

Animal Rights and the Default of Meliorism

A commentary on Jean-Claude Wolf

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1 Three Competing Approaches to Animal Ethics

In contemporary thought three main approaches have come to predominate in the endeavor to do justice to the moral status of animals. In the past generation, utilitarian and deontological approaches have tended to predominate; but more recently, a set of postmodern approaches has emerged that seek to avoid appeals to experiential capacities and rights altogether and seek instead to base our moral relation to animals on a notion of responsiveness to animal suffering.

The utilitarian approach to the moral status of animals was given most of its momentum in the modern age by Jeremy Bentham and John Stuart Mill. Bentham responded to a tradition of philosophical thinking that had asserted that a being must be rational and capable of language in order to enjoy full moral status. He declared that “the question is not, Can they *reason?* nor, Can they *talk?* but, Can they *suffer?*” Bentham thereby sought to give ethical standing to sentient beings who lack language and hence cannot speak on their own behalf: henceforth it did not matter whether a being possessed self-awareness, could contemplate the distant future or remote past, or could deliberately take on specific rights and duties. All that mattered was sentience, the capacity to experience pleasure and pain. But Bentham also believed that because animals lack rationality, they cannot contemplate the past or the future, and that they therefore have less to lose by dying than human beings have to lose. Thus Bentham believed that death is less of a harm to animals than it is to human beings and that the killing of animals for human consumption is ethically defensible.¹ Mill

¹Jeremy Bentham, *Introduction to the Principles of Morals and Legislation* (New York:

likewise believed that we must take the interests of all sentient beings into consideration in our moral calculations, but like Bentham he found a way to privilege the interests of human beings over those of animals: Mill argued that animals are capable of experiencing only “lower” pleasures of the body, whereas human beings are also capable of experiencing “higher” pleasures of the intellect and of moral sensibility. Thus on Mill’s account, “it is better to be a human being dissatisfied than a pig satisfied,” inasmuch as the capacity of a pig to experience pleasure is fundamentally limited in a way in which a human being’s capacity to experience pleasure is not.² Human beings, Mill believed, can be dissatisfied in ways in which animals cannot, since an animal needs much less than a human being in order to be satisfied.

In contemporary thought the tenets of utilitarianism have found expression in the thought of Peter Singer, who argues that we owe it to animals to consider their interests equally with our own, but who also argues that equal consideration of interests does not entail equal treatment. Thus Singer decries factory farming but nonetheless finds nothing wrong with killing animals for human consumption provided that we raise and slaughter the animals in comfortable circumstances. Singer states that he “can respect conscientious people who take care to eat only meat that comes from...animals” that have been raised “in a social group suited to their behavioral needs, and are then killed quickly and without pain.”³

The deontological approach to animal ethics was brought to its modern fruition in the thought of Immanuel Kant and has been further developed in our own time by Tom Regan. On Regan’s view, any being that counts as a “subject of a life” has intrinsic moral worth equal to the moral worth of any other subject of a life. To be a subject of a life is to be capable of “perception, memory, desire, belief, self-consciousness, intention, [and] a sense of the future.”⁴ Regan recognizes that even if animals cannot contemplate time as a whole and the future or past as such, many animals nonetheless have a relation to the past and particularly to the future that is confirmed by much ethological research. By identifying subjects of a life as beings with inherent moral worth, Regan is correcting what he sees to be a key deficiency in Kant’s moral vision, namely, Kant’s belief that all and only

Hafner/Macmillan, 1948), p. 310–11n

²John Stuart Mill, “Utilitarianism”, in *On Liberty and Other Essays*, ed. John Gray (Oxford: Oxford University Press, 1998), Part 2, p. 140.

³Peter Singer, *Animal Liberation*, updated edition (New York: Harper Perennial, 2009), p. 229f.

⁴Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983), p. 81.

moral agents possess inherent moral worth. For Regan, subjects of a life include moral patients, and moral patients have the same inherent moral worth as moral agents. And yet Regan concludes that in cases of unavoidable conflict between the interests of human beings and animals, in which the life of one or the other must be sacrificed, we ought always to sacrifice the life of the animal rather than the life of the human being. Indeed, on Regan's view it would make sense to sacrifice the lives of a million dogs to save the life of just one human being.⁵ So much for equal inherent worth.

The most recent approach to animal ethics to gain wide currency is a postmodern approach that emphasizes the shared mortality of human beings and animals and gives primacy to our ethical response to the call of the wounded other. Thinkers such as Jacques Derrida have argued that the traditional appeal to capacities such as sentience or self-awareness is part of a covert strategy of exclusion: we demand that a being possess a certain capacity or set of capacities in order to merit full moral status, and then we find ways to proclaim that that being lacks the requisite capacities. Historically, women and people of color have been excluded from full moral and political enfranchisement on the grounds that they lacked "complete" rationality, as when Aristotle argued that women and slaves should never be citizens because their rational capacities are inherently deficient.⁶ For Derrida and many other contemporary postmodern thinkers, the solution is to abandon consideration of capacities altogether and to focus instead on our shared subjection to death as the tie that binds us to animals and confers moral obligations on us to treat animals with respect. What Derrida and his followers fail to acknowledge is the fact that even they are appealing to a capacity in their vision of moral community: the capacity to suffer, which betokens the imminence of death. These thinkers try to avoid this implication by maintaining that suffering is not a positive capacity but rather a condition of passive acceptance. But it is implicit in their thinking, as in the thinking of utilitarian and deontological thinkers, that beings with moral worth are beings that struggle and suffer, beings that possess internal states of awareness and strive to live in accordance with their natural potential.

⁵Regan, *The Case for Animal Rights*, p. 351.

⁶See Aristotle, *Politics* I.13

2 The Aporia of These Three Approaches

The question with which these three approaches to the moral status of animals leave us is how to balance the often competing and mutually incompatible interests of different beings. These conflicts prevail not only among human beings but also between human beings and animals. Some human beings assert that animals possess inviolable inherent worth and that human beings may not kill or use animals to satisfy human desires. As it happens, none of the three approaches examined above confers on animals a clear right not to be exploited by human beings. Instead each approach leaves open the prospect of justifying a wide variety of uses of animals. Utilitarianism justifies the use of animals on the grounds that human interests ultimately “count” more than those of animals. Deontology of the kind professed by Regan ultimately capitulates to utilitarian calculations in giving priority to the interests of one human being over any number of sentient non-human beings: One person has more to lose by dying than all of non-sentient nature combined. Derrida’s postmodern approach eschews calculations in the endeavor to establish moral obligations toward vulnerable others.⁷ But by the same token it abandons the appeal to principles altogether and thus is fundamentally incapable of drawing any kind of limit to the ways in which we exploit animals—it simply decries suffering in the most general terms and goes no further. In several instances Derrida even goes so far as to question the legitimacy of and underlying motivations behind ethical vegetarianism.⁸

What all three of these approaches to animal ethics share in common is a refusal to consider the possibility that animals, as sentient beings with purposes and needs entirely their own, possess moral status equal to that of human beings. Just as there are good reasons not to consider more intelligent human beings to possess greater moral worth than less intelligent humans, there are good reasons not to consider human beings morally superior to animals. What makes us assume our own moral superiority over animals is a legacy of speciesist anthropocentrism, an entirely self-serving prejudice according to which all and only those beings that possess specifically human capacities have full moral worth.

⁷See Cary Wolfe, *Animal Rites: American Culture, the Discourse of Species, and Posthumanist Theory* (Chicago/London: University of Chicago Press, 2003), p. 69.

⁸See Jacques Derrida, “‘Eating Well’, or the Calculation of the Subject: An Interview with Jacques Derrida”, *Who Comes After the Subject?* ed. Eduardo Cadava, Peter Connor, and Jean-Luc Nancy (New York/London: Routledge, 1991), p. 112; Jacques Derrida and Elisabeth Roudinesco, “Violence Against Animals”, *For What Tomorrow . . . A Dialogue*, trans. Jeff Fort (Stanford: Stanford University Press, 2004). pp. 67, 69.

3 Meliorism to the Rescue?

Jean-Claude Wolf proposes that meliorism can address many of the kinds of problems and puzzles posed by traditional moral thinking about animals.⁹ He invokes Voltaire's notion that "the perfect is the enemy of the good" in an effort to make a case for the proposition that proclaiming principles and obligations is counter-productive. He rejects categorical prohibitions as "ascetic heroics" and suggests that "freundliche Selbstüberlistung" is a more effective means to the realization of moral ideals: Instead of positing and seeking to live in accordance with strict principles such as that of ethical vegetarianism or veganism, Wolf suggests a gradualist or stepwise approach to the realization of moral ideals. He believes that such an approach has much better prospects for actually changing people's behavior. Indeed, Wolf believes that the notion of a pure "ought" is pointless in the absence of a stepwise approach to its realization.

According to Wolf's meliorist approach, morality is a sort of *agon* or competition with first, second, and third place, rather than being an all-or-nothing affair. Practices such as meat eating admit not simply of right and wrong, but rather of degrees of rightness such that killing animals and eating meat are good in at least a limited sense. If we permit meat eating, then different members of a family can continue to live together and enjoy gastronomic conviviality even if different members of the family disagree about the rightness of killing and eating animals. Some members of the family may eat meat, others may be vegetarians, and, in a Rodney-King-style celebration of diversity, "we can all just get along." If this sort of arrangement is "good," it anticipates a "better" situation in which people strive to eat less meat, and perhaps also a "best" situation in which people would eat no meat at all and perhaps would also eschew other uses of animals. On this view, meat eating can still be considered "good," even though it is not a better or best situation. Thus we avoid the moral condemnation of meat eaters, which Wolf takes to be completely counter-productive, and we focus instead on a gradualist approach to the improvement of our behavior rather than the categorical condemnation of certain actions.

Wolf offers the example of smoking: More effective than demanding the immediate and permanent cessation of smoking is an approach that proceeds step by step, one day at a time. If the logic of meliorism in the case of smoking is the same as in the case of meat eating, this means that smoking can in some sense be considered good, although smoking less is

⁹Jean-Claude Wolf, „Traditioneller Tierschutz, radikaler Tierschutz und der ethische Meliorismus.“ http://www.tier-im-fokus.ch/mensch_und_tier/wolf_meliorismus/

better and not smoking at all is best. Now in what sense is smoking “good”? At least in the sense that some people derive pleasure from it, either as an individual practice or as part of an aesthetic of conviviality, e.g., when people share a good smoke after a good meal. Meliorism refuses to condemn smoking *tout court* and instead envisions a gradual process of cessation.

4 The Fundamental Flaw of Meliorism in Animal Ethics

It is very much worth questioning whether any approach to the moral status of animals that characterizes meat eating as “good” can possibly come to grips with the essential wrongness of the practice. Meat eating and other uses of animals are significantly unlike practices such as smoking in that they involve the exploitation of another sentient being whereas smoking does not. Indeed, the meliorist position implicitly appeals in each case to a moral principle that functions as the measure of good, better, and best. In the case of smoking, the gradualist movement takes its bearings from the proposition that one really ought not to smoke at all; it is in this and in no other sense that non-smoking is “best.” From the standpoint of this principle, it is highly questionable whether smoking can really be characterized as a morally “good” practice at all. For as thinkers from Aristotle to Kant have recognized, it is one thing to engage in activities that give pleasure, and quite another to engage in activities that are morally justifiable. The sense in which smoking is “good” is not a moral sense at all; it is an instrumental sense with no moral significance whatsoever.

If smoking is not really “good” in a moral sense, then *a fortiori* the exploitation of a voiceless, defenseless being cannot properly be characterized as morally good. There is no sense in which eating meat is *morally* good, although many people do find meat eating instrumentally extremely satisfying. Consider a few analogies:

- (1) Murdering Jews is “good,” murdering fewer Jews (or murdering them more quickly and/or more painlessly) is “better,” and murdering no Jews is “best.”
- (2) Raping children is “good,” raping fewer children (or raping them more quickly and/or more painlessly) is “better,” and raping no children is “best.”
- (3) Owning and exploiting slaves is “good,” owning and exploiting fewer slaves (or treating your slaves more kindly) is “better,” and owning and exploiting no slaves is “best.”

Each of these examples implicitly employs a principle according to which the practice in question is morally wrong. Against the background of the operative principle in each case, the initial characterization of the practice in question as morally "good" is inconsistent with the underlying principle. The only sense in which the practice in question is "good," if indeed it is good at all, is in some instrumental, fundamentally non-moral sense.

5 Who are We Kidding?

Wolf advocates meliorism on the grounds that improving our behavior depends on a basic change in our *Rechtsgefühl*. He believes that the proclamation of categorical principles and prohibitions simply has the effect of breeding pessimism. Thus, instead of setting unrealistic goals (the "best") as an absolute requirement, we should instead play a sort of game with ourselves in which we pretend that partial or momentary moves toward the realization of our goals are satisfactory. The implicit logic here is that we should pretend not to know that murder or rape or meat eating is morally indefensible, and we should satisfy ourselves with always doing just a little bit better than we are already doing. But in fact we should never be satisfied with any amount of participation in a practice that we know to be morally wrong. Morality is not a competition or a foot race. It is not a matter of clocking a better time than we clocked in our last race. It is a matter of recognizing and doing the right thing.

In the case of our moral relation to animals, doing the right thing starts with recognizing the inherent wrongness of exploiting them. In this connection, becoming a vegetarian is a relatively straightforward task, at least for most if not all people reading this essay: stop eating meat immediately and never eat it again. Veganism is less straightforward, simply because the use of animals is so intimately woven into the fabric of our cultural practices that it we are often completely unaware of its nature and extent. To recognize the wrongness of animal exploitation is to find oneself obligated to learn as much as possible about the ways in which we exploit animals, so that we are in a position to refrain from participating in those practices. It is impossible to be absolutely and completely vegan in a society such as ours, given the extraordinary extent to which our entire way of life is founded on the exploitation of animals. But this is a far cry from satisfying ourselves that eating less meat is better than eating more meat. All this kind of thinking does is provide meat eaters with a good conscience. It does nothing to stop the regime of animal exploitation.

6 Meliorism is Welfarism

To seek to characterize animal ethics in meliorist terms is to seek to justify the subjection of animals for the satisfaction of human desires: Yes, we all know that veganism would be “best” in some remote, abstract sense, but eating less meat and seeking to obtain meat from more humane sources makes us “good” and perhaps “better.”

If we look at the predicament of animals in this way, we do nothing to address the problem of institutionalized exploitation. All we do is satisfy ourselves that as individuals we are doing a good thing, perhaps a better thing, by not eating at McDonald’s. Meanwhile, according to the United Nations Food and Agriculture Organization, fifty-three billion land animals are killed every year for human consumption worldwide. Should we consider ourselves “good” or “better” if we get our hamburgers only from vendors who use humanely-raised meat? After all, it is not as if so-called humanely-raised animals are not ultimately killed. Our gastronomic pleasure depends to a great extent on the confinement and killing of sentient beings with purposes and needs of their own. Where is the “good” in that?

In November, 2008 a referendum was passed in California. This referendum, Proposition 2, mandates a set of provisions for the more humane treatment of animals raised for human consumption, such as marginally greater living space for chickens being raised for your Chicken McNuggets. Proposition 2 was passed by an almost two-to-one margin in a state so large that it includes twelve percent of the U.S. population. Thus it would seem that quite a few people in my home state have a sense of compassion for the animals that they confine and kill for their own benefit and enjoyment. Many people who voted for Proposition 2 believe that they have done a good thing for animals by mandating more humane methods of rearing and slaughter.

Meliorism permits exactly this kind of thinking: It permits people to think they are doing something morally good, when in fact the practice in which they are engaging does not admit of better or worse. As Aristotle notes, not all actions admit of better or worse; adultery, theft, and murder, for example, cannot be done “better.”¹⁰ To the extent that we engage in these practices, we are doing wrong. It makes no more sense to tell ourselves that we do better by killing fewer animals for our pleasure than for an addicted gambler to tell himself that he does better by gambling less.

¹⁰See Aristotle, *Nicomachean Ethics* II.6 at 1107a9–25.

There is nothing noble about this lie.

7 Meliorism is Speciesism

Wolf suggests that it is problematic to place vital animal interests higher than the freedom of the human individual. He offers as his reasoning the observation that we often refuse to subordinate the freedom of the individual to vital human interests, e.g., we do not subject human beings to medical experiments because to do so would violate an individual's right to self-determination. But this is a non-sequiter. If we acknowledge that animals are individuals, then it is not a matter of weighing vital animal interests against individual human interests. It is instead a matter of weighing the interests of different individuals, some of them human beings and some of them animals, against one another. We no more have the moral prerogative to exploit individual animals than we have to exploit other human beings. In the case of human beings, under certain circumstances we can arrive at reciprocal agreements that permit us to do things to other persons (such as take their property) that we would not be permitted to do in the absence of their explicit consent. In the case of animals, we cannot arrive at comparable reciprocal agreements because animals lack the rational and linguistic capacities that would enable them to give their informed consent. The solution is not to assume that animals give us their consent to be used for our benefit, but rather to assume that animals do not consent to be so used.¹¹

To frame the problem as if it were more important to avoid insulting the sensibilities of human beings than to respect the interests of animals is to presuppose dogmatically the moral superiority of human beings over animals. Of course we do not subject human beings to medical experimentation. But the fact that we do subject animals to such experimentation is not an indication that doing so is morally acceptable. It is simply an indication of how successfully we exploit animals and how incapable animals are of protesting this kind of treatment.

It is fair to say that people do not want to hear the truth about animal exploitation. But that is not a reason to refrain from telling the truth: that we have no more moral right to exploit animals than we have to exploit human beings. There does indeed need to be a change in our collective Rechtsgefühl. But the stepwise approach of meliorism will ultimately change noth-

¹¹See Gary Steiner, *Animals and the Moral Community: Mental Life, Moral Status, and Kinship* (New York: Columbia University Press, 2008), pp. 106–9.

ing, except perhaps to make us feel better about using animals for our own pleasure and benefit. What is needed is brutal honesty about the shocking regime of animal exploitation. Only such honesty has the power to move people to change their feelings, their values, and their practices. It is not a matter of using the law or any other means to force society to stop exploiting animals. It is a matter of moving people to overcome their own resistance to acknowledging the wrongness of animal exploitation, just as our society has had to overcome its resistance to acknowledging the wrongness of slavery and of denying women full citizenship rights. A fundamental change must take place in how we *feel* about our exploitation of animals. Only then can we collectively implement legislation that acknowledges and protects the full moral status of animals.