptions make the Act insufficient to significantly combat the suffering associated with slaughter-based agriculture.⁵⁶ Finally, the provisions of the Act do not come into effect until January 1, 2015. Factory farmed animals will therefore receive none of its benefits for seven years. It seems to me that contemporary visions “appropriate to affluent

⁵⁶ See Baur 2008, 121 and 187 for a discussion of the problems with transporting animals as well as Gillespie 2010, 54.

industrialized nations,” at least where the U.S. is concerned, will indeed tolerate the intense and prolonged suffering of production farmed animals. My sense of the debate that surrounded California’s Proposition 2 is that those who crafted the legislation (many of whom were leaders in the movement for animal rights) did so in a way that reflects the Harean conservative bias by taking the economic, technological, and consumer preferences realities of the day into consideration in its crafting.

In talking about contemporary visions of humane sustainability, Varner points to three examples: reforms to slaughter processes made in the twentieth century, certification programs “to improve animal welfare in various ways but without imposing significant, non-voluntary costs on consumers and/or producers” (Varner forthcoming, 213-214), and the movement to change egg production from battery cages to cage-free production.⁵⁷ I see the Prevention of Farm Animal Cruelty Act as a mixture of the first and second examples. I can agree with Varner that there have been some advances in slaughter technique between the nineteenth and twentieth centuries, though I also agree with him that we have very far to go on this front. I struggle more with the kinds of certification programs and laws he points to. These certification programs tend to involve no formal oversight to force compliance and, as we have just seen with the California legislation, the laws that impose no “non-voluntary costs” often include too little change to animal welfare, with long-delayed implementation.⁵⁸ By the time the California legislation takes effect, millions of animals will have lived lives of horrible desperation in that state. That this

⁵⁷ Baur discusses the necessity of imposing non-voluntary regulations on the animal agriculture industry through legislation by pointing out the evidence that the industry’s voluntary regulations are often not followed. As Baur puts it, laws are necessary “especially when inertia, convenience, or economic interest made it likely the [voluntary] policies would be ignored” (Baur 2008, 44).

⁵⁸ For thorough discussions of the problems with current certification programs, see Singer and Mason 2006 and Gillespie 2010, 44-73.

kind of inertia, built into contemporary visions, is sanctioned on Varner's two-level view points to a real problem with his view.

I can see how, based on the science as he understands it and the value hierarchies he accepts, we are justified in treating different animals differently depending on their capacities. The implications of his arguments do seem to follow directly using his logic, that is. Still, the implications are something of a letdown for those of us trying to take animals' interests seriously. For example, in thinking through "utopian visions" of humane sustainability, Varner points to the welfare advantages of a plan that would use breeding methods to develop a strain of blind hens (Varner forthcoming, 224-225). Apparently, blind hens kept in battery cages are far less likely to peck one another than sighted hens. Hens confined in battery cages often peck one another, sometimes to death, because of the stress of being confined in such small spaces with other hens.⁵⁹ Now, I can see how Varner gets to the conclusion that breeding blind hens better able to tolerate the conditions in battery cages would create "obvious" welfare advantages for those hens (225), but I find this potential solution to the horrific treatment of laying hens disturbing. Varner notes that this is precisely how many animal advocates will feel about the proposed solution, but he thinks that using blind strains of hens would "make significant improvements from an animal welfare perspective" (Ibid.) if only people would not be grossed out by the science involved.⁶⁰

Certainly, reducing the incidents of hens pecking one another to death would be a welfare improvement of a sort, but there is much more at stake for the hens in battery cages beyond

⁵⁹ For information about battery hens as well as chickens generally, see Karen Davis' website for her organization, United Poultry Concerns (www.upc-online.org/battery-hens/) as well as Grandin 2008, 207-212.

⁶⁰ He draws similarly controversial conclusions regarding elephant over-population and management (Varner 2008b). His defense of using captive elephants in ways that might utilize their "talents" drew boos from the crowd of animal activists at the University of Washington's "Elephants Among Us" symposium a few years ago. For another discussion of "utopian visions" that is disturbing from an animal welfare standpoint, see Varner's enthusiastic support for the "Buffalo Commons Coupled with In-Situ Slaughter" program (Varner forthcoming, 221-223).

avoiding this kind of pecking. For example, the fact that they are blind does not mitigate that the chickens cannot turn around, see daylight, extend their wings, or practice any of their species typical behaviors. Additionally, chickens are highly sociable birds whose interests in maintaining a social structure and relationships with one another are utterly thwarted by life in a battery cage.⁶¹ Many aspects of what matters about chickens are lost by an animal welfare theory that endorses genetically altering them for blindness so they become less violent towards one another under cruel conditions.

Moreover, I am concerned that the conservative bias in Varner's two-level system makes it too difficult to enforce changes that would do so much to prevent animals' unnecessary suffering. To illustrate this point, let me quote again a passage I used earlier regarding personal morality.

...some visions of sustainability can be read as challenges to deeply entrenched cultural biases and economic interests, and people who strive to live up to these ideals in the present can be understood as attempting to re-educate the public by their example. Thus from a Harean perspective, self-styled 'animal activists' can be understood as living a lifestyle that it would be unethical to force upon society at large – at least at present – but which might become feasible as a social norm in future generations. In Harean terms, such animal activists have internalized, as their personal morality, a set of ILS rules that require more of them than the common morality of their present society, so it is no wonder that they sometimes consider their moral commitments heroic (Varner, 2010, 42).

It is hard to accept that a rule at the level of personal morality that so clearly reduces suffering would be “unethical” to force on others. Clearly, this is the conservative bias at work.⁶² If such a rule would cause intense discomfort and inconvenience for people then the Harean perspective,

⁶¹ See Masson 2003, 55-95, for a careful consideration of the emotional lives of chickens. Masson details examples of chickens' capacity for friendship, grieving lost companions, and how their personalities manifest each chicken as an individual. See also Baur 2008, 147-166.

⁶² It may also be the priority of ground projects hierarchy at work. Varner never says whether people's interest in the status quo of our treatment of animals is linked to their ground projects. I suspect that a determination of that point is individualized depending on the person. Still, if it turns out that current practices in animal agriculture are linked to someone's ground projects then I think the conservative bias or inertia problem will get even more traction in making it unethical to force the recommended change in practice on those particular people.

having taken those feelings into consideration, may well reject the rule as a guideline for common morality until background conditions have changed somewhat (presumably through the actions of those who are forward thinking in their personal morality).⁶³ Still, in thinking through the animal interests that are coming up against the human interests in maintaining the status quo, I cannot quite see that the animals need to lose out so much in the present even if they are merely sentient and do not qualify as persons or even near-persons.

Varner's attempt to take the robustness of human interests into consideration while also taking animals' interests seriously has some important deficiencies. The combination of the Harean two-level conservative bias and the priority of ground projects view will thwart animals' interests in many more cases than I think even Varner himself intends. So far, I have talked about cases related to raising animals for human consumption but Varner's view will extend to the use of animals for experimentation, entertainment, and other human endeavors. We will need to await the publication of his sequel to see exactly how he applies his Harean view to these latter cases but from what he says about "humane sustainability," I am not particularly optimistic that the animals will do very well in those realms either given that the priority of ground projects hierarchy and the conservative bias will be fully functional in those arguments as well.⁶⁴ In the

⁶³ What complicates this somewhat from the standpoint of animal activists is that we tend to think that people have an obligation to inform themselves of the consequences of the status quo on those affected. So do utilitarians, but in Varner's case he thinks of shifting one's personal morality beyond common morality as supererogatory and this clouds somewhat an otherwise clear requirement to inform oneself of the consequences of the status quo. One crucial step in altering the background conditions involves people informing themselves about the facts of the matter in this regard. Intense discomfort is, unfortunately, a byproduct of informing ourselves of the reality of the violence we cause in the world. Nancy W. Williams has argued, for example, that a failure to scrutinize cultural norms is a form of "affected ignorance" that is morally culpable (Williams 2008). Unless people take their responsibility to inform themselves seriously, and live with the discomfort that information engenders, activists and other forward thinkers will be somewhat limited in the success of their endeavors to change the world for the better. Cuomo and Gruen discuss how lack of information contributes to moral distance (Cuomo and Gruen 1998, 130). Stuart Rachels posits that some of our ignorance about the conditions animals face in factory farms is motivated by our own selfishness (Rachels 2011). This would also point to a morally culpable kind of ignorance.

⁶⁴ In an article that will become part of the sequel, Varner says that, with respect to animal research, there is no way to craft a generalized set of rules; whether or not experiments are justified will have to be decided on a case by case

following section I will summarize the key problems with Varner's account and conclude with some remarks about where I am headed in chapter five.

THE PRIORITY OF GROUND PROJECTS AND WHEN CONTEXTUALIZING INTERESTS GOES AWRY

We can see threads of Taylor in Varner's theory even though Varner's moral system is very different from Taylor's. Like Taylor, Varner wants to take seriously that persons (human beings) have robust interests, the thwarting of which would impact their lives significantly. Like Taylor, Varner is trying to find a way to account for these interests while simultaneously taking non-human animals' interests seriously. Where Taylor talks about highly valued ends that the person with respect for nature might choose to pursue despite the deleterious effects for nonhuman life, Varner talks about ground projects and how important they are to a person's conception of how her life-as-a-whole is going.⁶⁵ Unlike Singer, Varner confronts head on the fact that some of our interests are peripheral whereas others are crucial to our understanding of ourselves and our life stories. Varner's attention to the nuanced nature of interests is an important step towards more accurately accounting for what is at stake in inter-species conflicts of interest.

Still, similarities to Singer's view remain. Singer, too, maintains that normal adult humans have interests that add value to their lives over and above the value merely sentient animals' lives have.⁶⁶ The fundamental difference between Varner and Singer in this regard,

basis (Varner 2008a, 571). Elsewhere he notes "I doubt that treating elephants as near-persons entirely rules out keeping them in zoos..." (Varner 2008b, 63).

⁶⁵ Another similarity is that, like Taylor, Varner recognizes that interests can play out at the community level as well as the individual level. He notes that communities, as well as individuals, have biographies that constitute their identity (Varner forthcoming, 112).

⁶⁶ This is why if a house is burning and there is a dog and a normal adult human inside, Singer would advocate rescuing the human. Varner differs from Singer, however, in that Varner thinks there are good utilitarian reasons to

however, is that Singer invokes that added value only in cases where either a human or an animal must lose out and there is no way to avoid harming one or the other. In other words, Singer invokes the added value of humans' interests in the long term view of their lives and the achievement of their ground projects in so-called life boat cases.⁶⁷ In Varner's terms, this means that Singer employs this kind of reasoning at the level of utilitarian critical thinking in novel situations that ILS rules are not equipped to handle. This is what was going on in my discussion of Singer's partialist concession. He thinks that, at the level of utilitarian critical thinking, there might be a moral justification for ILS rules showing slight preferences for your loved ones, for example. Singer and Varner also share the view that merely sentient animals are replaceable, though Singer does so with more trepidation than Varner. They part ways, however, when it comes to contextualizing interests and how to consider conflicts. Where Singer does not address the robustness of human interests in thinking through inter-animal conflicts of interest, Varner works hard to incorporate that robustness into our understanding of such conflicts. Unfortunately, despite Varner's best intentions, his view results in a theory that will allow human interests to overwhelm animals' interests in many cases where animal activists would be united in thinking that the animals' interests ought to prevail. This is both because of the problems with the priority of ground projects hierarchy and hierarchy of moral significance that I have just discussed and because I think Varner's view is a case of contextualizing interests gone awry.

The way Varner's Harean account contextualizes interests is both intriguing and troubling. Varner says that his theory "situates discussions of animal welfare and animals' rights amid the changing ecological, technological, cultural, and economic background conditions of

develop ILS rules that protect even "marginal" humans over the merely sentient whereas Singer has struggled with this issue.

⁶⁷ Regan does this as well, to some extent, with his liberty, miniride and worse-off principles, though Regan does not invoke utilitarian justifications obviously (Regan 2004, 305-310 and 331-334).

real-world, evolving human societies” (Varner 2010, 46-47). In chapter two, I criticized Singer for failing to give humans’ interests a complete description and I pointed to the ways in which that failure generates impoverished descriptions of morally complex features of inter-animal conflicts. Varner’s work in *Personhood, Ethics, and Animal Cognition* is certainly a step forward in this regard. By thinking about the implications of broad social changes to our interactions with nonhuman animals on human interests, he incorporates the context of those interests, and their robustness, into the discussion of inter-animal conflicts.

Yet, the ways in which weighing the ecological, technological, cultural, and economic background conditions tips the scales of conflict adjudication is precisely what I am trying to avoid by bringing up the relevance of context. I do not want background conditions to work towards giving human interests more weight or providing a justification for moral inertia. I want them to work towards our understanding of what moral agents are up against and what moral work may need to be done when certain facets of our robust interests are given up. Varner’s Harean perspective may well be a vision of using background conditions to provide interests with more context, but he uses the context as a sort of excusing condition. This is not how I think we should be using context to think about interests. The view I defend in chapter five does not require us to *always* give up our interests, but it will require more of us in inter-animal conflicts of interest than Varner’s system appears to require.

CHAPTER 5

INTER-ANIMAL CONFLICTS OF INTEREST: A FEMINIST APPROACH

INTRODUCTION

In chapters two, three, and four I offered a careful analysis of how Singer, Taylor, and Varner approach inter-animal conflicts of interest and how their approaches problematically invoke the distinction between basic and nonbasic interests. Those chapters were primarily critical in nature. In them I raised a number of difficulties related to each theorist's approach. In this chapter, I turn to the constructive project of pointing to a way forward in thinking about inter-animal conflicts of interest. I hope to provide a detailed sketch of how we might think about these conflicts of interest without relying on the basic/nonbasic interests distinction. This is meant to be the start of a conversation, not the end. As Virginia Held put it, "Feminist moral inquiry is an ongoing process that will need to continue far into the future. To get our methodological bearings in this process is a good first step" (Held 1995, 153). I see this chapter as suggesting some methodological bearings in the complex world of inter-animal conflicts of interest rather than as proposing a full blown theory. I will begin by recapping the issues with Singer, Taylor, and Varner's accounts of inter-animal conflicts of interest.

The problem with Singer's approach is that, by relying on a very minimalist distinction between basic and nonbasic interests, he decontextualizes humans' interests. This decontextualization leads to both theoretical and practical concerns. On the theoretical side, Singer's way of talking about inter-animal conflicts of interests fails to identify morally relevant features of humans' interests. This is particularly true where those interests attach to important relationships. Additionally, with his very quick assessment of many human interests as attaching to trivialities, he runs the risk of judging people's moral characters too harshly. The problem is

not that I am too shallow to notice that the chicken's life and suffering matters when my grandmother serves me her chicken soup. Rather, the problem is that, while recognizing these important facts about the chicken, I also feel the pull of important features of my relationship with my grandmother, with my family at large, and with the culture in which I was raised. The chicken and I, two individuals, do not exhaust the relevant parties involved in thinking through the chicken soup dilemma. Singer's way of talking about conflicts of interest fails to address these important aspects of moral deliberation. On the practical side, this failure results in a theory that tends to alienate people by labelling as trivial that which is important to them and by labelling as superficial, shallow, or grossly out of touch people who are genuinely in a bind. I join Singer in recognizing that people all too often fail to realize that they are in a bind at all because they do not take animals' interests seriously, but we will not encourage them to do so by thinking of them as callous when they may well simply be entrenched in relationships and a way of life that complicates moral matters for them. We have to locate a way out of these situations that takes animals' interests seriously but also points the way to how we might think about and address the important relational and cultural aspects of our interests. Our work is not done when we turn away the bowl of chicken soup.

Unlike Singer, Taylor does try to account for the complexity of human interests insofar as he recognizes that some human interests are tied to highly valued ends. Rather than pointing to a brute distinction between basic and nonbasic interests, as Singer does, Taylor differentiates highly valued nonbasic interests from peripheral nonbasic interests. He then offers a set of principles with which we can address inter-species conflicts of interest. This is a step in the right direction, but I noted problems with Taylor's approach. Taylor believes that we can separate interests cleanly into categories of those that are intrinsically incompatible with respect for

nature and those that are not. He then goes on to identify highly valued ends within the category of interests that do not qualify as intrinsically incompatible with respect for nature. The interests that are intrinsically incompatible are ruled out and given no further theoretical discussion. One problem with Taylor's account is that it is somewhat difficult to determine which interests are intrinsically incompatible with respect for nature and which are not. We can see this vagueness problem by thinking about the Makah whale hunt. We are left to wonder if something like the Makah whale hunt counts as "intrinsically incompatible with the attitude of respect for nature" and thus ruled out. If so, why is that the case if tearing down trees and destroying wild animals' habitat to build a museum is not? Another, more significant, problem is that Taylor gives no attention to a rather important class of human interests, namely those that are both highly valued and incompatible with respect for nature. He fails to address a case, like some instances of recreational hunting, where an interest that is intrinsically incompatible with the attitude of respect for nature may be tied to highly valued ends. Taylor's account leaves out any explicit discussion of the importance of relationships to our highly valued interests. In doing so, he misses a significant piece of the complexity of moral deliberation. What do we say to the ninth generation sport hunter, for example, who notes that his sport hunting is tied to the very highly valued ends of family relationships and inclusion in his community? Telling him that his hunting is incompatible with the attitude of respect for nature is not enough. We need to say something to address the relational aspects of his interest even if we think his hunting is morally impermissible. Unfortunately, Taylor's way of discussing conflicts of interest relies on the traditional view of a moral agent as divorced from meaningful relationships and engaged in a process of moral inquiry without deep connection to others. Relationships of love, care, and respect complicate our thinking about conflicts of interest in ways that Taylor's theory does not

address. Of the three theories I explored, Taylor does the best job of trying to take the variety of human interests seriously without compromising nonhumans' interests. The importance he places on thinking about restitution also sets his approach above the others. Unfortunately, he leaves some important ground uncovered and his theoretical machinery may just be too heavy for the delicate work of understanding interests in all their complexity.

With Varner, we encounter a very different set of difficulties. Varner recognizes that humans' nonbasic interests are contextualized technologically, economically, socially, and culturally. In doing so, he underscores the robustness of human interests and he tries to work out a way to take that contextual detail seriously while simultaneously taking animals' interests seriously. This is an important advancement in how traditional animal ethical theories think about inter-species conflicts of interest. Unfortunately, Varner uses the robustness of human interests to defend a hierarchy of moral significance that dooms animals' interests in cases where it is clear to many animal activists that the animals' interests should prevail.¹ Moreover, he uses the contextual details to defend a kind of moral inertia that puts animals at further risk of exploitation. Finally, by providing a hierarchy of interests and noting that merely sentient animals' interests are positioned towards the bottom of that hierarchy, Varner neglects the many other features of these animals' lives that matter. While it may be true that a pig has "noncategorical interests" in the present and immediate future (and I cannot say if this is right or wrong) as well as basic interests in food, water, and adequate shelter, that pig also has an interest

¹ We may well ask why the animal activists are so sure the animals' interests should prevail. The answer will depend on the activist in question, but generally their claim will be justified by pointing to worries about causing unnecessary suffering, respect for the animals' non-instrumental value, and an acknowledgement that animals are creatures with emotional and relational attachments that are thwarted when we use them as means to our ends. An animal activist with a feminist perspective will also add that the ways in which we use animals for our purposes reify deeply problematic gender norms (Warren, K. 1990). It will be clear to most animal activists, for example, that breeding blind hens less prone to pecking one another is not an acceptable solution to the problems created by confining hens to battery cages. While this solution no doubt improves welfare from the limited standpoint of sentience, it fails to address all of the other morally problematic aspects of battery cage usage, including the fact that in using battery cages we limit the value of a hen to her egg-laying capacity.

in the relationships it forms, in procreating, raising her young, living according to her species typical behaviour, and being a member of her pig community.²

I have not exhausted all the theoretical resources these accounts of conflicts of interests have to respond to the concerns I raised throughout this work. No doubt, more could be said about each and about how it might be adjusted to better account for these concerns. Still, I have raised enough concerns to warrant thinking about an alternative approach. The alternative I explore here is a feminist approach to inter-animal conflicts of interest. It is feminist in that it emphasizes the themes brought forth in feminist work on the ethics of care regarding the moral relevancy of issues connected to inter-personal relationships of love and care, the importance of context in moral deliberation, and emphasizing how emotion can and must play a role in morality alongside reason (Donovan 1993; Gaard 2002; Gilligan 1982; Gruen 1991, 1993, 2004; Held 1995; Luke 1995, 2007; Kheel 1985, 1993; Slicer 1991; and Walker 1989, 1995).³ It also brings forth the importance of close, loving attention to the other in order to learn what matters to her, what her needs are, and how her interests can best be understood (Cuomo and Gruen 1998, Donovan 1993, 2007; Gaard 1993; Gruen 2004, 2011, forthcoming; Luke 2007). Along these same lines, the approach draws on the feminist insistence that first person narrative is a valuable source of information in moral deliberation (Lugones and Spelman 1983, Warren, K. 1990)

As is evident by the inclusion of the theorists referenced above, the approach is also deeply rooted in *ecofeminist* animal theory.⁴ That literature emphasizes many of the issues

² Baur gives an example of a pig, Johnny, who dies from grief after the death of his pig companion, Hope (Baur 2008, 129) For Baur's full discussion of pigs see 127-146. Cf., Masson's discussion of pigs (Masson 2003, 17-53).

³ As Carol Gilligan wrote in explaining the care framework, "The moral problem arises from conflicting responsibilities rather than competing rights and requires for its resolution a mode of thinking that is contextual and narrative rather than formal and abstract. The conception of morality as concerned with the activity of care centers moral development around the understanding of responsibility and relationships, just as the conception of morality as fairness ties moral development to the understanding of rights and rules" (Gilligan 1982, 19).

⁴ I use the language of "ecofeminist animal theory" because not all ecofeminist theory is inclusive of animals' concerns. Gaard uses "vegetarian ecofeminism" to clearly mark ecofeminist theory that takes the oppression of

central in broader feminist ethics while also highlighting the importance of thinking about animals. Ecofeminist animal theory draws our attention not only to the importance of love and care with respect to human interactions with animals (and animals' interactions with one another), but also the importance of seeing the animals for the individuals they are. Such an approach goes beyond the traditional animal theorists' attempts to show that animals matter morally because they are the same as humans (e.g., Singer and Regan) in order to recognize the ways in which animals are importantly different so that we can better understand them on their own terms. Put another way, the goal of much ecofeminist animal theory is to avoid glossing over the uniqueness of particular animals in order to prove that animals are like humans in morally relevant ways. Rather, we recognize what is morally important about them by careful attention to who they are. This study will reveal some features that overlap with features of humans (e.g., sentience, cognition in some animals) but it will also reveal ways animals are different and how those differences can guide our moral interactions with them (Gruen 2004, 2012; Warren, K. 1990). We try to understand them for who they are rather than simply seeing ourselves in them. We recognize difference in order to better attend to individuals' needs rather than to establish rankings between beings.

Ecofeminist animal theory also insists on politicizing the ethics of care (Curtin 1991; Donovan 2007, 187-189; Donovan and Adams 2007, 3). As Josephine Donovan puts it, “[I]t is also important to take a larger view, placing the individual instance within a political understanding of the cause and an assessment of the needs of the sufferer” (Donovan 2007, 189).

A politicized animal theory will not approach questions of inter-animal conflicts of interest

animals as integral to ecofeminist work (Gaard 2002). I opted for “ecofeminist animal theory” because I think calling it “vegetarian ecofeminist theory” unnecessarily narrows the scope of the theory put forth, though that was certainly not Gaard’s intent. There are many examples of pluralist, contextualized, and non-hierarchical approaches to animal ethics. See Curtin 1991; Donovan 1993; Gaard 1993, 2001, 2002; Gruen 1993, 2004, 2011; Kheel 1985, 1993; Luke 1995, 2007 among others.

without addressing how power structures play a role in creating our predicaments, shaping our needs, and defining our choices. Thus, ecofeminist animal theory pays attention to issues of inter-locking oppressions; seeing the ways in which animals' fates have been and continue to be tied to the fates of women, how factory farmed animals and factory farm workers are both exploited by modern, industrialized farming and so forth (Donovan 1993; Donovan and Adams 2007; Gaard 1993; Gruen 2011; Kemmerer 2011; Warren, K. 1990).

Brought together, all of these features can be seen as paradigmatic of a feminist approach to animal ethics. Below, I sketch the central theoretical commitments of my approach to inter-animal conflicts of interest. No doubt some are also features of some other ethical approaches that are not best understood as being "feminist" (virtue approaches share a questioning stance towards the role of principles in moral theory, for example). Still, within the world of animal ethical theory it is the feminist theorists who have brought issues of love and care, attention to the social structures of power and domination, theorizing about inter-locking oppressions, and the importance of attention to context to the fore. Thus, the view I put forth is inspired and informed by ecofeminist animal theory.⁵

The feminist approach to inter-animal conflicts of interest I put forth is non-hierarchical, pluralist about moral significance, and contextualized, moving between these relevant features of the conflict to obtain as full a picture as possible of what is at stake for all parties. This process includes, among other things, detailed descriptions of what is at stake for the humans and the animals, situating those details in historical, political, and societal context, asking hard questions

⁵ Greta Gaard has written eloquently on the ways in which current discussions in animal ethics, and animal studies more broadly, have distanced themselves from their ecofeminist roots and thus appropriate ecofeminist insights as their own in some cases (Gaard 2011). I heard Gaard give a version of this paper at the Wesleyan "Sex, Gender, Species" conference and felt strongly that I would not make these sorts of mistakes. The theory I put forth is profoundly influenced by the insights found in the ecofeminist literature. I think it is important to recognize the roots of the view I sketch in the dissertation even if some of these insights are also found in other areas of the philosophical literature on ethics.

about how we found ourselves in a situation of conflict to begin with, and identifying moral remainders and opportunities for repair and/or restitution. It also involves being aware of interlocking oppressions, privilege and how it is functioning in our deliberations, and the necessity of careful cross-cultural communication. The approach is pluralist in that it recognizes that moral significance arises from a variety of sources (sentience, having a well-being of one's own, relationships of love and care, etc.). It is contextualized as described above. Finally, it is non-hierarchical in that it does not give pride of place to any one kind of interest or creature. The method I propose is, thus, squarely rooted in ecofeminist animal theory. I try, however, to push past the ecofeminist tendency to avoid engaging in specific cases. Slicer, for example, argues at length for how issues of love complicate "daughter vs. dog" cases, but ends her piece before talking about what we should say about such cases (Slicer 1991). With the method I propose below I endeavor to address how to approach particular instances of conflict, though I do so from within a feminist methodology that recognizes the dangers of discussion at the level of abstraction. I turn to that method below.⁶

SETTING ASIDE THE BASIC/NONBASIC INTERESTS DISTINCTION (FOR THE MOST PART)

The first step in this approach is to jettison reliance on the basic/nonbasic interests distinction as a way to predict outcomes in conflicts of interest or best understand the conflicts. The basic/nonbasic interests distinction should be added to the heap of other normative dualisms feminists have identified as injurious to moral deliberation: reason/emotion, nature/culture,

⁶ Annette Baier has described a "mosaic method, assembling a lot of smaller scale works until one ha[s] built up a complete account" (Baier 1985, 54-55). I see my efforts here as very much along these lines.

white/dark, and civilization/the wild.⁷ As with all of these dualisms, the distinction has some truth to it. We can recognize, for example, that there is a difference between urban Seattle and the wildness of Mount Rainier National Park. Similarly, we can recognize that there is a difference between my subsistence needs and other interests I have that are not so directly linked to my survival. As with all normative dualisms, the issue is not that the words fail to capture *anything*. Rather, the issue is that the basic/nonbasic interests distinction encourages truncated narratives by stripping interests of their contextualized richness (political, social, relational, and cultural). It pushes us towards rigidly hierarchical thinking, obscures the moral remainders that result from conflict adjudication and, in doing so, feeds a false security that our moral engagement ends along with our interest-weighting endeavors.

In as much as we need words to differentiate between our subsistence needs and all of our other interests, I do not strongly object to the use of the words “basic” and “nonbasic.” So, we might reasonably say of a dog chained to a post outside in the dead of winter without food, water, shelter, or companionship that her basic interests are not being met.⁸ I part ways with the distinction, however, once we use it to start drawing normative conclusions about inter-animal conflicts of interest.⁹ That one party’s interest is basic may tell me something about how the conflict ought to be resolved, but it very likely may not. For example, if dire economic needs

⁷ To be clear, many of these dualisms are not just injurious to moral deliberation, they provide the justification for domination and exploitation, as feminists and ecofeminists have argued for years (see, for example, Warren, K. 1990; Gaard 2002; and Gruen 1993). The human/animal dualism is one that also comes under fire, though it is somewhat more complex from the ecofeminist perspective. Insofar as the human/animal dualism invokes a logic of domination it is, of course, deeply problematic. Still, theories arguing that humans and animals are ultimately the same tend to cause other problems by homogenizing instead of attending to differences that would help us know better how to interact with particular animal others (see Gruen 2011b).

⁸ Whether or not companionship can be understood as a basic interest for a dog is an open question and one of the reasons I am deeply skeptical of the distinction between basic and nonbasic interests. A dog may be able to survive a life without companionship (as would a human), but such a life would be wretched for her (Grandin 2009, 25-66). This is why I say I do not “strongly” object to the use of the words. I recognize we need language for certain concepts in order to facilitate communication but, in this case as with “reason” and “emotion” or “nature” and “culture”, even the most benign use of the language may be wrought with difficulties.

⁹ I say nothing here of the use of the distinction in inter-human conflicts of interest, though my doubts about its use do extend to that arena as well.

drive my family to a situation where we only have enough money to feed two of us and would need to sell our piano in order to buy food and water for me, then we might say that selling the piano to meet my basic needs makes sense. If, however, I am in the last days of a terminal illness and playing the piano is my husband's great passion, I might decide to forego fulfillment of my basic interests if doing so would mean we could keep our piano. Here "basic interests" might mean expensive medical care, but if the situation were really quite dire I might also ask for water and food sufficient for palliation but not sustaining my life. In short, I might decide that my husband's interest in the piano (nonbasic, some would say) is more important than my basic interest in surviving.

That one party's interest is nonbasic similarly tells me very little, as the example above shows. I am not suggesting that whether an interest is understood as basic or nonbasic is irrelevant to our deliberations. My point is, rather, that we cannot rely on the distinction to predict outcomes or help us determine priority before obtaining more details about the conflict in question, the interest at issue, and the particular interest bearers.¹⁰ Using the distinction between basic and nonbasic interests to pre-determine outcomes in conflicts is not the only way to use the distinction, but many people (including all the theorists I have critiqued) do use it in precisely that way. Moreover, focusing on categorizing the interests as one type or another will do nothing towards helping us see how the interest is informed by a particular socio-economic or cultural context or how it grows out of a history of exploitation and abuse that justified using others in morally questionable ways. Marti Kheel puts the point this way: "... if we do not understand the

¹⁰ Here I am reminded of Nussbaum's capabilities approach. She notes that every species has basic capabilities that ought to be available but that having a capability need not mean you must exercise it. This could help explain why, if I am terminally ill, I may choose not to extend my life if it means sacrificing my husband's piano. On the capabilities approach, the focus is on having the capability rather than one's choice whether or not to exercise that capability (Nussbaum 2004, 312). Nussbaum's approach helps illuminate what I am trying to get at here, namely that recognizing an interest as a subsistence need (basic) is not sufficient for guiding action. We need more information.

world view that produced the dilemma that we are asked to consider, we have no way of evaluating the situation except on its own terms” (Kheel 1993, 255). The use of the basic/nonbasic interests distinction contributes to masking the importance of asking questions about the world view producing the dilemmas we face as well as masking some of the morally relevant features of a given case.

Some people find the basic/nonbasic interests distinction handy insofar as it speaks to the issue of necessity. If my nonbasic interests are on the line, then it seems unnecessary for me to use animals for my purposes. If my basic interests are on the line, then it may be that it is necessary for me to do so. I understand the pull of wanting to use the distinction in this way and, I do think whether or not there are other options available is *one piece* of the relevant information we need in order to carry out our moral deliberations. Yet, as I hope I have shown over the course of the last three chapters, relying on the distinction between basic and nonbasic interests quickly leads to problems. So, we might point out that wearing fur is not a basic interest for a wealthy New York socialite and that it is certainly unnecessary for her to do so. Knowing what is entailed for the animals in making the fur coat we may thereby conclude that she ought not to wear it. That all seems right to me as far as it goes. But, as I argued in chapter two, the fact that the fur coat is not a necessary item for this woman does not close the morally relevant features of our discussions with her. We might chastise her and accuse her of all kinds of moral callousness for failing to see that her need for the coat is nonbasic. Or, we might contextualize her interest somewhat, noticing that women are put under significant pressures to look particular ways. Rather than go the route of chastisement and character attack, we might instead offer information and help the woman come to understand how the ways in which she is marginalized interlock with the marginalization of the animals she is wearing. As Kheel says,

It may mean approaching a woman on the street who is wearing a fur coat and asking if she is aware of how many animals died to make her coat, and if she is aware of how much suffering the animals had to endure. At the same time, it means understanding the cultural context that leads this woman to see glamour where others see death. She is the product of a society that robs women of their own self-image and then sells it back to them in distorted form. She thinks she is ‘dressed to kill’; we must let her know that others have been killed for her to dress (Kheel 1993, 259).

Kheel recommends that, rather than blame women who wear fur, we “provide them with the missing narrative pieces that are needed for them to think and feel on their own” (Kheel 1993, 271 fn66).¹¹

This is more than a practical point about how the basic/nonbasic interests distinction encourages a certain kind of moral rhetoric, though I do think this is a problem with the distinction and that it causes practical issues for activists and theorists alike. Yet, the issues at stake are also moral issues. To the extent that invoking the basic/nonbasic distinction discourages careful reflection about the complexities of the issues at stake, it engenders moral errors both in our dealings with people and in our thinking about the conflicts. These moral errors include, but may not be limited to, mistaken assessments of people’s characters and failing to acknowledge and attend to moral remainders.

Three points are at issue here. First, while necessity and whether other options exist are relevant features of any discussion about conflicts of interest, they are only one part of that discussion. How the necessity arose, why no other options exist, and what of importance may be at stake even if necessity is not are also highly relevant features of the discussion. Second, the basic/nonbasic interests distinction obscures these other relevant features by channelling our

¹¹ It is important not to gloss over how difficult these conversations can be even if we approach them with understanding and compassion. People walking down the street do not generally enjoy being stopped and asked to consider their wardrobe choices. Still, this compassionate and contextualized attempt at awareness-raising has more chance of success and is certainly more morally sound than a campaign that involves people pouring artificial blood on those wearing fur, as PETA instructed activists to do in the 1990’s.

energies only into classifying and weighing interests. Finally, the project of delineating basic from nonbasic interests is itself deeply problematic.

If we understand “basic” to mean “necessary for survival,” then we can likely all agree that adequate food, water, and shelter are basic interests for human beings. What do we say about education, freedom, and relationships of love and care? Are these basic or nonbasic interests? With the exception of love and care when we are young, we do not need any of these in order to literally remain alive, though none of us would want to live a life devoid of the goods education, freedom, and relationships bring.¹² We might ask, then, if these goods (among others) should count as basic if a life without them would be deeply undesirable. We can ask of nonbasic interests where on a continuum of importance they lie. We might notice that some “nonbasic” interests feel as important as having air to breathe, like the well-being of our children, our life partners, and our cherished domestic animal companions. We might notice that other nonbasic interests do not feel quite as weighty but still matter a great deal to us, like those attached to ground projects and the traditions of our communities.¹³ Other nonbasic interests matter even less, such as our interests in seeing this or that movie.

When we turn to considering nonhuman animals we notice that it becomes even more difficult to clearly delineate basic from nonbasic interests. To begin with, “nonhuman animals” is not a homogenous group. Burrito the chimpanzee, living in a sanctuary after being born in captivity and used in biomedical research all his life, needs different things in order to survive or

¹² This is Varner’s point when he puts basic interests at the bottom of his hierarchy of interests. All of our basic interests could be fulfilled and yet we might live a miserable life. I will add that it is an open question whether any adult can stay alive in the absence of any love or care from others.

¹³ Here, again, we run into some difficulty with the basic/nonbasic interests distinction. For, someone could argue that one’s very identity depends on tradition and that having an identity is crucial to surviving in the world. My thanks go to Katie Gillespie for bringing this point about tradition to my attention.

to thrive from what my cats, Ira and Teddy, need.¹⁴ It is true that Burrrito, Ira, and Teddy all need food, water, and shelter but beyond that their interests may well diverge from one another. Nonhuman animals require different things in order to express their different species typical behaviors and whether or not that expression counts as a basic interest for them is, I think, a very difficult assessment to make. I cannot access Burrrito's inner life enough to know if having opportunities for outdoor play is crucial to his well-being. I suspect that it is, and having watched the video of Burrrito playing outdoors for the first time after a safe enclosure was built at his sanctuary, I can see that it is very important for him.¹⁵ Is it a basic interest? I do not know. Is it a peripheral or a highly valued nonbasic interest? I suspect the latter, but cannot be sure where, precisely, on the list of opportunities that matter to him, Burrrito would place playing in fresh air. It is worth adding that even within one species, what an individual needs in order to thrive may well differ from one individual to another. This is certainly the case for humans and there is no reason to think it works any differently for other animals.¹⁶

I do not know that it will be possible to articulate a complete list of the basic and nonbasic interests for all animals.¹⁷ I similarly do not know what to say about whether education, freedom, and relationships of love and care are technically basic or nonbasic for human beings. This is not a problem for me, however. For, the approach to inter-animal

¹⁴ Nussbaum, for example, provides a list of "entitlements" of animals, but notes that the entitlements are "species-specific and based upon their characteristic forms of life and flourishing" (Nussbaum 2006, 392).

¹⁵ For those interested, you can watch Burrrito and his six sanctuary companions get their first taste of fresh air here: <http://www.komonews.com/news/local/130546448.html> (accessed 21 November 2011). After getting outside and scampering a bit, Burrrito runs over to his friend, Annie, and hugs her. It is an incredible moment to see and one that helps us understand what it must mean for these chimpanzees, whose lives were devoid of any happiness for so long, to be able to explore outside.

¹⁶ Baur talks about the individual traits of pigs, sheep, hens, roosters, steer, bulls, and cows and how each animal he meets has different interests, tastes, and preferences (Baur 2008).

¹⁷ This is why on Nussbaum's account the general list of entitlements for nonhuman animals will result in many more lists depending on the specific species under consideration. The capabilities approach holds out promise for how we might go about understanding the heterogeneity of human and animal interests. I have not engaged extensively with Nussbaum's work in this chapter in part because her discussion of conflicts of interest is very limited. A future project will be to see how the capabilities approach compares to the methodology I suggest in this chapter.

conflicts of interests that I sketch below involves taking all of the many interests at stake into consideration and giving them their full narrative force. Having readily available, universally applicable, labels for interests is not an important aspect of my proposed approach. Nor is having readily available, universally applicable, principles where we plug in certain types of interests and determine from abstraction what the outcome will be. I leave significant normative reliance on the basic/nonbasic interests distinction behind as I move forward to thinking of an alternative way to cope with inter-animal conflicts of interest. This alternative has three central features. It is non-hierarchical, pluralist, and contextualized. I will examine each feature in turn, beginning with the non-hierarchical element.

A NON-HIERARCHICAL APPROACH

Constructing, and then naturalizing, hierarchies has been one of the more insidious justifying mechanisms for the oppression of both women and animals. (Gruen 1993, 79)

Varner thinks that any viable theory of environmental ethics has to show why certain human interests are more important than animals' interests (Varner 1998, 79). Unlike Varner, I think any viable theory of animal ethics striving to take both humans and animals seriously ought to reject pre-conceived hierarchies abstractly positing who, or what kind of interest, matters most. Varner's hierarchy is meant to be preferable to traditional hierarchies in that it embraces an axiological rather than valuational anthropocentrism. That is, he takes his hierarchy to be less problematic because, rather than denying moral considerability to non-humans, it "gives pride of place to certain interests that only human beings have" (Varner forthcoming, 200). Insofar as Varner is open to being convinced that other forms of life share the kinds of interests humans have, he escapes speciesism. He is willing to put the great apes at the top of the hierarchy, for

example, if someone can convince him that they have a biographical sense of self. This is progress of a kind in as much as Varner appears to avoid the most offensive kind of anthropocentrism, but I find his adherence to a rigid hierarchy with persons at the top deeply troubling. Indeed, I am suspect of a methodology for thinking about inter-animal conflicts of interest that starts with the presumption that the only viable way forth for such a methodology is to give pride of place to certain kinds of interests, namely ones that only humans have. Given Varner's commitment to justifying the greater moral significance of humans, we can hardly be surprised that he thinks some uniquely human feature is what constitutes the pinnacle of moral importance.¹⁸

My view rejects pre-conceived moral hierarchies where types of sentient creatures or types of interests are ranked prior to the examination of a given conflict. This means that human lives are not *prima facie* more valuable than animal lives. All sentient creatures enter moral deliberations with the same moral value regardless of their species membership. This is a modification of the view Taylor argues for. Whereas he defends biocentric moral equality, my view argues for the moral equality of sentient animals.¹⁹ This view will strike many readers as radical in that it runs in opposition to deeply entrenched and long-standing views about the comparative status of humans and non-human animals. Yet, I do not find any positive answers to the question "Are humans more morally significant than other sentient creatures?" to be

¹⁸ Kheel notes that "much of the literature in environmental ethics has been the establishment of hierarchies of value for the different parts of nature. It is assumed that hierarchy is necessary to aid us in making moral choices in our interactions with nature. Conflict is taken for granted; it is assumed that one part of nature must always win, while another must always lose" (Kheel 1985, 137). Though Varner certainly does not hold the view that humans must *always* win, he clearly thinks that a hierarchy is necessary in order to make moral decisions.

¹⁹ In future work I will think more about what should be said about non-sentient living things. I am keenly aware of the dangers of replacing one form of hierarchy with another and would very much like to avoid doing so (Kheel nicely articulates these dangers in Kheel 1985). Still, it is not yet clear to me exactly how to talk about non-sentient living things. In my section on the pluralist features of my view below I talk about engaging empathetically with other sentient creatures to better understand their interests and needs. I would like to think more about what it would mean to undertake empathetic engagement with non-sentient living things in order to better understand how to talk about them. Karen Warren discusses rock climbing and attending in a loving way to the rock as she scales it, but I need to do more reflecting before I can say for sure what is going on there (Warren 1990, 134-138).

convincing. I will not take on all the arguments here, but will mention two. The dominant, non-religious arguments in favor of humans' heightened moral significance ultimately come down to some version of one of these two views.

The view that humans are morally more significant than nonhuman animals often rests on the idea that our rational capacities set humans apart from other animals. Indeed, these capacities constitute a large part of what it means to be human. Humans can function cognitively at a level that enables us to choose our own ends, partake in moral deliberation, exercise our will, and so forth. It is often thought that these rational capacities are precisely what we value in one another.

I have never quite understood the jump from recognizing that humans have rational agency to the claim that this in turn makes humans *more* morally significant than other sentient animals. It seems to me that species differences are relevant to understanding needs and capabilities rather than to rankings of moral significance. While I might value other humans for their rational nature (and for other of their features as well, I would hope), I do not see that this insight should cross the species boundary and reflect on, say, a cat's value. I can value the cat for other reasons though I cannot value him for his capacity to reason. For example, I can value the cat's loving and loyal treatment of me or the special kind of intelligence he shows when he stalks and pounces on a leaf flitting by. My husband cannot see nearly as well in the dark as my cats can, but their impressive nocturnal vision is not a reason to think Teddy and Ira are morally more significant than my husband. My husband has an impressive mind and my cats have impressive vision. These are differences that help me understand the needs of each (my husband needs a light on going down the stairs at night and the cats do not), but I do not see that the differences are relevant to their ranking in terms of moral value. This parallels nicely what many

of us think is true in the inter-human realm, namely that differences in cognitive capacity point the way to understanding differences in need and capability but not to differences in moral significance.

Another answer to why humans are more morally significant than animals is the sort of answer Varner gives. Here, the idea is that our enriched cognitive capacities generate interests that are more valuable than other, less cognitively enriched interests. As I noted in chapter four, I remain unconvinced that the kinds of interests humans have can be understood and organized in such a way that they belong at the top of a fixed hierarchy.²⁰ It is true that I have interests in long-term projects that provide direction and meaning to my life and that I have the capacity to form desires extending into the distant future. It is also no doubt true that I may suffer some considerable harm when those projects and desires are thwarted. I do not know that this justifies a blanket statement claiming that my interests are more morally significant than those of a creature who does not have life-guiding plans or desires for the far distant future. For, I struggle with how to compare human and nonhuman animal experiences. My cats may have desires that extend only into the near future, but if I thwart those desires then I have taken away the totality of what matters to them. Moreover, as I noted in chapter four, it may be that, precisely because they cannot conceive of their lives-as-a-whole, my cats suffer tremendously when their interests and desires are thwarted. Unlike me, they cannot understand that there may be good reasons to thwart those interests now in service of a better life in the future.²¹ So, it may well be that my ability to reason effectively, exercise autonomy, and conceive of my life as unfolding according to a narrative points to reasons to consider my interests as less morally significant in certain

²⁰ The view that there are no human characteristics that render us superior to other animals is held by many theorists, not only ecofeminists. Paul Taylor's species egalitarianism is based in large part on the rejection of human superiority as a fundamental feature of the attitude of respect for nature. Indeed, Taylor calls the rejection of human superiority the most important element of the attitude of respect for nature (Taylor 1986, 129).

²¹ See Akhtar 2011.

situations where the animals' involved might lose the totality of what matters to them.²² I can re-group, reconsider my projects, undertake new projects, or try to mitigate the damage done by foregoing my interests in ways animals cannot. I remain unconvinced that having complex interests makes someone's life more valuable than the life of a creature that does not share those same kinds of interests.

When I ask myself if my life is more valuable than my cat Ira's life I keep returning to the question "More valuable to whom?" Clearly, my life is more valuable to me, but I suspect his is more valuable to him. My life is also more valuable to me than my neighbor's, but this insight surely could not justify a universally binding ranking system wherein my life is considered more valuable than hers when we are adjudicating a conflict between us. Part of what I find affronting about a hierarchy positing humans' greater moral significance over the moral significance of other sentient animals is that such a view seems to me to show a shocking lack of humility or commitment to epistemic modesty.²³

Clearly, the only perspective we have from which to judge human and animals' comparative moral significance is the human perspective. Given the natural preference one might tend to feel towards one's own way of being in the world and the ways in which humans have come to rely on animals as instruments for our ends, it strikes me as quite possible that we have what Bill Talbott calls a "blind spot" in our thinking. So, I am not only unconvinced by the arguments offered in favor of humans' greater moral significance but also suspicious that our mostly unquestioning adherence to the belief that humans are more morally significant than other animals reflects a kind of hubris on our part. Put another way, I do not see good reasons to think

²² Cf., Agar 2001, 97.

²³ I borrow the term "epistemic modesty" from Bill Talbott. He says that "a moral philosophy is *epistemically modest*, if it acknowledges its fallibility" (Talbot 2005, 75-76).

of humans as having greater moral significance and I do see many reasons to be wary of our endeavors to make the case for such a position.

Indeed, we should admit that we do not enter our deliberations about rankings of moral significance from a position of neutrality. To begin with, we are humans trying to decide if humans are more morally significant than other animals. While this does not completely rule out the possibility that we could deliberate without a bias in our own favor, we ought to be keenly aware that we are treading on dangerous ground with a high likelihood of having “blind spots.” Moreover, it is surely relevant to these kinds of discussions that we are most often invoking hierarchies of moral significance in order to justify overriding animals’ interests. We should be very clear that we do so from the standpoint of those who stand to benefit from animals’ interests being thwarted. We arm ourselves with an abstractly justified increased moral significance as humans, while missing the profoundly morally significant fact that we are in a relationship of domination with most animals rather than one involving care and loving attention. We come to the deliberations regarding comparative moral significance with an agenda for many of the parties under consideration. This is a good reason to be wary of the process of establishing hierarchies. Our fallibility as thinkers is increased both by the fact that we are judging our moral significance from our own perspective and the political, social, and economic reality that we need animals in a position of inferiority in order to maintain life as we know it. We cannot ignore that the establishment of a hierarchy of humans and nonhuman animals takes place in the context of humans’ long and extremely troubling relationship of dominating and oppressing animals.²⁴

²⁴ Ecofeminists have a long history of rejecting hierarchical thinking using reasoning very much along these lines. We have an abiding distrust of moral hierarchies in general. History provides many examples that point to grounds for suspicion about hierarchies. As Gruen puts it, “by establishing superiority in theory, the groundwork is laid for oppression of the inferior in practice” (Gruen 1993, 79). For ecofeminist discussions of hierarchy and their defense

I join the ecofeminist animal theorists who reject pre-conceived moral hierarchies. I prefer a methodology that recognizes differences without ranking them in a static, universally binding way. Differences between species and individuals help us understand need and capability but do not provide justification for ranking those species and individuals according to levels of moral significance. Thus, I embrace a view very much along the lines of what Taylor calls the “Principle of Species-Impartiality” claiming that “every species counts as having the same value in the sense that, regardless of what species a living thing belongs to, it is deemed to be *prima facie* deserving of equal concern and consideration on the part of moral agents” (Taylor 1985, 155). I would change the language to reflect that the view is sentientist rather than biocentric, but otherwise agree with the spirit of what Taylor says.

In a particular conflict we will no doubt have to decide what matters most and this can be understood as ranking of a sort. Some may want to say that any time we decide that one consideration is more important than another we are making a hierarchy. I think of hierarchies as fairly rigid systems of ranking, generated in abstraction, and used to pre-determine how matters should be resolved. These sorts of hierarchies often result in a justification for dominating others. No doubt I may decide that my interest in drinking hot chocolate tonight is less important than the interest I have in helping my son feel happy if it turns out that I cannot fulfill both for some reason. This is a very different sort of ranking, though, than a rigid hierarchy positing that ground projects are more important than non-categorical desires or that having a biographical sense of self makes a being more morally significant than one lacking that sense of self. It is a fluid kind of ranking informed by the specifics of the situation before us. Some may worry that this kind of approach will result in a dangerous kind of ad hoc decision-

of non-hierarchical approaches see Donovan 1993; Gaard 2002; Gruen 1993; Kheel 1985, 1993; Lucas 2005; and Taylor, A. 196, though the latter is a rights theorist rather than an ecofeminist animal theorist.

making. Yet, this is a process we engage in quite regularly in our interpersonal relationships with high degrees of success. Elizabeth Dodson Gray puts the point nicely:

The point is that we parents continually find some ground for making our decisions, grounds other than ranking our children in some hierarchy of their worth. What we perceive instead is that our children have differing needs, differing strengths, differing weaknesses. And occasions differ too. It is upon the basis of some convergence of all these factors that we make our decisions. And our decisions are always made within the overriding imperative that we seek to preserve the welfare of each of them as well as the welfare of the entire family (Gray 1979, 148).

Just as we do not enter into decisions regarding our loved ones with pre-conceived notions of their comparative worth, we need not enter into inter-animal conflicts of interest with a pre-conceived hierarchy of moral significance.²⁵ Imagine what it would do (what it *did* do) to familial decision-making to have a hierarchy where male children are seen as more morally significant than female children. As parents, we strive to make our decisions about what should happen based on the specifics of a given occasion rather than by invoking a particular hierarchy. Our interactions in the inter-animal realm should be similarly guided by careful consideration of the occasion combined with attention and respect for the relevant differences of the beings involved. We must also pay careful attention to the social, political, and economic background conditions in which we are situated. So, in making decisions about different children it is necessary to factor in that one of them is male and the other female and that in the world we live in this may render seemingly straightforward differences rather complicated.²⁶ Similarly, our decision about what to do with the various differences manifested between a human and an

²⁵ Cf. Hursthouse 2006, 139. She points out that virtue theorists are also suspect of ranking differences in order to predict outcomes in a conflict. She notes that "...virtue ethicists are not going to commit themselves in advance to saying that the cited differences will always guarantee that, in cases of conflict, it is the cats that will go to the wall because of their inferior status."

²⁶ In thinking through who should get a math textbook when resources are scarce, for example, it won't do simply to notice that the male child manifests a stronger interest in math. We have to notice that his interest and the apparent lack of interest his sister shows may be driven by social factors. It might, therefore, be very important to give our daughter the math textbook rather than our son.

animal must be informed by attending to how our ways of viewing and treating animals feed into these differences or how we perceive them.

Hierarchies of moral significance are not only problematic because they select and elevate arbitrary features and most often lead to oppression and marginalization of those who do not share those features. They are dangerous to moral deliberation itself. We are driven to hierarchies of moral significance in part because we want to feel justified in pursuing our interests at the expense of others' interests.²⁷ The hierarchy provides the justification we need in order to say that we were right, that our choices were morally sanctioned, and that accurately recognizing the different degrees of value relieves us from further moral discomfort. I think this way of looking at matters is misguided.

It seems to me that the cost of any human life is that our interests will conflict with those of someone else. We will often do harm to others' interests.²⁸ Wrapping ourselves in the comfort of a theory that prizes human interests enables us to escape some of the force of recognizing that this is the case. We ease our minds with the thought that we are justified. Yet, whether or not we are ultimately justified in our choices, we cannot escape that these choices generate collateral damage for morally significant others.²⁹ Recognizing that damage, seeing it for what it truly is, and confronting what we might do about it is a crucial part of navigating

²⁷ This is not always the case. We sometimes look to hierarchies to show people why they should change their behavior. Still, when one reads the literature in animal ethics and environmental ethics it is clear that theorists often call for a hierarchy because they think it is important that we justify the primacy of human interests.

²⁸ Deane Curtin discusses this in Curtin 1991.

²⁹ The notion that we might never be able to curl up on the couch at night, read a good book, and feel confident that we are morally in the clear may cause some readers to fear that I am advocating a view that could cause people to feel alienated from feeling they are living a good life. Still, I think in the world as it is currently arranged, we might want people to feel the burden of how the world really is. Carl Elliott discusses the case of a man feeling alienation because he feels as though any form of life may not actually be justifiable. Elliott asks us to imagine an accountant who comes to a psychiatrist and says, "Jesus Christ, is this it? A Snapper lawn mower and a house in the suburbs?" Discussing whether or not the psychiatrist should prescribe Prozac to this patient, Elliott notes that maybe this patient is better off than his neighbors who do not see the predicament they are in. He goes on to say, "If you see American society as hopelessly shallow, or materialistic, or unjust, then you are going to say that if a person doesn't feel radically alienated and dissatisfied and out of step, then something really *is* wrong with him" (Elliott 2007, 180).

inter-animal conflicts.³⁰ As a result of our choices and actions sometimes animals will lose, sometimes humans we do not know will lose, and sometimes humans or animals we love and cherish will lose. We have to accept that moral remainders are often a part of moral life even when we do our very best to mitigate all harms. This is as true in the inter-animal realm as it is in the inter-human realm, but hierarchies of moral significance have taught us not to see the remainders where our interactions with animals are concerned.

None of this is to suggest that we will be so awash in details that we can simply choose any moral remainder we want. As will become clear in the following section, we can acknowledge that some options are better than others. The options that cause the least harm, demonstrate the most respectful stance toward all sentient animals, and that best acknowledge and address the ways in which exploitation and domination shape the dilemmas we face and the options available for facing them will be better than their alternatives. We can still consider our actions justified if by “justified” we mean that we are pursuing the option that is better than all of the available alternatives. Justification most often will not mean that we can say “done, clean, finished” once we have chosen the best available alternative. Moral work will likely remain.

Invoking hierarchies to assuage our conscience or justify our choices abstractly obscures the reality of these moral remainders. As Margaret Urban Walker put it,

But if moral life is seen as a tissue of moral understandings which configure, respond to, and reconfigure relations as they go, we should anticipate residues and carry-overs as the rule rather than the exception: one’s choice will often be a selection of one among various imperfect responses, a response to some among various claims which can’t all be fulfilled. So there will just as often be unfinished business and ongoing business, compensations and reparations, postponements and returns. Moral problems on this view are nodal points in progressive histories of mutual adjustment and understanding, not ‘cases’ to be closed by a final verdict of a highest court (Walker 1995, 145).

³⁰ One might argue that it is an integral part of navigating inter-human conflicts as well as Walker does below.

My feminist approach to inter-animal conflicts of interest rejects the notion that we can rightfully establish and rely on a pre-judged hierarchy from which to engage in our moral work. Rather, this approach starts from the acknowledgement that we cannot predict with certainty which interests will prove to be the most morally significant in any given conflict. This non-hierarchical approach leaves us open to recognizing the complexity and plurality of the interests at stake *on all sides* and it forces us to take a more honest look at our dealings with others. Moral life is in large part about recognizing remainders as the norm, rather than the exception. Hierarchies of moral significance are partially a mechanism for protecting us from feeling this and then attending to the work that remains.³¹ I will have more to say about this work later in the chapter when I turn to specific cases.

I am not suggesting that there are *always* moral remainders. Certainly, if I make a promise to a friend and I keep that promise then it is likely that I will not have generated any moral remainders in that process. There will be moral interactions where we can emerge without having caused harm. In inter-animal conflicts, however, I suspect that moral remainders will more likely be the norm rather than the exception. As I noted in chapter three, Rosalind Hursthouse has suggested that it is likely impossible to live with real respect for nature because “we have already made such a mess of things that there is no virtuous way of sorting them out by human means” (Hursthouse 2007, 169). Given the choices that have been made with respect to our treatment of animals over the past centuries, I suspect that, in the inter-animal realm, we will

³¹ Someone may want to argue that theories that adopt hierarchies are to blame for this problem rather than the hierarchies themselves. It is certainly possible that we could have a hierarchy and still notice moral remainders. Still, I think that reflection on both history and the present provides sufficient evidence that hierarchies more often than not serve to distract us from the moral work remaining for those in less privileged positions in the hierarchy. It would be interesting to see if an adequate theory could be put together so that adherence to a hierarchy would not have this effect. My sense is that hierarchies tend, like Varner’s, to be embedded in theories that generate the kind of problem to which I am referring. Theories encouraging us to strike a balance between abstract reasoning and direct experience and that take social and political realities seriously, like feminist theories, tend to avoid hierarchies. In other words, it may be that the very theories untroubled by invoking hierarchies are ill-equipped to keep those hierarchies in check.

find ourselves in situations with moral remainders more often than not. We are embedded in exploitative systems over which we have very limited (or no) direct control. As a result, there may not be good ways to extricate ourselves from inter-animal conflicts without causing significant harms. Moreover, given that attending to animals' interests in a robust way is still on the fringes of common morality, it will be difficult to attend to animals without generating some problems in the inter-human realm, in particular with people we love or other community members. One need only read blogs written by vegans at Thanksgiving to see that this is the case.

Any approach to inter-animal conflicts of interest must take these realities seriously and address the issue of remainders head on. A view that does not is out of touch with reality.³² As Held argues, theories must be tested against actual, lived experience (Held 1995). Our moral experience shows us, when we are paying attention, that even when we do our best moral decision-making we often feel there is work left to be done. Though opting to pursue one path over another may have been the best we could do, we notice that damage was done when we made our choice and we struggle for how to account for and attend to that damage. Lived experience tells us that, in many cases, we do not simply maximize the good, respect rational agency, or show loving attention and move on worry free even if moral theory tells us we could. We know moral remainders are a part of moral life because we experience them. When I turn down my grandmother's soup I know I am doing the right thing with respect to the chicken. I cannot help but notice, however, that in doing so I have generated some moral problems with

³² Sharon Bishop has a thorough discussion of how principle-based theories handle feelings of remorse and guilt (or fail to handle it) in Bishop 1987. She notes that, on such views, "so long as agents believe they were acting rightly, they can be confident that any guilt or remorse they feel should be dismissed as irrational. Where they believe that they have done as they should, they will regard any guilt they happen to experience as something to be gotten over privately or perhaps with a friend or analyst, but they will not think that reparative acts or forgiveness are appropriate" (10). I am trying to move away from the sort of view Bishop describes to one that can more easily recognize remorse and the appropriateness of acts of forgiveness or repair.

respect to my grandmother.³³ An adequate theory will have something to say about this experience beyond thinking of it as mere squeamishness or sentimentality.

To conclude, Varner had it wrong when he said that a viable theory needs to give priority to certain human interests. I posit that any viable theory of animal ethics has to attend to the fact that human exceptionalism, the idea that humans are more morally significant than other animals, is a deeply problematic and difficult to defend proposition. It also has to face various facts head on: the fact that any human life will involve harming others and that even when we do our best to make choices respectful of all the interests in place we will still have work to do. This may seem overwhelming to some. The idea that we very often will not be able to extricate ourselves from inter-animal conflicts without generating moral remainders requiring our attention may lead some to wonder if, on my view, we are all just miserable sinners.³⁴ That is an overly dramatic way of putting the point, but it does get at what I take to be a more honest assessment of our moral position, viz., that we must take seriously that moral life is more often about unfinished and ongoing business (to borrow Walkers' terms) than it is about settling into the comfort of having done the "right" thing.

My feminist approach rejects hierarchies and embraces a more fluid methodology for confronting conflicts of interest. This means that no particular interest bearer and no particular interest enter the deliberation with a pre-judged advantage over the others involved. Context will

³³ On page 203 I discuss why these are moral issues.

³⁴ This is the question Thomas Nagel asked in *The View From Nowhere* when he discussed the problem of over-demandingness relative to inter-human morality (Nagel 1986, 189-207). Steve Gardiner talks of "marring evil" and "blighting evil" where marring evils occur when a moral agent chooses the lesser of two evils, but we still think about her action in an overall negative light. "Blighting evils" occur when it is impossible to redeem oneself from a marring evil insofar as there is no way to "outweigh" or "expunge" the evil that occurred through other, good actions (Gardiner 2010, 301). I certainly do not think that all inter-animal conflicts can be properly seen as blighting evils for the human agents involved. My discussion of moral repair later in the chapter shows that sometimes we can do the work necessary to work through moral remainders. A realistic assessment of how the world is set up in terms of the extent to which we dominate and exploit animals for human purposes reveals, however, that until we make serious changes in our dealings with animals we may well find ourselves in situations where something like marring evils occur. Our lives may be "tarnished" (to use Gardiner's terms) because as individuals we may not be empowered to change the options available to us and thus we will generate harms no matter what we do.

help determine the best course of action on such a view as well as aid in identifying and attending to moral remainders. I return to the question of context later. Next, I will articulate the pluralist features of my account. The basic framework I articulate in the following section stems directly from a commitment to a non-hierarchical approach to inter-animal conflicts of interest.

A PLURALIST APPROACH

We should not kill, eat, torture, and exploit animals because they do not want to be so treated, and we know that. If we listen, we can hear them. (Donovan 1993, 185)

My approach embraces a pluralist conception of moral significance. When we think through inter-animal conflicts of interest, it is crucial that we avoid myopic conceptions about what makes animals morally significant.³⁵ In chapter four we saw the dangers of myopic approaches come to life in Varner's endorsement of creating blind strains of hens less prone to stress-induced pecking and thus better able to cope with life in a battery cage. Varner's singular focus on reducing suffering for the merely sentient prevents him from seeing the other crucial features of hens' moral significance and, therefore, the impermissibility of battery cages even if the hens are made less prone to pecking one another. He seems narrowly focused on a particular kind of physiological suffering for the merely sentient as opposed to emotional suffering. Certainly, allowing hens to run free in a yard would help reduce their suffering (both physiological and emotional), but the oddity is that Varner does not even seem to consider this sort of thing when he talks about the hens.³⁶ Moreover, in considering relevant background

³⁵ It is also important that we take a pluralist approach to what makes humans important, though I will not attempt to articulate that here. Much of what I say about animals will be applicable to humans' moral significance.

³⁶ Margaret Urban Walker writes eloquently about the ways universalism in moral thinking structures our thinking in ways that turn our focus away from other aspects of situations that matter. Her criticism echoes nicely what I am trying to say about Varner. Walker writes, "Universalism, for example, tends to regiment moral thinking so that negligent or willful inattention to need and expectation in the course of daily life is readily seen as 'mere insensitivity,' a non-moral failing, when it is not in dereliction of explicit 'duties.' Worse, it legitimates *uniformly*

conditions Varner does not think to question the practice of confining hens to battery cages on the grounds that it reduces their value to their reproductive capacities as females which is troubling in addition to the suffering engendered by the cages themselves.

A pluralist conception of moral significance asks us to recognize that sentience matters, of course, along with other morally important features. Many animals are, as Regan put it, subjects-of-a-life. They have a perspective on their own lives that varies from individual to individual; one that includes memories from the past and desires for the future.³⁷ They are also individual creatures with interests in building relationships with others, nurturing their young, and fostering communities of their own according to their species typical norms. These account for what Lori Gruen has called the “external” reasons we have for recognizing the moral significance of animals (Gruen 2011, 42), where “external” is meant to indicate reasons that are external to the agent. They are reasons that operate from outside of moral agents, pushing us to recognize features of animals that matter morally, but that do not necessarily connect to any sentiments of compassion, care, empathy, or love that we may also use to understand animals’ moral significance. The traditional animal liberation views have a long-standing history of eschewing the “internal” (i.e., internal to the agent) mechanisms of compassion, empathy, and care, in favor of abstract principles that can be applied universally without relying on emotions.

Feminist critiques of these approaches abound,³⁸ though I think external reasons have a place in a pluralist approach. As Gruen points out, these external reasons for thinking animals are morally significant are useful (Gruen 2011, 42), particularly in situations where we do not

assuming the quasi-administrative or juridical posture of ‘the’ (i.e. universal) moral point of view. Yet, in many cases, assuming that viewpoint may foreclose the more revealing, if sometimes painful, path of expression, acknowledgement, and collaboration that could otherwise lead to genuinely responsive solutions” (Walker 1995, 146).

³⁷ Cf. Taylor, A. 1996, 258.

³⁸ As Held puts it, “An adequate moral theory should be built on appropriate feelings as well as on appropriate reasoning” (Held 1995, 157). See also Donovan 1993; Gaard 2002; Gruen 1991, 1993, 2004; Kheel 1985, 1993; Luke 1995, 2007; and Slicer 1991, among others, for feminist critiques of moral theories built solely on reason.

have time for serious reflection, where the people involved have not yet found their way to compassion for animals, or for discussions with industry leaders so focused on efficiency and profit that they cannot respond to anything other than dispassionate, abstract, argument.³⁹ Yet, conversations focusing solely on these external reasons will feel lacking and will sometimes prove less persuasive than those that incorporate the internal reasons for seeing animals as morally significant. These internal reasons are more difficult to capture than sentience or the capacity to remember the past and have desires for the future, but they help us access both what matters about animals and what is important to us.

Internal reasons “allow us to see and act differently because we view such action as consistent with our sense of ourselves, our commitments, projects, and desires” (Ibid). If we do not want to be a party to cruelty, for example, the problems with factory farming will be abundantly clear to us once we inform ourselves about what that kind of animal-based agriculture entails.⁴⁰ If we aim to raise children who recognize the value and beauty of animals, then we will not want to be a party to practices that cause animals unnecessary pain, fear, despair, and anguish. Internal reasons allow us to take what we learn about how animals are treated and see how that information attaches to what is already within our hearts and minds. This process requires knowledge about our treatment of animals and openness to experiencing compassion and empathy for them. We need to let our emotions into the deliberation process. As Kheel puts it,

What seems to be lacking in much of the literature in environmental ethics (and in ethics in general) is the open admission that we cannot even begin to talk about the issue of ethics unless we admit that we care (or feel something). And it is here that the

³⁹ I was recently in a workshop with Temple Grandin, the “humane” slaughterhouse designer and professor of animal science. She noted that her changes to slaughterhouse design aimed at making slaughter less stressful for the animals were met with agreement from the industry only after it became clear that the changes would also cut costs.

⁴⁰ Cf., Hursthouse 2006.

emphasis of many feminists on personal experience and emotion has much to offer in the way of reformulating our traditional notion of ethics (Kheel 1985, 144).

In thinking through using animals for human consumption, for example, Kheel says,

If we *think*...that there is nothing morally wrong with eating meat, we ought, perhaps, to visit a factory farm or slaughter house to see if we still *feel* the same way. If we, ourselves, do not want to witness, let alone participate in, the slaughter of the animals we eat, we ought, perhaps, to question the morality of indirectly paying someone else to do this on our behalf. When we are physically removed from the direct impact of our moral decisions - i.e., when we cannot see, smell, or hear their results - we deprive ourselves of important sensory stimuli which may be important in guiding us in our ethical choices (145).⁴¹

I have heard Singer criticized for including photos of animals in laboratories and factory farms in *Animal Liberation*. Some say that Singer's arguments from sentience and equal consideration of interests are lacking and that he included the photos to pull on our heartstrings when his arguments failed to reach us. I do not see anything wrong with this. Indeed, to the extent that Singer may have recognized that abstract arguments imposed from outside moral agents can be limited in both their scope and efficacy, I commend him for including the photos. They force agents to have some indirect experience of what we do to animals every day all over the world. Given that we cannot all visit slaughterhouses, factory farms, and research facilities, these photos are the only bridge we have between our choices and their impact on the animals we exploit.⁴²

When we see, hear, and smell (when possible) the experiences of animals used for human purposes we open ourselves to emotional responses. These emotional responses tell us

⁴¹ We frequently avoid witnessing things we find repellent by outsourcing the work to others. This is not always morally problematic as when I pay someone else to debride a friend's wound and sit in the waiting room while the procedure is performed. There is a distinction between mere squeamishness (the reason I outsource wound debriding) and moral discomfort. Kheel is referring to the latter. When it comes to animal use, we often rely on others to undertake the work that we find morally uncomfortable and this is valuable information for us in evaluating our use of animals for our ends. If I refuse to witness something because it simply grosses me out, that is not necessarily a sign of a moral problem. If I refuse to witness something because I know that, if I do, I will have moral qualms, then I should question the morality of outsourcing that work to others.

⁴² Legislation is under way in several states that would make undercover video and photos of slaughterhouses illegal (Laskaway 2011). Clearly, such legislation would make it not only difficult, but impossible, to know what goes on behind closed doors.

something important about what is going on for the animals. Through them we start to see and hear the animals themselves. When we look in their eyes or hear their screams of agony we see just how much their lives matter to them and how deeply they feel their despair. The emotional responses also help us access who we want to be and what practices we want to support.⁴³ If I am emotionally overwhelmed by the sight and sound of a rabbit struggling against a restraining device while bleach is poured in her eye, then I am reminded that I am the sort of person who takes cruelty seriously. I thus realize I should learn more about alternatives to animal testing and what products are made without contributing to that kind of suffering.

We can learn what is morally significant about animals by embracing a pluralist approach. Abstract reasoning shows us that their capacity for pain and suffering matters. It also tells us that they have internal lives of their own with memories and desires and that, insofar as they are conscious beings aware of how their lives are going for them, they deserve consideration. Abstract reasoning illuminates several important aspects of animals' moral significance, but does not provide the complete picture. A full understanding of why animals matter and what claims they make on us requires tapping into both what their worlds must be

⁴³ It is true that not everyone will have these emotional responses. Someone may want to suggest that those who work in vivisection and factory farms will not feel these kinds of feelings. In fact, there is some evidence to suggest that people whose jobs require causing animals suffering do have emotional responses. The Animal Studies Working Group at the University of Washington was recently approached by a veterinarian who performs animal research at the University about setting up a workshop to discuss compassion fatigue. She noted that there are numerous people in the labs who feel the emotional force of the animals' suffering and cannot speak about it because those feelings are discouraged in the scientific community. Indeed, the researchers and animal care technicians who do have emotional responses to the animals' suffering tend to leave their jobs. Gene Baur talks about slaughterhouse workers who become desensitized to animal suffering and are alarmed by that desensitization (Baur 2008, 159-160). Brian Luke has argued that humans have developed mechanisms for "*forestalling* the development of sympathies for exploited animals as well as powerful mechanisms for *overriding* (i.e., preventing us from acting on) any sympathies that might remain" (Luke 1995, 302). No doubt it is true that some people will be hardened, desensitized, or lacking in moral perception. I do not think it is a stretch to say that there are appropriate emotional responses to animal suffering just as we think there are appropriate emotional responses to human suffering.

like for them and our emotional responses to them.⁴⁴ Gruen calls this feature of moral attention “empathetic engagement” and it comes out of recognizing “entangled empathies” (Gruen 2012).⁴⁵

Entangled empathy as I am construing it involves both affect and cognition and will necessitate action. The empathizer is attentive both to similarities and differences between herself and her situation and that of the fellow creature with whom she is empathizing. ... Entangled empathy requires gaining wisdom and perspective and, importantly, motivates the empathizer to act ethically. I suggest that entangled empathy with other animals is a form of moral attention that focuses our perception of the claims they make on us, helps us to reorient our ethical sensibilities and overcome the limitations that standard humanist responses to them pose (Gruen 2012, 229-230).

Empathetic engagement requires understanding the other and how she is both similar and different from ourselves.⁴⁶ We try to see the world from her perspective without imposing our own perspective on her. This is hard work. Understanding the other without projecting ourselves into that understanding is a process we are bound to fall short at as all good friends, lovers, and parents of small children know. We can never fully escape the bounds of our own subjectivity. Yet, we can learn from our efforts and better approximate what it would be like to take the other’s perspective in these entangled empathies. I agree with Gruen that they are

⁴⁴ As I discussed in chapter two, Singer is concerned that human emotional responses to animals are unreliable and, therefore, ought not to enter into our moral deliberations. Brian Luke has argued, contra this view, that human emotional responses to animals are, in fact, very reliable and that much of what we do to shut off access to observing animal suffering is motivated in large part by an effort to deny us the chance to have those responses (Luke 1995, 2007).

⁴⁵ This is different from standard accounts of empathy that merely require us to put ourselves in another’s shoes. As Gruen puts it, standard accounts of empathy do not “require that the empathizer accurately characterize the person or being with whom she is empathizing as the empathizer can maintain her own perspectives, values, beliefs, and attitudes, just from someone else’s embodied position, as it were” (Gruen 2012, 228). Entangled empathy requires us to undertake empathetic engagement by doing our best to understand “how the one being empathized with experiences the world” (229). The entanglement is created by moving between the first and third person perspectives and not merely projecting ourselves into the other’s way of being in the world. See also Gruen 1993 for discussion of empathetic engagement as well as Josephine Donovan’s discussion of sympathy (she is actually talking about empathy as Gruen conceives of it) in Donovan 2007, 176-180.

⁴⁶ This reminder that recognizing similarities and differences matters is important. As Gruen and others have pointed out, traditional animal liberationist theories have focused on arguing that animals are importantly like us in ways that make them similarly morally significant. This focus on similarity has enabled us to gloss over what is importantly different about animal others and thus leads occasionally to a failure to recognize all that is morally important about them (cf., Curtin 1991, 64). For instance, how they might respond to captivity, how their sensory systems works differently from ours and what that means for how we should care for them, and so on.

integral to understanding what matters about animals and what claims they make on us.⁴⁷ Recognizing another's sentience or capacity for self-awareness is one part of moral attention. Trying to understand them, their behaviors, what matters to their species, and what matters to the particular individual before us provides another level of information that is necessary for full moral consideration.⁴⁸ This is why my approach to inter-animal conflicts of interest invokes a pluralist conception of moral significance.

This pluralism about recognizing multiple sources of moral significance points to the second kind of pluralism in my approach, namely a theoretical pluralism. I appeal to sentience, respect for a living being's non-instrumental value, and attention to the relational aspects of that being's life.⁴⁹ Recognition of the external reasons to care about animals (that they can suffer, that they are often beings with memories and plans for the future, and that they have value beyond our use for them) and internal reasons (that we do not want to be a party to cruelty, what empathetic engagement tells us about how they want to be treated, and how we emotionally respond to them) means that we will need to appeal to a variety of reasons that animals matter. We cannot capture all of what is morally important by appeal only to issues of sentience or respect for inherent worth or compassion. We need all three.⁵⁰ This pluralism is reflected in the principles I discuss below.

⁴⁷ In discussing the care approach, Walker suggests that the care perspective is one that we may not always be able to get right so we will have to rely on "incomplete versions of care" (Walker 1989, 130). Similarly, we may have to rely on incomplete versions of empathetic engagement, but these will be better than simply not trying at all.

⁴⁸ In his essay on hunters' ethics, Brian Luke points out that hunters' understanding of how an animal's life matters to her comes from the hunting itself – from close observation of animals – rather than from an animal rights position. Their ethic of mitigating the harms they cause through hunting stems, rather contradictorily, from direct experience with the animals (Luke 1997, 43-44). So it would seem that directly experiencing animals can teach even those who seek to thwart their interests something important about what matters to them.

⁴⁹ Cf., Warren, M. 1997.

⁵⁰ Cf., Warren, K. 1990, 139. This also echoes the pluralist positions in environmental ethics. For an interesting back and forth about pluralism versus monism and worries about relativism in environmental ethics see Stone 2003; Callicott 2003; and Light 2003.

My approach is also pluralist in that I advocate moving between guiding principles and attention to the particulars of cases as the best way to handle inter-animal conflicts of interest.⁵¹ A feminist approach recognizes a tension of sorts between principles and particulars. Sole reliance on abstractly formed, universal, principles is antithetical to the feminist belief that moral deliberation involves wrestling with the particulars of a given situation. Yet, solely attending to particulars threatens us with relativism or ad hoc decision making. We do not want a theory where just anything goes based on an agent's assessment of the particulars. A balance must be struck between principles and the facts on the ground. George Elliot expressed this point nicely in *The Mill on the Floss*, though she limits her discussion to humans where I would expand it to animals:

All people of broad moral sense have an instinctive repugnance to the men of maxims... [who] are guided in their moral judgement solely by general rules, thinking that these will lead them to justice by a ready-made patent method, without the trouble of exerting patience, discrimination, impartiality, without any care to assure themselves whether they have the insight that comes from a hardly-earned estimate of temptation, or from a life vivid and intense enough to have created a wide fellow-feeling with all that is human (Elliot 1914, 506-507).⁵²

Given what I have said above about the importance of pluralism with respect to moral significance, it is unsurprising that I endorse this kind of methodological pluralism. There is simply no way to capture all of what is important in inter-animal conflicts of interest by attending only to principles. Rigid adherence to abstractly derived principles can block the important moral attention involved in seeing others as individuals, engaging with them empathetically (in the way Gruen describes), and understanding how their interests and needs are deeply embedded in particular social, economic, historical, and oppressive contexts. We need to

⁵¹ Put another way, the methodology involves top-down and bottom-up approaches to conflicts.

⁵² My thanks go to Jean Roberts for drawing my attention to this quote. Virginia Held said that feminist moral inquiry "would be a pluralist ethics, containing some principles at the intermediate level of generality, relevant to given domains, and many particular judgments sensitively arrived at in these various domains" (Held 1995, 161).

move between certain guiding principles and our understanding of the particulars in order to fully understand and attend to any inter-animal conflict of interest. I see these guiding principles as providing a basic framework with which to approach inter-animal conflicts of interest, but not as predicting how matters will be resolved in particular cases. Thus, they work differently than the kinds of principles advocated by theorists who claim that there is an abstractly justified, universally applicable hierarchy of life forms or interests or those who work from clearly defined, abstract principles to specific cases employing a one-directional method.

I understand that some people find these kinds of approaches disconcerting. They worry that working without principles that determine in advance the outcome of particular conflicts will result in ad hoc decision-making, where what is right is simply up to the agent and how she feels in a particular situation. This concern is misguided. An approach advocating high-level principles that provide a framework in which we can undertake moral deliberation need not endorse a system where everything comes down to the intuitions of particular agents. Attention to the particulars of actual situations informs our understanding of when it is acceptable to depart from the principles, modify our principles, or comprehend better why someone is not living up to the principles.⁵³ Attending to particulars does not mean that just anything goes. As with human morality, some options are simply ruled out.

Second I agree with Held when she says, “While the dangers of ad hoc decisions are real, so are the dangers of distorting actual situations in order to fit them into the abstract legalistic categories of general principles. Persons cannot increase the trust between them by

⁵³ For example, feminist animal theorists who advocate contextual moral vegetarianism show why eating animal flesh is clearly wrong for affluent people living in industrialized nations all the while recognizing that insisting on this same moral principle for people living in poor countries may be inappropriate. See Curtin 1991.

misinterpreting each other's problems and pains" (Held 1995, 162).⁵⁴ Like Held, I would rather face worries about ad hoc decision-making than endorse an entirely principle-driven methodology that risks distorting reality. Principles have a place in my approach, but they must work in conjunction with attention to particular cases.⁵⁵

Here it is reasonable to ask what kinds of general, guiding principles I would recommend for approaching inter-animal conflicts of interest. The kind of high-level, framework-providing principle I have in mind falls directly out of the non-hierarchical approach I outlined above. Given that humans and animals are equally morally significant, we should guide our interactions with animals according to the same basic ideas we use with respect to humans. As Taylor puts it, equality of moral significance means that, "other things being equal, their [living things'] good is to be given as much weight in moral deliberation as our own good" (Taylor 1986, 152).⁵⁶ Of course, as Taylor points out, this sort of high-level principle provides a framework, but it does not tell us what we ought to do in particular cases. Moreover, all things are not equal in many instances. All things considered, we may have to do harm to one party or another when interests conflict. Taylor then goes on to provide principles for how to adjudicate conflicts of interest, as I discussed in chapter three. These principles are meant to pre-determine the outcome of disputes between different kinds of interests. I prefer a methodology that does not posit principles that will predict how matters ought to be resolved in particular cases. No doubt we will be in situations with animals where we will sometimes need to cause them harm just as we are sometimes in situations with humans where there is no escape from causing harm to someone.

⁵⁴ Cf., Donovan and Adams' discussion of the apparent relativism involved in an ethics-of-care (Donovan and Adams 2007, 4). See also Walker's discussion of worries about how dealing in particulars could result in ad hoc decision making in Walker 1989, 130.

⁵⁵ We can think of this as a kind of reflective equilibrium between actual cases and abstract principles, though I would add Held's caveat that this kind of reflective equilibrium is very different from Rawls' in that it "deliberately include[s] rather than deliberately exclude[s] particular judgments based on feelings and arrived at in actual circumstances in which we are not necessarily impartial" (Held 1995, 155).

⁵⁶ I would change "living things" to "sentient animals".

Generally, in inter-human conflicts we try to minimize harm, avoiding treating one another as having merely instrumental value, and strive for compassion and attentiveness rather than cruelty and disinterest. These same kinds of guiding ideals apply in the inter-animal case as well.⁵⁷

If, for example, a family of rats overtakes my home and threatens the well-being of my family then I will need to do something about the situation. This would also be true if a drug addict takes up residence on my front porch, littering my son's toys with used needles. Though the drug addict is just as morally valuable as my son, I cannot allow her to threaten his well-being. This does not mean, however, that I can leave poisoned food out for her to eat thus leaving her to die a slow and painful death. This also does not mean that I can simply toss her in the back of my car and dump her wherever I choose or set a trap for her and leave her there to die a protracted death from thirst and starvation. I will need to be thoughtful about what to do, consult with others, try to understand her needs and what is best for her, and undertake the course of action that meets my needs while limiting harms to her. I should also recognize the social, economic, and political structures that may have influenced this woman ending up on my porch with nowhere else to go. While consideration of these background conditions does not necessitate that I allow the addict to stay on my porch and threaten my family's well-being, it will help me better understand the situation as well as provide important information about how my options for handling the conflict may be limited by structures beyond my immediate control. Reflection on the background conditions may reveal that this woman would be best taken care of

⁵⁷ Josephine Donovan and Carol Adams have offered the following core principles for animal ethics: "It is wrong to harm sentient creatures unless overriding good will result *for them*. It is wrong to kill such animals unless in immediate self-defense or in defense of those for whom one is personally responsible. Moreover, humans have a moral obligation to care for those animals who, for whatever reason, are unable to adequately care for themselves, in accordance with their needs and wishes, as best as the caregivers can ascertain them and within the limits of the caregivers' own capacities. Finally, people have a moral duty to oppose and expose those who are contributing to animal abuse (Donovan and Adams 2007, 4). The view I offer here is informed by Donovan and Adams, though I might alter the details of their principles somewhat (the principle of self-defense should be expanded, for example, to include strangers for whom we are not personally responsible but who we can help as when I am hiking and a party of other hikers are threatened by a bear).

in a treatment facility for drug addicted women, but if I live in a city that has cut the budget for women's health care, then finding such a facility may prove impossible. My handling of the rats will require the same careful consideration.

We currently live in a world where billions of animals are exploited in service of human ends. This means that human and animals' interests will be in tension much of the time. I agree with Gary Francione that many of our conflicts with animals are "false" in the sense that we bring the animals into existence for the sole purpose of using them for human ends and then "seek to understand the nature of our moral obligations to these animals" (Francione 2004, 132). My sense is that living in accordance with a principle requiring that we treat inter-animal conflicts with the same careful attention we should give inter-human conflicts, where the parties are on equal moral footing, will become more feasible over time as the movement for animal liberation gains ground and we reduce the number of morally inappropriate relationships we have with animals in the first place. If we banned factory farming, for example, that would eliminate roughly nine billion instances of conflict on a yearly basis. There would be new conflicts to face, but we can hope that they will be fewer in number and perhaps involve less egregious kinds of harm to animals.⁵⁸

These principles explain why it is wrong for me to eat my grandmother's chicken soup. Though I will need to contextualize my interest in the soup and understand what is at stake for all of the parties involved, I cannot get around the fact that participating in a tradition involving slaughtering chickens for consumption fails to address the chickens' sentience, fails to respect their interests in living in relationship with others, and fails to acknowledge that the chickens

⁵⁸ Another question related to feasibility involves how we think about our inter-actions with animals with respect to harms generated through omissions. Throughout this work, I have been thinking of harms in the form of commissions rather than omissions. I defer theorizing about how to think about harmful omissions with respect to animals to a future occasion.

have value beyond their instrumental use in making soup for people to enjoy. I also cannot get around the fact that I am a person who does not want to be a party to cruelty and my grandmother's soup is made possible through terrible cruelty. The point of my analysis of inter-animal conflicts of interest is, however, to make clear that attention to the particulars of my chicken soup dilemma requires also acknowledging that something morally important is going on between my grandmother and me and that I must attend to what is damaged or lost when I recognize my obligations to the chickens. So, these core principles do not exhaust the assessment of what work I must do. They guide my choices with respect to the chicken, but what happens with my grandmother requires attention. I take this up in the upcoming section on the contextualized feature of my approach.

To summarize, my approach is pluralist in three ways. First, it recognizes reasons for caring about animals that are both internal to the agent and external to the agent. Second, it is theoretically pluralist in that we cannot appeal to a single, over-arching principle to fully capture the moral significance of animals as illuminated by the internal and external reasons for caring about them. Finally, it is methodologically pluralist in that it involves both guiding principles and attention to particulars.

A CONTEXTUALIZED APPROACH

Wrenching an ethical problem out of its embedded context severs the problem from its roots. Most nature ethicists debate the value of nature on an abstract or theoretical plane. Typically, they weigh the value of nature against the value of a human goal or plan. ... The problem is conventionally posed in a static, linear fashion, detached from the context in which it is formed. In a sense, we are given truncated stories and then asked what we think the ending should be. (Kheel 193, 255)

In chapter two I argued that decontextualizing interests is a serious problem with Singer's minimalist use of the basic/nonbasic interests distinction. Rather than situating our nonbasic

interests in their personal and cultural context, Singer strips them of detail and then pits them against animals' interests (which are also decontextualized). The problems that emanate from this decontextualization of interests, I argued, are both pragmatic and theoretical. On the pragmatic side, Singer fails to adequately capture what is at stake for the humans (and the animals) thus failing to take important features of the conflict into consideration. This failure results in a theory that is not as helpful as it could be in guiding people through difficult decisions about altering their lifestyles in the required ways. By trivializing what is often important and removing interests from their embedded place within people's lives, Singer risks losing traction with the very people he is trying to convince to take animals' interests seriously. The call to action on behalf of animals is felt as incredibly demanding for many people. When we contextualize interests properly, when we accurately describe what is at stake for people being asked to make significant changes to their lifestyles and relationships in order to meet moral obligations to animals, we are better equipped to understand and respond to their worries about the demandingness of those obligations. Moreover, his theory provides no recognition of the fact that, in meeting my obligations to animals, I may be seen as guilty of another kind of moral failure when I turn away from my family, friends, and other important relationships in service of those obligations. It is crucial that any theory of inter-animal conflicts of interest take these aspects of our moral lives seriously or we will fail to reach as many hearts and minds as we could.

Singer's decontextualization of interests is also problematic for theoretical reasons. As I just noted, our interests are situated in a context that includes relationships of love, care, and respect. In making choices about which interests to honor in a conflict, we will often generate moral remainders. By contextualizing interests properly and providing complete ethical

narratives, we can acknowledge and address the (sometimes) significant moral remainders generated in our relationships when we take actions to meet our obligations to other animals. These remainders can include hurting people we love, compromising familial and community relationships, and alienating ourselves from those around us.⁵⁹ When we think back to my example of my grandmother's chicken soup, and we give that example all of its narrative richness, we can see these remainders quite clearly.

Here it is reasonable to ask if these problems of hurting people we love, compromising relationships, and alienation are really moral problems or just issues of hurt feelings. Perhaps, for example, my grandmother's feelings are hurt when I refuse her soup but it would not be right to think of the situation as one in which my choice generated a *moral* remainder. Feelings get hurt all the time and not always because we have made a moral mistake or generated a moral remainder in choosing one option over another. My response to this is to note that our relationships with loved ones and our important communities are moral relationships along with being relationships of love, care, or mutual understanding.⁶⁰ We come to expect certain things of one another and our relationships play out according to a kind of narrative that generates and reinforces those expectations. So, when I refuse my grandmother's soup, I have not merely hurt her feelings (though it is morally relevant that I have done so), I have changed the nature of our relationship in a way. As a moral agent, part of my job is recognizing the specific details of the relationship and expectations at hand and attending to those in ways that take seriously the damage done by my choices. As Walker puts it,

...this means that we don't and can't identify people's emotions, intentions and other mental states with momentary (and especially not momentary inner, private)

⁵⁹ Singer seems very optimistic that we can find like-minded people with whom to spend our time thus relieving the worry about alienation from friends and family with different values. It has been my experience that this is more difficult than he suggests.

⁶⁰ Held has a nice discussion of the moral elements of relationships. See Held 1995, 160.

phenomena. Instead, we identify these features of people by attending to how their beliefs, feelings, modes of expression, circumstances and more, arranged in characteristic ways and often spread out in time, configure into a recognizable kind of story. Practically, this means that individual embroideries and idiosyncracies, as well as the learned codes of expression and response built up in particular relationships, and built up culturally around kinds of relationships, require of us very acute attention to the minute and specific, to history and incident, in grasping cases in a morally adequate way. If the others I need to understand really are actual others in a particular case at hand, and not repeatable instances or replaceable occupants of a general status, they will require of me an understanding of their/our story and its concrete detail. Without this I really cannot know *how it is* with others towards whom I will act or what the meaning and consequence of any acts will be (Walker 1995, 142).

One way to see the issue with my grandmother is that she is unjustifiably hurt by my choice to refuse participation in a practice that involves causing unnecessary and acute suffering to a living creature. Under such a description, I do nothing morally questionable by rejecting my grandmother's soup, explaining my reasons, and moving on to other matters. But, full attention to rich detail of our story shows me that the consequences of my choice are more complicated than what is captured by appeal to an abstract principle claiming that we are justified in adhering to moral choices that hurt others when their choices are themselves immoral. My relationship with my grandmother, our entwined stories, understood in minute detail means that any description of my choice to reject her soup that leaves out her hurt feelings is morally inadequate. Part of my work in adjudicating the chicken soup situation has to include recognition that there is work to be done with my grandmother. I will have more to say about what this work might entail later, when I look at specific cases. For the moment, my aim is to point out that decontextualizing interests renders us unobservant of the moral remainders generated by our choices in conflicts. This is a moral problem in addition to a pragmatic one.

In chapter two, I also argued that our moral assessment of people's characters and decision-making skills is at stake when we provide descriptions of their interests. In decontextualizing the interests we risk labeling a person vicious who is in fact wrestling with

complicated and competing moral demands in situations where she is acutely aware that any choice will generate a moral remainder. This is another reason that it is crucial for moral, and not merely pragmatic, reasons that we provide interests with complete rather than truncated narratives.

Though Taylor sought to consider humans' nonbasic interests in all their robustness, he too had a tendency to speak about these interests in abstraction rather than in context. While Taylor was willing to think through the reasons a new library or hospital might be important to people, he neglected to give full descriptions or provide context for why an activity like recreational hunting might count as a robust interest. In a way, Taylor identified context as important only in determining the importance of certain kinds of interests, namely the kinds of interests a person with the attitude of respect for nature would think of as important enough to trump nonhumans' interests. It is crucial, however, that we provide complete ethical narratives for interests that we find questionable, problematic, or even repellent. Our moral deliberations and our understanding of the situations are impoverished when we fail to do so. I agree with Taylor that recreational hunting is morally unjustifiable, but we make a moral error when we fail to acknowledge that a recreational hunter's interest may be rooted in deeply important relationship and community interests.⁶¹ We may disagree with the hunting and seek to provide

⁶¹ This problem was recently brought to life in a discussion between my mother and my brother regarding the hunting pursuits of my brother's co-workers. My brother lives in a fairly rural part of Virginia where people (men mostly) have been hunting for generations. Though this hunting is not necessary for subsistence reasons, these men take killing a deer and using all of its parts to feed their families to be a central part of their self-identity. Their hunting practices enable them to take part in a community of like-minded people and their outings are an opportunity for companionship and support. Moreover, though they may not recognize it, these hunters are entrenched in a particular, hetero-normative, view about men and what "real men" do. My mother was disinterested in hearing these elements of the hunters' interests choosing, instead, to simply invoke the principle that sport hunting is wrong. She did this while only days away from dressing the turkey she was preparing for Thanksgiving dinner. While so capable of seeing the pull of tradition and context in one setting, she was incapable of acknowledging it in the other.

opportunities for the hunter to contemplate alternatives, but we cannot do so without addressing his full story.

Varner proved quite willing to hear the full story of our interests. His Harean two-level utilitarianism requires that we understand the ways in which interests are embedded in social, economic, technological, and historical context. In thinking through fox hunting, for example, Varner was able to articulate clearly that those interested in that pastime might find the interest very difficult to forego. He made the same case about animal-based agriculture. Unfortunately, Varner uses careful attention to context to tip the scales in favor of human interests. He neglects to think of the animals' interests as embedded in context that may be relevant to the way we think through conflicts. He similarly ignores the ways in which some human and animal interests (played out in animal-based agriculture, for example) are embedded in histories of marginalization and oppression linked to issues of social justice on a much broader scale.⁶² I would think that the fact that many of the technological and economic interests at stake in our use of animals stem from a systemic and insidious tendency to marginalize the feminine, bodily, and animal would be highly relevant in considering the background conditions of a given interest. Varner does not include this in his discussion.

My sense is that we need an approach to inter-animal conflicts of interest that can take context seriously while simultaneously understanding that the context need not be understood as providing reasons why human interests should not be set aside out of respect for animals' interests.⁶³ One reason the social and cultural context can feel so overwhelming, for example, is that Varner does not address the issue of moral remainders or how we might go about helping ourselves cope with what is lost or compromised when we embrace setting certain interests

⁶² See, for example, Adams and Donovan 1995 and Kemmerer 2011.

⁶³ Varner does not think human interests will always trump animal interests, but the conservative bias in his moral system does mean that context can often be used to override animals' interests.

aside. This is why I propose a feminist approach to inter-animal conflicts of interest rather than one driven primarily by abstractly derived principles and pre-conceived hierarchies.⁶⁴ By paying careful attention to what is at stake and recognizing what is lost or damaged when choices are made, we can attend to the difficult work of taking animals' interests seriously. Varner and Taylor may take themselves to be doing just this even though they do not talk in terms of moral remainders, but neither of their theories does it in a way that addresses the kinds of issues I am thinking about. Varner talks extensively about transition costs and background conditions but does not acknowledge that inter-human moral repair might mitigate those transition costs in important ways. Taylor talks of the importance of restitution when we override nonhumans' interests, which is certainly a way of acknowledging moral remainders. By neglecting to address the ways our interests are often situated in important relationships, however, he does not address restitution or repair when it comes to damage done to our inter-human relationships which may occur when we follow obligations to nonhumans.

I turn, now, to a discussion of how a feminist approach that is non-hierarchical, pluralist, and contextualized might be used to address inter-animal conflicts of interest.

A FEMINIST APPROACH IN ACTION

Before I describe how my approach would address particular cases it is important to note a methodological tension. A central feature of my view is that it treats interests as situated in social, political, cultural, economic, and relational context. This means that too much discussion of hypothetical and inevitably truncated cases is antithetical to the approach. Conversations

⁶⁴ While my approach relies on a high-level, guiding principle to provide a framework for deliberations in the inter-animal realm, it is arrived at differently than the kinds of abstract principles to which I refer here. Recall that the principle I put forth is grounded both in what we can learn through reason and in our untutored, felt responses to what matters about animals. It is generated as much by loving attention and empathetic engagement as it is by sound reasoning.

about conflicts of interest typically follow a predictable course where two very clearly defined options based on conventional ways of seeing matters are put forth and we are meant to pick between these two options. We are presented, for example, with a lifeboat that for reasons surpassing understanding contains nameless, narrative-less, unknown dogs and humans. Marti Kheel, like many ecofeminists, suggests that we simply refuse to engage with such questions (Kheel 1993, 259). I agree that talking about cases in these abstract, either/or, ways encourages an impoverished discussion by focusing only on two options and ignoring potentially salient details such as how we found ourselves in the particular dilemma in the first place. Below is Kheel's suggestion for what to say when confronted with a question like "Who would we save if we had to choose between our drowning daughter and a drowning dog?" Note, however, that in her response she changes the question to reflect the more realistic context of animal experimentation. This is in and of itself an indication of the problem with the question as it is posed.

The best response to such a question is, perhaps, to pose a question of our own. We might ask why the child is ill to begin with. Was it due to the hormones found in the meat she was fed, or was it perhaps due to the consumption of drugs that had proved 'safe' after testing on animals? And why was the proverbial dog touted by research scientists 'drowning' to begin with? Had someone thrown the dog in the water (or, rather, the laboratory) in the pathetic belief that somehow, through the dog's death, a young child's would be saved? And how and why did we develop a culture in which death is seen as a medical failure, rather than as a natural part of life (Kheel 1993, 260)?

Certainly children become ill for many different reasons - not all of them are related to environmental or chemical factors - and premature death can be tragic in many cases. Still, Kheel's point is that discussions of inter-animal conflicts of interest tend to involve pitting a human interest against an animal interest for the purpose of pumping our intuitions about the importance of the former over the latter. But this methodology rests on the dubious notion that

approaching cases with such a degree of abstraction is morally unproblematic.⁶⁵ A feminist approach resists describing conflicts in these abstracted and unrealistic ways, requiring instead that we tend to all of the relevant features of a case.⁶⁶

Insofar as Kheel's suggestion here is a point about how discussion regarding inter-animal conflicts ought to be undertaken I am in complete agreement. Feminist, contextualized accounts will simply refuse engagement with a question engendered by a false dichotomy and presented without any narrative. Still, I part ways with the ecofeminist tendency to want to focus questions on how we got into the mess we are in inasmuch as that tendency is entirely unhelpful as practical guidance for specific instances of conflict. We are embedded in systems that function largely beyond our immediate control when we are at discrete decision points. These systems are driven by large, often multinational companies, corporate greed, and governments more responsive to powerful lobbyists than a concerned citizenry.⁶⁷ Certainly, under these conditions, it is crucial that we ask questions about how we landed in the mess we are in. Still, for a particular mother making a quick decision between a pig heart valve and her daughter's life,

⁶⁵ Gruen discusses the problems with undertaking ethical inquiry through lifeboat cases (Gruen 1991, 352). Cf., Francione 2004, 133 and Mellon 1989, chapter 3.

⁶⁶ Cf., Carol Gilligan's discussion of the Heinz's case (Gilligan 1982, 25-31). Presented with a situation where Heinz either had to steal a drug he could not afford or watch his wife die without it, many women and girls wanted more information about why Heinz could not work in exchange for the drug, ask the pharmacist for a loan, and so forth. Presented with only two options (steal the drug or let one's wife die), these respondents demanded more information.

⁶⁷ To some extent, this is what Hursthouse is getting at when she argues that Singer and Regan's claim that animal research is wrong is not action-guiding for most of us in certain circumstances (Hursthouse 2006). Aside from actual vivisectioners and lab technicians, it is unclear what it would mean for us to opt out of animal research. Of course, we can eschew products tested on animals and that sort of thing, but to the extent that the medical industrial complex is so much more powerful than we are and limits our choices in significant ways, opting out of certain aspects of animal research is sometimes impossible. A premature infant who was intubated at any hospital until very recently benefitted from the fact that endotracheal intubation has been practiced on small animals, like ferrets, in pediatric training hospitals for years. That research is, thankfully, being changed to non-animal models. But, for parents in the neo-natal intensive care unit it is difficult to know what to do with the general guidance that we should oppose animal research when in the actual moment of decision. Clearly, options for activism and awareness-raising abound, as Hursthouse points out, but the issue remains that we often cannot opt out of certain practices in the immediate situations we are in. In case readers are wondering, the University of Washington's medical school still uses ferrets though 94% of pediatric residents in the United States are taught using simulation (Physicians Committee for Responsible Medicine).

asking questions about why the pig's valve is the only available option is part of the broader discussion about what options are available and why. At the moment of decision, the mother needs to know what to do and how to feel about it.

I agree that talking about animal ethics from the standpoint of imagined lifeboat cases, operating with significantly truncated narratives is the wrong way to discuss inter-animal morality. As a result, I will not offer protracted discussion along those lines here. As should be clear from my commitment to a non-hierarchical view, what ought to happen in a lifeboat case will not be determined by noting that the boat contains humans and dogs and throwing the dogs over on the grounds that they are less morally significant than the humans. Nor would we flip a coin to determine who should perish or always favor the dogs. The right thing to do will depend on the details.⁶⁸ That is all I have to say about lifeboat cases. Still, showing how a novel approach to inter-animal conflicts of interest works requires that we think about cases at least to some extent because we do find ourselves in conflict quite often even if these conflicts are not best understood as lifeboat-style dilemmas. This is a tight-wire act between risking falling on the side of abstraction and false dualisms and showing how we can think of conflicts of interest in non-traditional ways. I have opted to cope with this delicate balance by focusing on an autobiographical case because in such a case I can be sure that I have as much knowledge and understanding of the contextual complexities as possible. I do not need to operate with a truncated narrative. This is, indeed, why I opted to use the example of my grandmother's chicken soup in chapter two. Here, I will discuss the dilemma of feeding my newborn son. Here is the case:

⁶⁸ The kinds of details that will be relevant here will include how we ended up in the lifeboat in the first place (Was I negligent in maintaining the safety of the vessel? If so, perhaps I should go over.), why we need to throw someone overboard in the first place (Is it a crowding issue? If so, we should get rid of the largest party. Is it a question of inadequate food or water? If so, then perhaps we need to throw over the party most likely to consume the most resources.), whether any of the parties are in caring relationships with one another (including the dogs), and so forth.

In 2006, I gave birth to my son prematurely at 33 weeks gestation with no previous warning signs. I had been hoping to breast feed my child, but like many mothers of premature infants I was unable to do so. I was provided with a breast pump by the hospital and coached by lactation consultants but, after two weeks of pumping every three hours day and night with no results, the consultants suggested that I abandon my efforts and pursue other options. During those two weeks my son had been receiving formula. I am a vegan and was committed to raising a vegan child so I insisted that the neo-natal intensive care unit provide my son with soy formula. As it happens, it is impossible to obtain vitamin D3 from non-animal sources. D3 is crucial for humans, particularly newborns, and perhaps even more so for premature infants so no infant formula is made without including it in the mix. I was able to find a soy formula that sourced the D3 from sheep lanolin and opted for that as the best I could do.

Some readers are not going to feel the pull of this example. As wearers of wool and consumers of animal products they will wonder why this is a conflict of interest at all. Still, I am a person who strives as much as possible to live a life free from causing violence to other living beings. At least in my dietary choices, I have been able to more or less opt out of contributing financially to industries I consider immoral and unjustifiable. Contrary to popular belief, sheep raised for wool are not treated well and suffer a great deal over the course of their lives.⁶⁹ The situation caused me considerable distress. What does my approach have to say about this?

To begin with, I will not solve the conflict by noting that my son's interest in staying alive is basic while the sheep's interest was not. Some may wish to see the sheep's interest as non-basic because the D3 is sourced from lanolin and, thus, does not require killing the sheep. Given what I know about how sheep are treated in order to obtain their wool, however, it is clear to me that obtaining the lanolin caused the sheep considerable suffering. It is very likely that a basic interest is at stake if we think of avoiding suffering as a basic interest. Clearly, avoiding

⁶⁹ Baur says, "Even in the production of wool, cruelty is a feature. To reduce problems with flies that infest the folds in the skin of Merino sheep..., producers practice 'mulesing.' Strips of flesh are literally cut off the backs of the animals' legs and hind region to create smooth skin without anesthesia or pain relievers. Sheep also commonly have their tails cut off to control fly problems" (Baur 2008, 79). This treatment is not limited to Merino sheep (see Martindale 2010). There is also a connection between sheep used for wool and sheep used for consumption. When sheep "age out" of producing wool, they are slaughtered for human consumption and the lambs born of sheep in the wool industry are shipped and slaughtered for human consumption, sometimes being shipped alive for very long distances. Because of declines in demand for wool, sheep are being genetically modified for dual-purpose use so that they are both good wool producers and good sources of meat (Jones 2004).

suffering will not always amount to a basic interest. I may suffer intensely in undergoing a medical treatment, for example, but know that it is in service of a greater good for me. We cannot say this for the sheep. In this case, he suffers for no long-term benefit to himself. In any event, however we construe the conflict in terms of basic and nonbasic interests, we cannot limit discussion of the problem merely to the insight that my son's basic interests are at stake. As I argued earlier in this chapter, we need more information about my son's situation. If, tragically, he was suffering from a terminal condition in addition to his prematurity we might opt for palliation but not pursue options that would be life-sustaining and that might have made the question of formula moot. That his interest is basic does not, therefore, immediately point to implementing a solution that would tend to those basic interests. Fortunately for us, my son's condition had an excellent prognosis and allowing him to die from lack of adequate nutrition would have been a terrible tragedy. This fact made me realize that I had to figure something out in order to feed him. Unlike buying a pair of leather shoes, this problem could not be dealt with by rejecting fulfillment of the interest in question.

Because my approach is non-hierarchical, I cannot reduce the conflict to my son having more moral significance than the sheep used to make his formula.⁷⁰ My son is more significant *to me* than the sheep because he is my son and I am his mother and this clearly influences my choices. He is not more morally significant than the sheep, however, simply because he is human. So, it won't do to say that in a conflict between feeding a human child and harming a sheep the child ought to win because he is morally more significant than the sheep.

Still, I am certain it seems painfully obvious to everyone (myself included) that leaving my son to die of starvation is not an option. This is because, like the sheep, he is also a living, breathing, sentient, being in relationship with others (to the extent possible at birth). Also, he is

⁷⁰ Cf., Taylor 1986, 259.

my son which means I have the responsibility to see to his needs and ensure his survival wherever appropriate.⁷¹ The fact that he is my son also means that he is not a stranger with whom I have no connection. He is a beloved, much anticipated member of my family.

Ecofeminist animal theorists would want to ask a few questions here. We might ask, for example, why we have not developed a non-animal source of D3 and is that because we take for granted that using sheep in these ways is morally unproblematic?⁷² Was there an environmental reason, caused by morally dubious behavior of another sort, for why I gave birth to a premature infant in the first place that should be addressed? These questions are all completely reasonable and an approach that focuses entirely on the basic/nonbasic interests distinction or on a moral hierarchy of life forms would not bring them to light. Any feminist approach to moral conflict will want to explore and address them, but the answers to these questions were not going to help me given the pressing nature of the situation.

At the time, I opted to give my son the soy formula with lanolin-sourced D3 while recognizing that in doing so I generated some moral remainders with respect to the sheep. While that is what I *did* do, I think now that it is not what I should have done. Given that a guiding principle of my approach is that we ought not to harm sentient life unless by doing so we seek to benefit them or defend ourselves, using the lanolin-derived D3 formula is deeply problematic. Now, my approach is meant to strike a balance between principles and particulars so it also requires that I note the following things: (1) I could not breast feed despite trying my best, (2) my son needed to eat something or he would die, (3) I am embedded in a context that for scientific, cultural, and speciesist reasons has not generated a completely vegan infant formula

⁷¹ I say “wherever appropriate” because there may be cases, as if he is terminally ill, where ensuring his survival is either impossible or undesirable.

⁷² To be fair, there is a non-animal source of D3. It is the sun, but clearly sunshine is not an option for most infants and is certainly not an option for neonates living in isolettes in intensive care units.

and (4) I was exhausted from his birth and medically compromised myself so not at the pinnacle of my moral powers. These are reasons I do not retrospectively cast tremendous blame on myself for the decision I made at the time.

Still, this does not mean that I could justify going to any length to provide him with nutrition. If the doctors had suggested that the only way to keep him alive was to kill the baby in the next isolette, I could not have accepted that option. There are limits to what we can do for our loved ones to be sure. But this points to the interesting way in which distance factored into my judgment at the time. For, had the doctors hauled a sheep into the room and said, “Now, we’re going to cut off this sheep’s skin without anaesthesia in order to best obtain the lanolin from his wool so that we can feed your son” I would have demanded alternative solutions. Respect for the sheep’s moral significance would have required that I had done so just as respect for the stranger’s baby in the next isolette requires that I demand alternative solutions in that hypothetical case.

My approach to this conflict makes it clear that I ought to have pursued other options for feeding my son, such as breast milk donation. Because it is contextualized, however, it also sheds light on the ways in which principles must be weighed against particulars. In neo-natal intensive care units, concerns about immunity can sometimes make breast milk donations unavailable to parents of premature infants. If this had been true in my case, it may have become relevant to the situation that the harm to the sheep had taken place in the past so that any non-consequentialist views I have about not wanting to participate in violence against animals even if my actions can no longer prevent that violence, may have had to give way under these particular conditions.⁷³ The same would be true if the only available alternative had been already produced

⁷³ This is where understanding that a basic interest is at stake can provide helpful information. Where basic interests are on the line and there are literally no other options available we may sometimes have to be morally flexible about

breast milk from forced human donors. Fortunately, we do not live in a society where we think enslaving human women in order to produce breast milk for babies who would otherwise go without it is a sanctioned option. Unfortunately, we do live in a world where treating animals as a resource for our desires and needs is morally sanctioned and this fact constrained my options in certain ways.

My approach also sheds light on the moral remainders that would have been created had I pursued this option. It makes clear that I must circle back to the questions raised earlier about why we live in a world that treats animals as resources, why no energies have gone into finding alternative sources of D3, and what, if any, environmental factors contributed to my son's premature birth in the first place. I must also return to thinking about the sheep. In this situation it is impossible to know which or how many sheep were affected. It is thus untenable to suggest that I make some sort of restitution to that (or those) sheep. Depending on my situation and resources, it may mean that I donate money to an organization working to improve the conditions of farmed sheep or to a sanctuary working with rescued sheep. If I have considerable resources, I might look into what is standing in the way of generating alternative sources of vitamin D3 and fund that research.⁷⁴ There are a variety of options for what would be appropriate depending on the particulars of the situation. Built into my thinking, however, must be the realization that I can never make restitution to the particular animals harmed in this situation and that should give me pause. This is not to suggest that I ought to be consumed with guilt and suffering as a result,

principles we would otherwise deem very important. This is no doubt what happens when we overcome a generally strong principle not to eat dead humans in dire situations where their flesh is the only means of survival. It is important, however, not to generalize from such dire cases to what we ought to do in more quotidian circumstances.⁷⁴ Of course, that research ought not to rely on animals or I will simply be trading one moral remainder for another, less desirable, one. When we have a choice between moral remainders we should certainly opt for those that cause the least harm and contribute the least to prolonging systems of oppression and marginalization. This also raises the question of what counts as moral repair or restitution. We can ask, for example, whether the restitution needs to be about the particular harm or whether the efforts could be aimed more generally, at improving the lives of farm animals rather than sheep used for D3. My sense is that restitution efforts should be aimed as much as possible at the populations harmed by us in pursuit of our interests rather than putting those efforts into something unrelated.

but that I should approach the situation with some gravitas and recognition that my son's life was maintained through the sacrifice of others' well-being.⁷⁵ This acknowledgement and appreciation will hopefully fuel the fire of my resolve to both change the mechanisms in place that forced me into such a dilemma in the first place and support those seeking to improve animals' lives.

In the example of my grandmother's chicken soup from chapter two, the issue was that I had a choice between taking a firm stand against animal exploitation by eschewing my grandmother's soup or causing harm to my relationship with my grandmother. I argued that Singer's way of seeing this conflict, as one where my nonbasic interest in the soup conflicts with the chickens' basic interests, was too facile. Noticing that I am at no risk of starving is, of course, relevant to my deliberations just as it would be in a discussion of whether or not to eat my fellow passengers who have died in a plane crash.⁷⁶ How I view the options available to me is, of course, determined in part by whether subsistence needs are at stake. Still, noticing that my interest in the soup is nonbasic does not exhaust the moral attention I must give the conflict. On my account, it is over-determined that the chicken ought not to be killed for making soup. This is for the plurality of reasons I suggested earlier for why we might think that sentient animals are morally considerable. We can quibble about whether or not my refusing to eat the soup actually

⁷⁵ This kind of recognition can be hard to articulate. Deane Curtin's discussion of contextualized moral vegetarianism helps shed light on what I am getting at here. In discussing the fact that some cultures, due to extreme weather conditions, cannot follow a vegetarian lifestyle he notes that many have rituals in place that involve paying respect to the animals harmed or killed. He says that, "In some cultures, violence against nonhuman life is ritualized in such a way that one is present to the reality of one's food" (Curtin 191, 70). These rituals show mindfulness about the consequences for others of the choices we sometimes have to make. It is possible that, in some cases, the rituals express gratitude to the gods or the universe, but do not reflect the idea that anything wrong has happened. I have both senses of ritual in mind here; those that reflect a regretful attitude and those that express gratitude. Mindfulness or "being present to the reality" is an important part of having an appropriate mindset regarding moral remainders. Our culture's current practices reflect neither respect nor gratitude towards the animals sacrificed in service of human ends.

⁷⁶ Again, in dire situations where basic interests are on the line we may need to show flexibility in our principles. We may, for example, override our sense that humans are not in the category of the edible under certain circumstances. See Diamond 1978 for a discussion of eating people versus eating meat.

makes any kind of difference to the lives of farmed chickens (it certainly will not for the particular chicken that is in the soup that is already in front of me), but I think my actions matter and insofar as I am raising awareness in my family and showing respect for chickens by my actions, I think my refusal matters.

As I argued above, my refusal to eat my grandmother's soup generates moral remainders. Though I made the right choice with respect to the chicken, I cannot ignore that there are problems remaining with respect to my grandmother and, perhaps, my family in general. A feminist approach recognizes both the moral value of the chicken and the moral value of my relationship with my grandmother. It encourages me to see that in making a choice vis-à-vis the chicken, something was lost vis-à-vis my grandmother. I have to attend to the full narrative of the conflict. When I do so, I realize there is work to be done.

Caching out what this work looks like will, predictably, depend on the details of the situation under consideration. What is possible for me with regard to my grandmother may not be possible with respect to you and yours. The norms of my family matter as do the particular personalities and histories of the parties involved along with the details of the various background conditions at stake. The nature of my approach thus precludes me from offering one standard for how to address the issue of moral repair. I can offer suggestions for how it might work in my case, however.

First, I should realize that while on the face of it we might think that centering a family's gatherings around chicken soup is random and silly, something much more complex is going on. Any understanding of the situation between my grandmother and me has to include that she is a woman born in a generation when a woman's main source of worth, power, and influence in a family involved what she could produce in the home. If my grandmother had been provided the

opportunity to become a professor of philosophy, we might not be in a situation where eschewing her soup is so deeply affronting to her. As it is, her cooking is one of the only things she has that gives her any status. This is profoundly problematic, of course, but that does not change the reality of the situation for me or for her. Acknowledging how gender plays into my family's and my culture's norms helps me remember to approach my grandmother with compassion and love rather than with anger, dismissal, or disappointment.

Of course, my grandmother could prove her culinary worth through making lentil soup instead of chicken soup, but this is where the Jewish culture enters the picture and complicates matters. For some reason, the Soup has always been chicken soup. I use the "S" deliberately. The Ashkenazi Jewish tradition involves chicken soup and that is the way things have been for a very long time. Tradition is, to some extent, a reliance on a non-questioning stance about norms.⁷⁷ We do what has always been done and derive comfort from the predictability and common understanding we enjoy in doing so. This insight has to be operative in my understanding of the moral remainders with my grandmother.

In my case, I suspect that the path to moral repair starts with communication with my grandmother. As Walker puts it, "We need not make our obscurity to each other worse by unnecessarily unilateral decision. We might just try turning to each other; talking and listening and imagining possibilities together" (Walker 1995, 143).⁷⁸ My grandmother and I need to discuss something more dialogically productive than my pointing out to her that this or that interest is basic or nonbasic, for example. With my particular grandmother and situation, we

⁷⁷ I owe this point to a participant in the Wesleyan University "Sex, Gender, Species" conference where I gave a paper about this issue.

⁷⁸ In *Respect for Nature*, Taylor discusses the importance of referring to shared visions of how we want the world to be whenever we notice that his principles for conflict adjudication are unhelpful (Taylor 1986, 307). What I am suggesting here is similar to Taylor's suggestion, but his focuses singularly on shared visions for human interactions with nature whereas my approach appeals to a broader set of values to which my grandmother and I can appeal.

could go the route of talking about the values we share and how these shared values can partially explain the choice I have made. We both value being thoughtful and kind. We both seek to avoid being callous or cruel. We both think the family cat deserves kindness, consideration, and love. I can talk with my grandmother about these shared values and help her see that my choice to reject her soup is in part a manifestation of the very values we share. Certainly, on the face of it, we have different values about what the world should be like for chickens. Still, we do agree about the cat and we can use that agreement as a foundation of mutual understanding.

I might suggest to my grandmother that the best way we can show respect for one another is for me to respect the importance of her cooking and for her to recognize that, because of our relationship, she may have reasons not to put me in a position where I have to reject her cooking.⁷⁹ Perhaps we can work together to make a soup I can eat and then, over time, we can work towards replacing the chicken soup altogether with the vegetarian option if things go well. This process is, to borrow Walker's language again, one that is "deployed in shared processes of discovery, expression, interpretation, and adjustment between two persons" (Walker 1995, 140).

To be clear, I do not think that a dialogical process will always lead to success or that speaking respectfully with one another and listening attentively will not be wrought with difficulty. All of us have sat at the holiday table arguing with obstinate and hostile relatives and we know that dialogue has its limits. Still, I think dialogue is the most reasonable chance we have for engaging in the work of moral repair. Traditional methods of conflict resolution relying on agreement about abstract principles tend to miss the importance of individuals' stories being heard and how these narratives can lead to mutual understanding and healing. Maria Lugones and Elizabeth Spelman have argued, for example, that the best method for overcoming cultural

⁷⁹ I am grateful to a participant at the Wesleyan "Sex, Gender, Species" conference for raising this point. The obligations to one another do run both ways. Something disrespectful is going on when my grandmother consistently puts chicken soup in front of me even though I am a vegetarian.

imperialism in feminist theories is to allow women to speak for themselves (Lugones and Spelman 1983). They do not suggest that these dialogues will be easy or that we will understand how best to undertake them without practice. Instead, they suggest that dialogue is tremendously important because it enables people to give their own accounts of what is happening for them (577) and thus encourage a process of joint inquiry.⁸⁰

Even if my grandmother and I could agree on an abstract principle about causing the least necessary harm to animals, that agreement would neither foster an understanding of why my refusal of her soup is so hurtful nor illuminate how to move forward in our relationship. Dialogue will reveal these crucial features of the situation even if that dialogue is difficult. I would rather take my chances with difficult discussions that at least hold out the promise of successfully understanding one another than rely on appeal to abstract principles so that the particulars of our stories become irrelevant or obscured. As Held puts it, “feminists...suggest that agreement is much more likely, and much more likely to be satisfactory, if it rests on actual dialogue between actual persons” (Held 1995, 163).

Varner is absolutely right when he points out that the background conditions of some human interests constitute formidable challenges to change. I agree entirely with him that a good theory of inter-animal morality will take those challenges seriously. I would add, however, that we need not become mired in this complexity in a way that causes moral inertia. Indeed, it is very difficult to sit at the Rosh Hashannah table sensing the not-so-veiled condemnation of one’s loved ones for having chosen to adhere to vegetarianism rather than eat Grandma’s soup. Attending to the context adds deep complexities to our understanding of the conflict and how it

⁸⁰ Marilyn Friedman talks about the importance of using inter-subjectivity to avoid bias in moral decision-making. She notes that, while we might not be the best at identifying our own biases and how they are impacting our thinking, others might be able to call them out (Friedman 1989). Dialogue will be useful in undertaking inter-subjective reflection on the work of moral repair.

is playing out. Yet, when we engage with that complexity actively rather than noticing it and becoming overwhelmed, we open the opportunity for courageous action and mutual understanding.

The infant formula and chicken soup examples show how my feminist approach would address inter-animal conflicts. Discussion of these examples also highlights the difficulties such an approach encounters when confronted with abstract cases. When I initially began this project, I had intended to work towards a set of principles with which we would be equipped to handle inter-animal conflicts. I now think that an approach depending solely on principles generated in abstraction is misguided in that it obscures morally relevant features of the conflicts and also discourages us from looking to the past and present for information relevant to decision-making. This latter problem is best highlighted by thinking through a case where the parties involved are not necessarily in relationship with one another.

We might wonder, for example, what my approach has to say about a community's desire to build a new library. We might ask if, on a non-hierarchical, pluralist, and contextualized approach it is permissible to build libraries. My response is that I do not know because the question is posed with a truncated narrative. Taylor suggests that the person with the attitude of respect for nature may find some ends so highly valued that they justify causing harm to living things, but he does not provide any explicit discussion of asking why we need the library in the first place or how the consequences of building that library may go contrary to our interests in the long term (in the form of implications for climate change, for example). My approach will certainly recognize that, in some situations, a library can be a highly valued end for a community. Still, it requires us to look further into the future to see how fulfilling the library interest now may conflict with other highly valued interests for the future. It also requires that

we ask difficult questions about the library: Why do we need a new library? Is there some other way of fulfilling the interest in a new library that would cause less harm to living beings?

If the issue is that there are no libraries currently serving members of a marginalized and economically disadvantaged population, then we need to ask questions about why this is the case and how we might go about improving access to existing libraries. We might look at transit options to improve access or creating a mobile library unit. When we are confronted with conflicts that involve forward-looking plans rather than problems necessitating immediate action (such as feeding a hungry newborn) we have some time to consider the kinds of questions Kheel suggested. How we created a situation in which library access is inequitable is highly relevant to how we want to approach the interest in a new library. How we choose to move forward to solve the library question has to include attention to preventing new inequities to humans and to animals living in the area. If we are talking about an urban community, then we might realize that building a new structure in currently undeveloped land inhabited by animals will not be necessary because there is already a proliferation of developed land we could use. If we are considering a rural community where building the library would require using previously undeveloped land thus killing or harming numerous animals we might ask ourselves if rural citizens would really benefit most from a stationary library that may prove to be far from their homes. Perhaps a mobile unit would be better in rural situations or using part of a school building as the public library since people from disparate parts of the community already travel to the central school location.⁸¹ This is all to say that my approach forces us to take a decision like building a new library very seriously, to see it from all angles, and to explore the full narratives of all involved. The approaches I examined in earlier chapters leave salient features of

⁸¹ In either case, we have to ask if a library is really the solution to whatever the problem was that generated the need in the first place.

these narratives unexplored. For example, none of them address the importance of recognizing inter-locking oppressions or questioning how our interests might be shaped by systems of domination and exploitation. All of them leave out how empathetic engagement with others can help us better understand what their needs are and how we can best attend to those needs.⁸²

The kind of curiosity and critical evaluation central to a feminist approach helps limit the tendency we have to see our options as either/or propositions. I seriously doubt, for example, that we are often in situations where we must pick between humans having access to books and information and animals living their lives. My sense is that in the process of discovery undergone when we ask questions, examine the social, political, economic, environmental, logistical, and other considerations at stake we will often find alternative solutions to our problems hitherto never thought of.⁸³ Taking animals' lives seriously will drive us to a kind of creativity in solving problems that we have not embraced yet just as taking the lives of human beings impacted by our choices seriously will drive us to deploy our already excellent problem solving skills in new ways.⁸⁴ As Josephine Donovan wrote, "In most cases, either/or dilemmas in real life can be turned into both/ands. In most cases, dead-end situations such as those posed in lifeboat hypotheticals can be prevented" (Donovan 1993, 184). Like Donovan, I just do not accept that the choice is between providing disenfranchised humans with reading materials and harming animals.

⁸² Someone may wish to suggest that the failure of theorists working within traditional approaches to address these kinds of issues is less a theoretical weakness than it is a problem of having historical blindspots. I am not particularly sympathetic to this idea. Despite decades of ecofeminist animal theory highlighting inter-locking oppressions, systems of domination and exploitation, and the importance of incorporating attention to the emotions in animal theory these themes have not been taken up in the traditional animal ethics literature.

⁸³ For example, we might consider incorporating branch libraries into public school libraries since these are buildings that are already centrally located in neighborhoods and designed to serve the public in various ways. I suggested this above with respect to rural areas, but it works just as well for urban environments.

⁸⁴ I think this is, to some extent, what the Occupy movement is about. We need to question our previously unquestioned assumptions and entertain new possibilities in order to take seriously that we currently cause considerable distress, death, and destruction when alternatives to those consequences exist. This is also what many people concerned about climate change are pushing for.

If someone wants to push me beyond this and insist that this either/or description is, in fact, the situation we are in, then I would first encourage going back to the questions and answers and see if we are not missing something important. If that does not work, then I would note that we are, indeed, in a morally regrettable situation; one from which we cannot emerge morally unscathed. Whether we opt to err on the side of the humans in need of a library or the animals living in the area will depend, in large part, on the specifics of the case. Without an actual situation to assess, I cannot say which way this will go. Either way, moral repair will be in order. If we side against the animals I would recommend that, rather than simply showing up one day with bulldozers, we instead pre-emptively determine how best to attend to the animals affected. This will require consultation with experts in the field, wildlife rehabilitators, and others. We must note, though, that restitution and repair may be easier to do on the human side than on the animal side. We can think creatively about how to rectify disparities in literacy for a group of people that could help that specific group of people without necessarily causing them significant harm if we do not build them a library. This may not be possible with respect to the animals who, if we do build the library, must necessarily suffer harms that may be impossible to repair. Our deliberations must include assessing where our best chances for making things right lie. Given the difficulties involved in inter-animal moral repair this may provide the impetus for erring on the side of the animals.

Taylor invokes a principle of restitution requiring us to make “some form of reparation or compensation” in order for our actions to be “fully consistent with the attitude of respect for nature” (Taylor 1986, 304). I prefer to talk about moral repair rather than restitution, though, because I think the idea that we can make restitution in these cases is misguided. We can never compensate the individual animals we have killed and it may be impossible to compensate those

we have harmed in ways that do not cause them other harms.⁸⁵ Taylor recognizes this which is presumably why, when he talks about restitution, his tone shifts from one of a focus on the value of individual lives to a focus on the health of ecosystems (Ibid.). The fact that we can never compensate the individual animals who suffer the consequences of our interest fulfillment should give us serious pause when we undertake actions to fulfill our interests. I do not think that we should convince ourselves that we are showing respect for animals when we harm them and then make restitution to other, unrelated, animals. My suggestion is that we undertake the work of moral repair in the best way possible (this will vary from case to case, species to species, harm to harm) and also acknowledge that we have generated moral remainders from which there may be no escape. How we understand the “best way” will depend on empirical information about the species and habitats involved. It will also involve minimizing unintended harms our repair efforts might cause and attending to how our efforts at repair fit in to social and political realities. Our efforts should, for example, avoid reifying oppressive and marginalizing belief systems as much as possible.

Some likely find this deeply depressing. I find it depressing, but I think it is part of what it means to live a moral life. A feminist approach will bring moral damage to the fore in ways that make it clear that we often cannot fully address that damage despite our best efforts. I do not think that we should completely do away with our feelings of remorse by saying that by undertaking the work of moral repair we somehow still manifest an attitude of respectful attention towards animals.⁸⁶ This might be the case if we can help the specific individual animals involved, but even then the limits of cross-species moral repair make the work more

⁸⁵ Lori Gruen’s work on the limits of what sanctuaries can do is relevant to this point. As far as they go, sanctuaries may be seen as a form of moral repair, but it is an imperfect form as they involve holding captive animals who ought to be living freely. See Gruen 2011, 158-162.

⁸⁶ This is the way Taylor talks about restitution (Taylor 1986, 306). I think he overstates how much we can make amends through restitution and, therefore, how much restitution should take away guilty feelings.

wrought with difficulty than the work when it is undertaken in the inter-human realm.⁸⁷ My grandmother can understand me, she can communicate effectively with me, and she can go on to live an enriched life even if my choices have caused moral dissonance between us. With nonhumans, we often cannot communicate with them in ways that make it clear we are undertaking the work of moral repair rather than harm. Putting a squirrel into a carrier in order to relocate him so we can build a library will feel exactly the same to the squirrel as trying to kill it. He does not know the difference. Placing a chimpanzee in a well-run and safe sanctuary may make some movement towards repairing the damage done to him but it cannot change that he will never be permitted to reproduce, swing freely from trees, roam a range as large as that which he would ideally roam, and so forth. When I visited the chimpanzees at Chimpanzee Sanctuary Northwest, for example, I came away overwhelmed by the sensation that we can never make full restitution to these incredible animals. I left overjoyed at having made new animal friends and devastated that I can never make right that which has been done to them.

Aldo Leopold wrote that the “penalty of an ecological education is that one lives alone with a world of wounds” (Leopold 1993, 165). The penalty of a fully enlightened moral life is that we have to acknowledge that human lives cause wounds. We must endeavor to minimize the wounds we cause as much as possible, but we also need to avoid seeking a theory or set of principles that will cloak our actions in justification to the extent that whatever wounds we do cause are no longer visible or salient to us. My approach requires a certain comfort level with matters remaining unsettled. It requires acknowledging that the work of morality is often unfinished due to moral remainders generated by our choices. It requires accepting that we

⁸⁷ In reading Lugones and Spelman on cross-cultural communication and avoiding cultural imperialism in our theories I was struck by how difficult this work will be in the inter-animal realm. If giving an account of what is happening to you is an important part of working across perspectives, then animals are at a decided disadvantage in their interactions with humans. This makes it all the more important that we listen and observe carefully so that we can see and hear what they are trying to tell us about their experiences.

sometimes do violence in the world even when we try our very best to mitigate harms. I find this thought motivating because it encourages me to do my very best to live a life that causes as little violence as possible. I do not always get it right, but I am mindful that while mistakes are inevitable, progress is also eminently possible.

CONCLUSION

When I began this project, I was in search of a set of principles that would both take animals' interests seriously and recognize the complexities of human interests. Driven by the worry that our ways of talking about human non-subsistence, or nonbasic, interests were impoverished, I went in search of alternatives. I knew from the very beginning that this would be something of a tight wire act. For, the very act of viewing human interests in all their robustness tends to lead people to think that this robustness gives us reasons to trump animals' interests. The information provided by deep consideration of an interest's context tends to push us towards thinking of the interest as having more moral weight as a result of that context. We risk either giving an incomplete view of humans' interests or, in providing a complete view, justifying overriding animals' interests in situations where it is clear to those of us who take animals seriously that their interests should prevail. We risk making either Singer's mistake or Varner's.

I view Taylor's priority principles as an effort that, like mine, seeks to walk this treacherous line. This is why, if it resembles any of the three theories I examined, my approach comes closest to Taylor's. Taylor attempted to give interests their full description and then wrestle with what to do about the ensuing complexities. My account differs from Taylor's, however, in several key respects. First, Taylor's account is top-down whereas mine moves

between principles and particulars. He begins with fixed distinctions (e.g., basic and nonbasic interests, intrinsically incompatible with the attitude of respect for nature, etc.) and principles and works from them to cases. On Taylor's account, we plug in a certain kind of interest and then know which principle to use. My approach rejects this top-down way of addressing inter-animal conflicts of interest, preferring instead to start with the specific conflicts in question, getting to know them in detail, before we determine what we want to say about them.

Second, like Singer and Varner, Taylor relies solely on reason as the basis for our respectful attention to the nonhuman world. In contrast, my approach is pluralist; it recognizes moral significance from both the standpoint of what reason can show us and the important information we glean through the emotions.⁸⁸ I do not know how any of us can get a full appreciation for what is at stake for animals and what we think or feel about our exploitation of them without directly experiencing their lives and the impact of our choices on those lives. This requires informing ourselves about the consequences of our actions as well as confronting and understanding the resulting emotions.

Third, Taylor does not bring forth the importance of questioning the weight of what he calls our "highly valued ends." He simply accepts that a person with the attitude of respect for nature will find some human projects so important that we are justified in overriding animals' interests in their pursuit. Taylor is certainly correct that sometimes animals' important interests will lose out to important human interests. However, he glosses over the process where the highly valued end is put up for questioning and examination.⁸⁹ My view puts front and center

⁸⁸ Kheel discusses Taylor's reliance on rationally grounded principles in Kheel 1985, 142.

⁸⁹ It is possible that Taylor sees his discussion of the importance of turning cases of conflict into opportunities for mutual accommodation as suggesting something along these lines. He does not overtly suggest that our interests should be put up for questioning and examination, but it may be that seeking solutions of mutual accommodation could involve that sort of reflection. In future work I would like to explore more thoroughly how Taylor's conception of mutual accommodation might be expanded or complicated in order to more thoroughly reflect the idea that even our highly valued ends should be scrutinized.

the crucial process of evaluating our highly valued ends and assessing the ways in they may be situated in histories of oppression and marginalization. Put another way, my feminist account requires contextualizing our highly valued interests not only with regard to what they mean to us but also with regard to what potentially morally dubious assumptions or choices brought about the interest in the first place.⁹⁰ The information we glean from such an examination must play a role in what we think about the conflicts we are facing.

Finally, Taylor does not acknowledge the possibility that an interest that is incompatible with the attitude of respect for nature may also be tied to a highly valued end. He therefore fails to address the robustness of the interests involved. As much as it pains me to do so, I have to accept that some recreational hunters are not merely thoughtless about animals' interests. That may well be true and an important part of their story, but they are also people embedded in particular cultures, traditions, and ways of seeing the world that make their hunting a highly valued end for them. I want to be able to rule out their exploitation of animals without trivializing what is at stake for them, however. Taylor simply rules it out by labeling it "incompatible with the attitude of respect for nature." I agree completely that pointing a gun or arrow at a deer and killing it is incompatible with respect for that deer, but I do not think we can understand all of the moral complexity of the case without thinking about the full context of the hunter's interest. Though my adherence to a non-hierarchical approach and some of the spirit of my view may invoke shades of Taylor's account, it is fundamentally a very different way of conceiving of and addressing inter-animal conflicts of interest.

⁹⁰ Taylor would want to recognize when an interest arises from something that is not fitting with the attitude of respect for nature, so there is a way in which he allows for this sort of reflection. Still, he is rather myopically focused on the attitude of respect for nature without seeing that failures to show respect for nature are linked to other kinds of failures to show respect (e.g., to women, racial minorities, sexual minorities and so forth). My view recognizes the interlocking nature of oppression and thus requires more of us in evaluating our highly valued ends than Taylor's does.

I began this project with the search for a top-down approach driven by abstract and universally binding principles and end it with the realization that principles and fixed distinctions are the wrong machinery for coping with a situation as complex and delicate as our interactions with animal others.⁹¹ Instead, we need an approach that moves between abstract principles and the particulars of cases. I now believe that the only way to balance animals' importance with humans' importance is to abandon hierarchy and attend to the particulars of a given situation with curiosity and honest attention to the background assumptions and injustices that form our interests in the first place. We must undertake this work with some guiding principles, but recognize that we will not know exactly what those principles are telling us until we embed them in our experiences. Though I have always had an abiding love of and appreciation for animals, this project has illuminated for me how very rich and complex their interests are. I realize more than ever the potential perils of misunderstanding those interests and engaging with them in ways that harm rather than help the animals in question.⁹² We must attend, therefore, to the robustness of both human and animal interests and work together with ethologists and behavior experts to best understand the animals we interact with. There is much to learn.

My sense is that those working within the traditional approaches to animal ethics as well as animal activists prefer truncated narratives to full narratives because they think that, once we address the robustness of human interests, we will find ever more reasons to trample on animals'

⁹¹ At my general exam, Jean Roberts asked why I was so fixated on finding a set of principles. At the time, I could not imagine what alternative would exist and why we would want to embrace such an alternative. My deep thanks to Jean for posing the question that haunted me throughout my research and writing. The ripple effect of that one question was tremendous and opened my mind to a way of thinking that I had not anticipated embracing but now come to see as the best answer to the questions that prompted me to undertake the project.

⁹² This problem was made clear to me at the Elephants Among Us symposium I referred to in chapter four. Animal activists (Friends of the Woodland Park Zoo Elephants) have been working tirelessly to convince the Woodland Park Zoo to turn their elephants over to a sanctuary. There are numerous problems with the welfare of these elephants and the activists have a sanctuary willing to take them. At the symposium Sam Wasser, Director of the University of Washington's Center for Conservation Biology and a world renowned expert on elephants, pointed out that moving the elephants to a sanctuary could prove disastrous for them due to the complexities of elephants' interests. This is an example of how good intentions for animals can go awry without a complete understanding of the specific needs of the animal in question.

interests. I have shared this fear in the past. Yet, it seems to me that the best way to address inter-animal conflicts involves understanding the full picture of what is at stake. This is true for pragmatic reasons as much as it is true for theoretical reasons. We ought not to proceed with an incomplete moral picture and we need not fear what the full picture will reveal. For, when we situate human interests in all their complexity we can find ways to commit ourselves to taking animals' interests very seriously and still attend to that complexity, as I have tried to show in this chapter. Doing so requires that we think of our moral lives as an engagement in ongoing work; work that generates moral remainders we need to address. Inter-animal morality is going to require a certain comfort level with unfinished business and a commitment to moral repair. Some might find this cause for despair. I find it a source of hope. Such a realization can spur us to action, enjoin us to question the political and social institutions we have hitherto accepted without curiosity, and inspire us to be the best possible version of ourselves.

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- _____. 2010. *Meaning in Life and Why it Matters*. Princeton, NJ: Princeton University Press.

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Education

PhD, Philosophy, University of Washington	2012
Dissertation: Beyond the Basic/Nonbasic Interests Distinction: A Feminist Approach to Inter-Species Moral Conflict and Moral Repair	
M.A., Philosophy, University of Washington	2005
M.A., Philosophy, Georgia State University	2003
Thesis: A Pragmatic Metaethics for Environmental Ethics	
B.A., Philosophy and French, Oberlin College, <i>cum laude</i>	1996
Université de Paris, III	1994-1995

Academic Expertise

Areas of Specialization:
Ethics, Applied Ethics

Areas of Competence:
Bioethics, Feminist Ethics, Metaethics

Publications

Review of Lisa Kemmerer, ed. *Sister Species: Women, Animals, and Social Justice*, forthcoming in *Hypatia* 27(3), Summer 2012, doi: 10.1111/j.1527-2001.2012.01279.x

Review of Paul W. Taylor, *Respect for Nature*, 25th Anniversary Edition, *Ethical Perspectives* 18(4), 2011.

Presentations

“Beyond Animal Rights: Inter-Species Conflicts of Interest and the Problem of Moral Reminders,”
- Meeting of the American Political Science Association, Seattle, September 2011

“Beyond the Basic/Nonbasic Interests Distinction: Inter-species Conflicts of Interest and the Problem of Overdemandingness”
-Meeting of the American Philosophical Association Pacific Division, San Diego, April 2011

“What’s Love Got to do with It? Partiality, Human Interests, and Inter-animal Conflicts”
-Sex, Gender, Species Conference, Wesleyan University, February 2011

“Irreconcilable Differences: An Environmental Ethicist Takes on the Grandparents,”
- Hypatia 25th Anniversary Conference, University of Washington, October 2009
-Association for Practical and Professional Ethics, Annual Meeting, Cincinnati, OH, 2010

“Premature Guilt: Motherhood and Self-Reproach in the NICU,”

-Philosophical Inquiry into Pregnancy, Childbirth, and Mothering, University of Oregon, May 2009.

-Pacific Northwest Association of Neo-Natal Nurses, Seattle, WA, 2009

Comments on “Wilderness Radicals or the Role of Wilderness in Creating an Ecological Society,” Fourth Biennial Graduate Student Conference in Philosophy, University of Washington, 2007

Comments on “Mainstream Environmental Approaches and Ecological Feminism: A Consideration of and Response to the Criticisms,” Second Biennial Graduate Student Conference in Philosophy, University of Washington, 2003

Academic Awards and Honors

Graduate School Flanagan Dissertation Fellowship	2011-2012
Lead Teaching Assistant	2008-2009
Departmental Teaching Award, UW Philosophy	2004 and 2005
UW Graduate School Top Scholar Award	2003-2004
Honors in Philosophy, Oberlin College	1996

Teaching Experience

As Main Instructor:

Introduction to Philosophy	2007
Contemporary Moral Problems	2x in 2008
Moral Issues of Life and Death	2009

As Teaching Assistant

Introduction to Philosophy	2007, 2004
Introduction to Ethical Theory	2003, 2005
Contemporary Moral Problems	2004
Environmental Ethics	2004, 2005

Academic Employment

Managing Editor, <i>Hypatia: A Journal of Feminist Philosophy</i>	2010-2011
Editorial Assistant, <i>Hypatia: A Journal of Feminist Philosophy</i>	2009-2010
Graduate Teaching Assistant	2007-2009
Program on Values in Society Research Assistant	2005-2006
Graduate Teaching Assistant	2003-2005
Editing for George Rainbolt, <i>The Concept of Rights</i> , (Springer, 2006)	2001-2002
Editing for Kit Wellman and R.G. Frey, eds. <i>A Companion To Applied Ethics</i> , (Blackwell 2003)	2003

Departmental Service

Graduate Admissions Committee	2007-2008
Submissions Reviewer for Graduate Conference	2007
Ethics Bowl Coach	2005-2006
Curriculum Committee	2005-2006
Program on Values Research Assistant	2005-2006

Computer Committee	2004-2005
Program on Values Hiring Committee	2003-2004
Submissions Reviewer for Graduate Conference	2003

University Service

University of Washington Medical Center Neo-Natal Intensive Care Unit Advisory Council Member	2007 to present
University of Washington Medical Center Steering Committee for Patient and Family Centered Care	2010 to present

Graduate Courses

<i>Ethics</i>	Metaethics (Angela Smith) Disability and Autonomy (Sara Goering) Ethical Theory (Robert Arrington, GSU) Seminar on Korsgaard and Moore (Andrew Altman, GSU) Intergenerational Justice (Stephen Gardiner), audited
<i>Philosophy of Law</i>	Seminar in Legal Philosophy (Ron Moore) Philosophy of Law (Andrew Altman, GSU)
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<i>Philosophy of Mind</i>	Philosophy of Mind (Barbara Montero, GSU)
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