



Vol. 45 No. 19 · 5 October 2023

Let them eat oysters

Lorna Finlayson



ANIMAL LIBERATION NOW

by Peter Singer.

Penguin, 368 pp., £20, June, 978 1 84792 776 7

JUSTICE FOR ANIMALS

by Martha Nussbaum.

Simon & Schuster, 372 pp., £16, January, 978 1 9821 0250 0

ANIMALS are in. As mass extinction looms, nature documentaries have become big business. The last six years have seen a succession of David Attenborough hits: *Blue Planet II*, *Dynasties* and *Dynasties II*, *The Green Planet* and *Frozen Planet II* on the BBC; and on Netflix, *Our Planet*, *A Life on Our Planet* and *Planet Earth II*. Attenborough's most recent series, *Wild Isles*, was watched by more than ten million people in the first month of its release. *Blue Planet III* and *Our Planet III* are already planned. There was also the success of the documentary *My Octopus Teacher* and the lockdown vogue for *Springwatch*. Everyone now knows that corvids are intelligent and octopuses have brains in their arms. There has been a similar boom in animal books, many of them focusing on the nature of animal consciousness or our relationships with other species. John Bradshaw's *In Defence of Dogs* (2011), Helen Macdonald's memoir *H Is for Hawk* (2014), the primatologist Frans de Waal's *Are We Smart Enough to Know How Smart Animals Are?* (2016) and the 'scuba-diving philosopher' Peter Godfrey-Smith's *Other Minds: The Octopus and the Evolution of Human Life* (2017) were all bestsellers.

Some of this excitement is a result of advances in our understanding, and in the technologies that now capture the lives of animals with unprecedented intimacy. It would be nice to think that we are becoming wiser and more curious about other forms of life. But our curiosity often seems merely to serve human needs. It hardly needs to be said that all is not well with our world. We are disempowered, isolated and (quite rationally) anxious about the future. The animal world offers both an escape and the promise of meaning.

If philosophers were another kind of animal, they would be carrion-eaters. Like vultures (did you know that turkey vultures shit on their legs to keep cool?), they prefer to show up late in the hope of feasting on remains. Just like the wider turn towards the animal world, the recent increase in philosophical interest is double-edged. Animals, and our responsibilities towards them, deserve a sustained consideration of the sort they have rarely been afforded, but the

nature of contemporary academia militates against this.

Whatever else might be said about Peter Singer, he is not jumping on the bandwagon. This edition of *Animal Liberation Now* arrives almost fifty years after the book's first publication, which is often credited with sparking the animal rights movement. Singer's basic philosophical idea has not changed. As a utilitarian, he believes that what matters is happiness or pleasure and the absence of suffering. Earlier in his career, he favoured 'preference utilitarianism', which identifies utility with the satisfaction of preferences, or desires, but has since moved towards 'hedonistic' utilitarianism, which identifies utility with pleasurable experiential states. Whose happiness it is, or whose suffering, doesn't matter: mine, yours, or that of a non-human animal. That animals can feel pleasure and pain is beyond doubt (though the jury is still out on insects and cartilaginous fish). As sentient beings, Singer argues, human and non-human animals are entitled to 'equal consideration'. This doesn't mean they should be treated identically: different beings have different capacities and hence different interests. A dog has neither the capacity for nor any interest in accessing higher education. But any interest a dog does have, including its fundamental interest in avoiding pain, matters no more or less than the same interest would matter in another creature. Just as it is racist or sexist to devalue anyone on the basis of race or sex, Singer argues, so it is 'speciesist' (a term coined by the animal rights advocate Richard Ryder) to hold that humans count for more simply because they are human.

This extension of moral equality, Singer is careful to point out, does not mean that it is always impermissible for humans to harm or make use of other animals. From a utilitarian perspective, there are no absolute moral prohibitions or imperatives (other than the imperative to maximise 'utility'). It is permissible to cause harm or pain to a creature, whether human or non-human, if this leads to more happiness and less suffering overall. For instance, Singer allows that experimentation on primates as part of research aimed at improving the treatment of Parkinson's may be justified. But he argues that this is not the case for the majority of experiments on animals (he tells us that the scale of animal experimentation is unknown – although known to be vast – because most animals aren't even counted; the US Animal Welfare Act, for instance, excludes rats, mice and birds, i.e., the most common experimental subjects).

The philosophical leanness of utilitarianism as an ethical theory means it rests heavily on empirical questions. In order to know what to do in any given case, we need to know the consequences of the relevant practices in terms of enjoyment and suffering. Singer does a thorough job of informing readers about the realities of human practices involving animals. This is some of the most interesting (and disturbing) material in the book; and since facts change (whereas, for Singer, ethical truths are timeless), it is here that most of its new material is to be found. Singer sets aside more easily condemnable but less prevalent human practices, such as blood sports or the illegal ivory trade, and focuses on the two areas that involve the most animals: animal experimentation (affecting as many as 200 million animals a year) and the meat industry (responsible for the slaughter of a barely fathomable 83 billion birds and mammals each year).

Singer's main conclusion is that things are (still) almost hellishly bad. The horrors of industrial meat production include animals bred to have abnormally large appetites and which grow so fast that their legs cannot support their weight (in 1925, it would take a chicken

sixteen weeks to reach 2.5 lb; today's 'broilers' reach 6.5 lb in the five to seven weeks they are allowed to live); 'breeder' animals kept constantly hungry so that, rather than dying of excess, they can be used for breeding for a year or so before they are 'spent'; animals held in such cramped conditions that birds must be 'debeaked' and pigs have their tails docked because they are liable to attack one another; beef cows fattened on a diet of grain which damages their stomachs and causes abscesses on their livers; animals with open sores and damaged lungs from the ammonia produced by the accumulated urine and faeces. The claim, often repeated by defenders of the industry, that livestock must be reasonably well cared for in order to survive and be profitable turns out to be about as true as the claim that wealth will 'trickle down'. A significant proportion of animals reared for meat do not survive long enough to be slaughtered. In the US chicken industry, around 5 per cent of birds don't make it through their allotted five to seven weeks of life, succumbing to strange syndromes: 'flip-over disease'; 'dead in good condition'. Among layer hens, mortality is proportionate to crowding. But those in charge have done the sums and concluded that the wastage is worth it.

These conditions, Singer makes clear, are not aberrations but the norm. European countries aren't much better than the US. There have been a handful of hard-won reforms – EU countries are now required to give animals sufficient space to turn round and laying hens must be provided with perches and nesting boxes – but even these provisions are not always enforced. And for anyone who's thinking, 'But I get all my meat at Waitrose!' Singer has bad news. Many people assume that what is 'organic' or expensive must be more ethical – even cheaper outlets increasingly boast their green and animal-friendly credentials – but Singer tells us that only a fraction of 1 per cent of meat is not factory farmed. The conditions in which dairy cows are kept are just as bad as those of many animals reared for food. Without denying the theoretical possibility of the 'conscientious omnivore' – in principle, Singer's utilitarianism has no quarrel with the painless killing and eating of an animal that has enjoyed a good life – he argues that for all but a very few (those who have access to a truly humane farm or smallholding), veganism is the only ethical policy.

Singer is at his best taking on the weak arguments and comforting delusions that abound in this area. 'Factory farming is necessary to feed a growing population'; 'Soy is responsible for the deforestation of the Amazon.' In fact, replacing US beef consumption alone with plant-based alternatives could provide enough food for an extra 190 million people. Close to 80 per cent of soy is grown for animal feed. Eating soy and other plants is much more efficient in terms of land and resources than eating the animal that ate them.

Singer more than once claims that his arguments are binding on anyone receptive to evidence and basic logic (resistance can only result from ignorance, speciesist prejudice and self-interest). But it seems odd for him to say, as he does towards the end of the book, that the claims of *Animal Liberation Now* 'at no point ... require acceptance of utilitarianism'. His arguments often look like utilitarian arguments; they are certainly not, for example, religious or Kantian ones. But for most people ethical questions are not settled by a simple utility count. Singer is on safer ground when he adds that some of his conclusions (if not necessarily his arguments) 'are now accepted by leading representatives of most of the ethical positions held by Western philosophers today'. Many of the positions of the original *Animal Liberation* have become mainstream (if not majority) views, but other people have arrived at similar conclusions via different routes.

MARTHA NUSSBAUM's preferred approach is Aristotelian. What matters is the flourishing of each creature in its distinctive 'form of life'. Nussbaum is critical of the utilitarian tendency to treat humans and animals as interchangeable and passive receptacles for pleasure and pain, emphasising instead that animals are active, striving beings, each possessed of an intrinsic dignity. Rejecting the traditional notion of a *scala naturae* with human beings at the top of the ladder, she holds that all species are of equal intrinsic worth. She situates this view within the broader framework of the 'Capabilities Approach' (a concept developed by Amartya Sen, but which Nussbaum has elaborated and extended to areas such as multiculturalism and international justice).

In contrast to Singer, who keeps his utilitarianism relatively low-key, Nussbaum is evangelical about the Capabilities Approach (CA, because it comes up a lot), and *Justice for Animals* reads at times like an extended advertisement for it. During the early chapters – the best part of her book, providing commentary on the history of philosophical thought about animals from the ancient Greeks to 19th-century utilitarians and their intellectual heirs – Nussbaum continually dangles the CA as the theory that will deliver where all others have fallen short. When it finally arrives in the fifth chapter, the effect is anticlimactic. Capabilities, as Nussbaum defines them, are 'opportunities to choose significant activities'. To do injustice to a being (whether human or non-human) is to block 'significant striving' through 'wrongful thwarting'.

If this seems a bit thin, that's part of the intention. Nussbaum's idea is to marry Aristotle with the later Rawls, whose 'political liberalism' argues that the principles on which a state governs should be minimal enough to be acceptable to citizens with differing (but, crucially, 'reasonable') views and values. Nussbaum's theory therefore operates on two tiers, not always clearly differentiated. At a philosophical level, she subscribes (like Singer) to a principle of equality between species; and (unlike Singer, but like Kantians such as Christine Korsgaard) to a doctrine of intrinsic worth. The CA, however, is designed to be acceptable to those holding a range of philosophical positions, including utilitarians (who deny intrinsic worth) and Kantians, whose views diverge both from utilitarians' and from Nussbaum's own (she is critical of what she sees as Korsgaard's undue elevation of human moral and rational capacities), as well as those holding religious beliefs which, while recognising some duties to animals, do not regard their value as equal to that of humans. At a 'political' level, Nussbaum offers a reduced package that she hopes can create a Rawlsian 'overlapping consensus' between these perspectives: all animals should have a 'decent shot at a flourishing life', with their most important capabilities protected up to a 'reasonable threshold'. The trouble with this is that you end up with not enough and too much. Not enough, because terms such as 'decent' and 'reasonable' are vague (and who gets to decide what passes the threshold?). Too much, because it's still possible to disagree with these principles. For instance, how can a utilitarian such as Singer agree to a 'decent shot at flourishing' for *every* animal? What if the utility calculus comes out in favour of experimenting on a laboratory mouse, an experiment that will be fatal to it? Did that mouse have a decent shot?

It's striking that both Singer and Nussbaum try and fail to magic away the fact of disagreement by claiming a universality for their views that they cannot possess. Fortunately, this does not preclude the possibility of political convergence and co-operation. Nussbaum and Singer, for example, can both oppose factory farming and agree that animals should be much better treated. That two philosophers should disagree comes as no surprise. What is more problematic is the difficulty they have in agreeing with themselves. Both appear at times

to shrink from following their stated principles to their logical conclusions, bending their theories out of shape in the process.

In a way, utilitarianism is simple (as long as you don't prod it too hard, whereupon it very quickly becomes mind-spinningly complicated). What is important – at least for a hedonistic utilitarian like Singer – is maximising pleasure and minimising pain. Nothing else matters. Yet Singer has a lot to say about capacities, going beyond basic sentience. For example, he argues that if it is acceptable to experiment on a mouse in order to save many human lives, then it must also be acceptable – other things being equal – to experiment on a brain-damaged infant with equivalent or lesser mental capacities. To argue otherwise is speciesism: why should humanness make a difference? But why should capacities (other than the capacity to experience pleasure and pain) come into it at all? On the face of it, they should not, for a utilitarian: pleasure is pleasure, pain pain, and that's the end of it. Singer may say that his is a conditional argument: if you think the superior capacities of humans are what make it inappropriate to experiment on them (but not on animals), you have to allow experimentation on humans who hypothetically lack these capacities. This is compatible with opposing harmful experimentation on human beings and animals alike: perhaps Singer is just showing that the protections we recognise for humans should be extended to non-human animals and cannot be made conditional on 'capacity'. But we already know that he does not believe in an absolute moral prohibition on animal experimentation: there are cases (if fewer than generally thought) where it is justified on utilitarian grounds. So, we might infer that he does not rule out experiments on humans either. Then the question arises again: do capacities (other than sentience) make a difference? From Singer's utilitarian perspective, it's hard to see why they should: all that matters is whether experimenting on you promotes overall utility or not. And indeed Singer makes it clear in other contexts that nobody is safe: torture is justified in the (hypothetical) case where it will save thousands from death.

It's still striking that Singer rarely talks about killing or experimenting on 'normal' philosophy professors like himself: it seems there is always someone else ahead in the queue – primates, babies, disabled people. If advances could be made that would significantly improve treatment for Parkinson's patients by experimenting on Australian philosophers, would that be justified? Singer, not averse to biting bullets, might agree to his own hypothetical sacrifice if utility demanded it. But 'unfortunately' (as he puts it at one point in *Animal Liberation Now*), there are 'many intellectually disabled human beings', some of them not even loved by anyone (so, no one to create disutility by grieving for them). Setting this aside, it's hard to see any properly utilitarian basis for saying that it is worse to experiment on a philosophy professor than on a profoundly disabled person. Suffering is suffering. Does the philosopher bring more joy to the world? That is far from a given. Most philosophers seem to be fairly unhappy, and many produce work that contributes net negative utility to those who (usually under duress) read it. Is it the idea that a philosopher's suffering will be more exquisite and terrible because of the supposedly superior consciousness experiencing it? As Singer points out, any higher capacities of ('normal') humans cut both ways: a hypothetically more sophisticated being might suffer more deeply because of her greater awareness of what is happening to her; alternatively, she might have more inner resources to help her console herself, hold onto hope, or reconcile herself to her fate.

BUT SINGER has something else up his sleeve. It matters, he suggests, whether or not a being is the kind that can have projects and plans and is aware of itself as existing over time. On these grounds, he denies that even ‘normal’ human infants have a right to life, because they lack this capacity (elsewhere in the book, he rejects Roger Scruton’s similar argument for meat-eating, noting that by Scruton’s logic it would also be permissible to eat lazy people who can’t be bothered to achieve anything). By contrast, ‘normal’ adults do have something like a right to life (although for Singer, talk of ‘rights’ is only a convenient *façon de parler*). ‘To take the life of a being who has been hoping, planning and working for some future goal,’ Singer argues, ‘is to deprive that being of the fulfilment of all those efforts.’ Nussbaum, too, employs a version of this ‘interruption argument’ when discussing death. Suppose, she says, you go to law school: nobody does that for a laugh; so it’s bad if you can’t then become a lawyer. ‘Death is bad,’ she suggests, ‘because it alters, retrospectively, the intended shape of activities we undertake in life, rendering many of our actions empty and pointless.’

Singer has a problem here that Nussbaum, as a non-utilitarian, does not. From a utilitarian point of view, it’s hard to see why it matters in itself whether a human is allowed to fulfil their projects or not. If I’m dead, it doesn’t matter to me that I didn’t get to write the book I wanted to write when I was alive. As for my preference to continue living, a version of the Epicurean formula seems applicable: while I exist, this preference is satisfied; when it is not satisfied, I do not exist. Singer’s appeal to projects, which sits so poorly with his utilitarian approach, looks suspiciously like an attempt to preserve a hierarchy of value or *scala naturae*, even if it’s one that tracks putative capacity rather than species as such (infants and some disabled people are consigned to a lower rung). Nussbaum rightly rebukes Singer (or at least, the Singer of his 2011 book, *Practical Ethics*) for excluding most animals from the category of project-havers, arguing that this rests on deep ignorance of the complexity of much animal life. Like Singer, however, she takes the view that any creature that ‘lives in the moment’ may permissibly be killed, as long as the killing is not unduly painful. Fine to kill Zen Buddhist monks then. Nussbaum is not thinking of Buddhist monks, however, but of fish, which she eats four times a week. As a highly active older woman, she tells us, she needs a lot of protein. She has tried to transition to a vegan diet, but (as she delicately puts it) lentils do not agree with her digestive system. Fortunately, she concludes, fish are unlike other animals such as cats and dogs and pigs in that they appear to live in the moment. She acknowledges that bony fish, or ‘teleosts’, do have feelings, so the killing must be as near painless as possible. Luckily, Nussbaum has a supply that is ‘humanely farmed’.

Anyone who knows their Attenborough might already be countering that fish do have projects. Examples come readily to mind: as well as salmon, which migrate vast distances upstream to spawn before they die, there are puffer fish that produce ornate circular ‘mandalas’ on the seabed to entice a mate, or grouper fish that collaborate with moray eels to hunt prey. Singer seems more abreast of this than Nussbaum (he mentions all of these examples). Of course, you could dismiss such behaviours as ‘instinct’, but elsewhere in her book Nussbaum is rightly sceptical of this move (rejecting, for example, the idea that altruistic behaviour in animals is merely instinctual and hence not properly ‘moral’). In this case, however, she seems to succumb to a condition described by Korsgaard: the inability to imagine ‘the ways in which creatures of a different species, whose minds are in some ways deeply alien to our own, might experience their own fates and their own existence, and how important they might be to themselves’.

Nussbaum doesn't say why she holds the beliefs she does about fish, but she doesn't seem to have entirely convinced herself. Her 'blatant conflict of interest', she admits, could be affecting her interpretation of the evidence. Even assuming that she is right about the nature of fish, there is something awkward about her argument. Having strenuously rejected a hierarchy of value among species, she insists that denying the capacity of fish to experience themselves as temporally extended beings with projects does not imply inferiority. What it does imply (conveniently) is that the nature of fish is such that being killed is not a harm to them. It's hard not to see in this an admission that some animals are more equal than others. Perhaps sensing the weakness of her position, Nussbaum worries that even if killing fish for food does not harm them, it is still 'domination' and 'instrumental use', and as such is problematic. Besides, humanely farmed fish is too expensive for most people: a 'tragic dilemma'.

Is it okay to club a fish over the head because lentils make a philosophy professor fart? It's not clear that Nussbaum can make the argument (other vegan foods are available). It is also unclear just how humane 'humane' fish farming really is. Nussbaum doesn't define the term, but it probably refers to the manner of slaughter (they are stunned before being killed, as opposed to slowly suffocating). The living conditions of farmed fish, as Singer points out, cause suffering comparable to factory farming: rapid growth and overcrowding lead to disease and aggression; natural instincts such as migration and nesting are thwarted. One must consider, too, all the wild-caught fish that are fed to farmed fish (147 for each farmed Atlantic salmon) in the so-called 'fish-eat-fish' chain. Singer reports that an estimated 100 billion fish are farmed annually, and between 500 billion and a trillion wild fish or crustaceans are killed to feed them. Far from being a solution to overfishing, fish farms may be exacerbating the problem. Oyster farming, however, appears to be good for the surrounding ecosystem. Moreover, oysters belong to the ever dwindling category of creatures not thought to be sentient or capable of experiencing pleasure or pain. Let them eat oysters.

I should say now that I eat pretty much anything that moves. My issue is not so much with what Nussbaum or anyone else eats but with the recourse to bullshit rationalisations (Singer cites Benjamin Franklin: 'So convenient a thing it is to be a reasonable creature, since it enables one to find or make a reason for everything one has a mind to do.') In other words: eat fish or don't; but don't try to make out that your fish-eating is justified by the nature of their relationship to time.

Fish aren't the only problem. There are other instances where the pull of the expedient or the familiar produces tensions in Nussbaum's account. Take cats. A cat's flourishing in its distinctive form of life would seem to involve its having access to outdoor space, so it can explore and hunt. Nussbaum, however, argues that cats should be kept entirely indoors, unless they live in 'safe' rural areas. In this, she conforms to an American norm: up to 80 per cent of pet cats in the US are kept indoors. British people think this is insane (Americans find the British approach equally horrifying). America has some natural predators that Britain has not (though both have plenty of cars), but the differences here are chiefly cultural. Nussbaum accepts the received wisdom and practices of her own country and culture, and her attempts to square this with the CA are not convincing. She isn't wrong to say that an instinct is 'a general tendency that may be expressed in more than one way', and providing a stimulating indoor environment for a cat no doubt helps alleviate the frustration of its natural instincts. But her suggestion that a cat may be 'steered to a scratching post rather than to a bird'

stretches credulity. Later, she says that cats, in order to be educated as good animal citizens, ‘should learn not to chase the local birds’. At this point, one begins to wonder whether Nussbaum has ever met a cat.

I’m not saying that all curbs on animal self-determination are wrong. Having recently discovered a mass mouse grave under the sofa, I have come to the view that my flourishing is unjustly impeded by my feline housemates’ unconstrained nocturnal activities, and have instituted a curfew. They can still hunt, but they miss out on the primetime hours when their prey are most active. This seems to me a reasonable compromise, but it would be implausible to maintain that doesn’t involve the thwarting of feline striving.* In her eagerness to accede to cat confinement, Nussbaum sometimes falls into an implausibility of this kind.

In other areas, too, Nussbaum performs feats of contortionism in order to arrive at surprisingly conventional conclusions. Zoos may be justified by their educational function so long as they provide adequate environments. In fact, she argues, the CA may require them: after all, without the research made possible by captivity, how would we know any given animal’s particular needs? She offers only one example: research showing that captive ‘Asian female elephants can recognise themselves in a mirror.’ But as Nussbaum acknowledges, studies of animals in captivity are often a poor guide to their nature and abilities. And since researchers have formed relationships of trust with elephants in the wild (Nussbaum mentions the work of Joyce Poole), it’s not clear why we couldn’t take a mirror to the elephants where they are.

Nussbaum also permits the killing of animals in ‘self-defence’, where this concept is understood quite broadly. Pests such as mice and rats may be killed (preferably humanely) because they are a nuisance. But mice and rats do not normally pose a threat to human life. And Nussbaum has said that animals of different species matter equally. So if it’s okay to kill rodents, would it also be okay to kill a human intruder? Many Americans would say ‘yes’; we don’t know whether Nussbaum is among them. Either way, she would presumably not accept the killing of a human merely on the grounds that they were irritating, unhygienic or causing minor damage to property.

If rodents are tricky, insects cause more serious problems for both Nussbaum and Singer. Partly because of their sheer numerosity, insects threaten a *reductio* of the principle of equal consideration to which both, at least nominally, subscribe. It would be easier if they were not sentient, and could be excluded from the circle of moral concern. But things are not that simple: insect sentience is a contested area. Singer argues that we should proceed on the assumption that they are sentient. Other utilitarians such as the effective altruist Jeff Sebo argue that even the possibility of insect sentience creates obligations to minimise harm (by analogy with drink driving, Sebo reasons that inflicting definite harm on the possibly sentient is as morally weighty as inflicting possible harm on the definitely sentient). Sebo suggests measures such as turning off outdoor lights, to avoid attracting insects, as an alternative to killing them.

I don’t find it absurd to want to treat insects with more care. But it seems to me that – contra Nussbaum’s breezy suggestion that ‘we can easily regroup’ and move creatures into the protected category as more evidence becomes available – theorists of animal equality need

insects to be at best possibly sentient, and ideally less likely than not to be sentient (it may not be a coincidence that even Sebo's relatively high upper estimate of the probability of insect sentience is only 40 per cent). The suspicion is that all the probability talk – don't ask how the estimates are arrived at – is just a proxy for saying what Singer and others have disbarred themselves from saying: that insects matter a bit, but not as much as other beings. Suppose for a moment that we are convinced of insect sentience, and also committed (as both Nussbaum and Singer claim to be) to the position that the interests of all sentient beings matter equally. If insects are sentient, then since they vastly outnumber us and all other species on Earth, Singer would have to say that their interests should outweigh all others. What to do with a child with head lice?

AT THIS POINT we may be tempted to throw up our hands and say: fuck it, I'm having a burger. Singer would think this illogical: we should endeavour to do the least harm we can. But we might wonder whether something is wrong with the ethical approach that has led us to this point. It comes in various guises, but its constants are an assumption that there are determinate moral truths external to and discoverable by humans, that these truths are related to one another and form a kind of system, and that the task of morality is to bring our conduct into alignment with the demands that these truths constitute or imply. There is something quasi-religious about this conception of morality, which has a hold far beyond religion. It's the conception that is at work when, as an atheist with a thoroughly atheist background, I have found myself in an imaginary dialogue with St Peter after swatting a fly ('You're saying you killed 358,000 innocent flies *because they were annoying?*'). This way of thinking about morality creates a particular sort of anxiety. It's not the anxiety you might feel when you become aware you are neglecting an important relationship or have taken out your frustration on an innocent party. This kind of discomfort (which is often useful) is near to hand in a way the other sort is not. The other is more oblique, closer to the anxiety we experience on learning we have transgressed a rule we weren't aware of. This kind of worry feels a lot like: 'What if I go to hell for this?'

But wrong-doing is not always near at hand; there is a useful and necessary anxiety someone should feel when they are complicit in horrific practices from which they are shielded by distance and privilege (the experience apparent in some Quaker writings on slavery). And this fits our relationship with animals in many respects: we casually consume animal bodies and their by-products, but are generally spared the horrors that make this possible. That thought captures a crucial truth about human dealings with animals, but it does not remove the objections to a dominant way of thinking about ethics. If you aren't religious, this way of thinking doesn't really make sense. But nobody wants to be a relativist, or a nihilist, so this quasi-religious position wins by default. Other ways of thinking about morality exist, as when we are bothered by our treatment of a friend, but (unless we are quite weird) we don't think of this in terms of whether what we've done deviates from an obligation generated by some principle to which we subscribe. There is a tendency to want whatever replaces traditional accounts of morality to do much the same thing they did. But what if part of the point of rejecting them was that we did not like what they did, or judged that it was not necessary?

In the example of the relationship with a friend, we might choose to abstract some sort of standard, but what comes first is the messy reality of interpersonal feelings and behaviours. We might wish there were determinate answers to the questions of 'should' and 'good' that we have developed, but the model of ethics that offers such answers essentially does so by

making them up. Being unnerved by this moral bottomlessness is an understandable human reaction. It's the reason we find examples of nihilism or sadism so fascinating. Ian Brady, who regarded people as 'maggots', 'small blind and worthless fish bait', was not necessarily making an error. He was viewing human beings in the way humans usually view the animals we find most disgusting or insignificant. Mostly, we humans matter to one another. But when we do not, we are nothing more than fleshy bags of organs. We shouldn't pretend away the moral vertigo we feel on realising that we are unable, ultimately, to say why anyone's life, or their pain, matters.

This is one problem with Singer's enterprise. Like Robert Nozick, who starts *Anarchy, State and Utopia* (1974) with a bald statement about the existence and authority of individual rights, Singer premises *Animal Liberation Now* on the idea that the experiential states of sentient creatures matter in an objective sense, and matter equally. He quotes his idol Henry Sidgwick to this effect: 'The good of any one individual is of no more importance, from the point of view (if I may so say) of the universe, than the good of any other.' As a serious statement this is pretty baffling. What business do we have assuming that anything matters from the 'point of view' of the universe? Why should the universe care about you or me (what does it even mean for 'it' to care)? Singer would probably say that I have missed the point here, that it is obviously a figure of speech and what is meant is no one inherently matters more than anyone else.

Unlike utilitarianism, the doctrine of 'equal moral worth' is an almost universal dogma among contemporary philosophers. But what does it mean? Not that we should be treated the same – sometimes there are good reasons to treat two people differently (a difference in needs, for example) – but that we shouldn't treat people differently arbitrarily. In effect, therefore, we should treat people as we should treat them.

Once again there is a quasi-religious thought underlying this idea of equality, perhaps the idea that everyone has an immortal soul or is a child of God. A secular equivalent says that we are all equally human. But it's far from obvious that we mean it when we say we believe in the equal moral worth of all human beings. There are many bad reasons for valuing one person more than another (their race or sex, for example), but does anyone really believe that every person is equally valuable? Some people are arseholes. Of course, we might want to say that there are limitations on the ways in which even the worst arseholes are treated. We might also want to say that certain things (healthcare, for example) should be available to people unconditionally. And we have compelling reasons not to want governments to be empowered to decide who is worthy and distribute rewards and penalties accordingly. We tend to agree that vindictiveness is a bad thing, that we shouldn't inflict pain on people just because they have behaved badly or we don't like them. But most of us probably also feel that it is worse when bad things happen to good people than when they happen to bad ones. And this is not obviously irrational. A version of this intuition features in one of the stock objections to utilitarianism, as Nussbaum relates: pleasure may be had in acts of cruelty or domination, and it is not obvious that such pleasures should count as 'positives' in the way other pleasures do.

Where does all this leave us, in terms of how to think ethically about animals? A worry is that it might leave us either nowhere at all, or worse, reconcile us to our current abhorrent practices and prejudices. An attack on equality always risks being read as a defence of the inequalities enshrined in the status quo, just as an attack on the idea of an authoritative moral

system is associated with a collapse into relativism or amoralism. This doesn't follow (Marx railed against 'equality' as a dogmatic abstraction, but can hardly be seen as a defender of unequal capitalist societies). We are being presented with a false dichotomy: think of things this way, or endorse sexism, racism, speciesism. But holding fast to a notion of 'equality' is little protection. In Singer's hands, this most flexible of ideals is liable to morph into its opposite. If pleasure and pain are all that matter, this suggests a different ranking of lives according to the net balance they contain. What if I am not a good container?

The point of rejecting the framework of 'moral equality' is not to replace it with a hierarchy of value like the *scala naturae*. You don't have to accept Singer's or Nussbaum's framings of the issue to see that they are substantially right in their critiques of the traditional justificatory rhetoric that surrounds human supremacy. Much of what is claimed to mark us out from other animals turns out not to, or to offer a weak basis for preferential treatment. The issue is not just that we keep finding rudimentary forms in animals of more and more of the abilities we thought were ours alone (that point is overstated, we might think: our tool use is still far more varied and sophisticated than a chimp's). Nussbaum argues convincingly that there is simply no non-circular way of grounding the idea of human superiority. Humans are better than other animals at doing human things (the things we are characteristically good at); other animals far surpass us in their areas of strength (birds are immeasurably better than I am at navigation and remembering locations). As Nussbaum puts it: 'Life-forms don't line up to be graded on a single scale.' If there is any ability that is truly unique to human beings it is perhaps the ability to bullshit about the unique significance of our species. But it is also within us to transcend the species barrier and recognise that we are not straightforwardly better or more worthy than other creatures.

As the philosophers Cora Diamond and Mary Midgley have both argued, the idea of 'speciesism' is not necessarily a good starting point for approaching ethical questions about animals. Neither intends by this a defence of human superiority. Part of the point, for both Diamond and Midgley, is that a simple analogy between race, sex and species is misplaced: these categories function in importantly different ways. But the main point, for both, is to reject an abstract conception of ethics in favour of one more firmly grounded in the realities of our (human and animal) lives. For Diamond, whose 1978 essay 'Eating Meat and Eating People' responded directly to Singer, the problem is with the underlying approach, which thinks of ethics in terms of 'a *moral agent* as an item on one side, and on the other a *being capable of suffering, thought, speech etc*', deriving moral conclusions from these inputs as if by an arithmetical calculation. This is to neglect what is fundamental: the actual practices and relationships that give our lives meaning. Rather than asking what we owe to animals because of their particular properties, Diamond wants us to ask how we might lead lives that are 'less hypocritical or richer or better than those in which animals are for us mere things'.

Efforts to think about ethics in a way that deviates from a dominant and thus seemingly common-sense model can feel slippery or evasive. At certain points in Diamond's discussion one gets the sense that the problem with the likes of Singer is that they are gauche, that ethics is a very complicated and subtle business they don't quite understand. In this context, the very flat-footedness of Singer's approach begins to seem alluring. The suspicion that attaches to contextualist approaches such as Diamond's is that, since they seek to root ethics in existing practices, they will always skew conservative (what if our practices are wrong, after all?). A similar concern is raised about 'realist' as opposed to 'ideal-theoretic' approaches to

political philosophy. Again, this doesn't follow – and again, the example of Marx is a sufficient illustration of the point: it is quite possible to base your thinking on a study of the actual world rather than on abstract principles and also be a revolutionary. Conversely, theories in ethics and political philosophy that proceed from shibboleths such as 'equal worth' have a tendency to end up somewhere close to the status quo, as shown by the attachment of both Singer and Nussbaum to the framework of liberal capitalism.

WHAT WOULD a 'less hypocritical or richer or better' way of relating to other animals look like? The possibilities are endless, but it seems to me that any promising route towards an answer requires that we approach the question not only as an ethical but also as a political one. In a powerful 2003 reflection on an exchange with Singer, the disabled activist and legal philosopher Harriet McBryde Johnson demonstrates what this approach looks like in the context of disability – and also the way it is liable to be received: as woolly or not properly philosophical. In discussing the issue of assisted suicide, Johnson outlines the common causes of suicidal thought in disabled people: dependence, institutionalisation and isolation – things that are 'entirely curable', but normalised by a social system that has little regard for the needs of people in general, still less those of those who are disabled (or whom it disables). 'What if we assume such conditions do not exist?' a colleague of Singer's asks Johnson, to which she replies: 'Why would we want to do that?' 'It is suddenly very clear that I'm not a philosopher,' Johnson writes. 'I'm like one of those old practitioners who used to visit my law school, full of bluster about life in the real world. Such a bore! A once sharp mind gone muddy!'

This perspective helps explain why Singer's easy comparisons between disabled people and non-human animals are so wrong and dangerous. It's not that (to paraphrase Chester Pierce and Gail Allen's canonical definition of 'childism') we should regard every human as superior to every other animal. That makes no sense. The point is that comparisons like Singer's are not made in a vacuum but in a particular social reality, one in which to make these comparisons serves not to elevate animals but to denigrate disabled people and contribute to a lowering of the social standing, the degree of care and concern, they can expect. (For similar reasons, those concerned to advance the status of children would be ill-advised to argue that rights, such as the right to vote, should be made conditional not on age but 'capacity'.)

What would it mean to think politically about animals? Nussbaum and Singer would both contend that this is what they are doing, that they have things to say about the ways in which people and institutions should conduct themselves with respect to animals. But it is possible to think about politics more expansively: not only to think critically about the various forms of animal advocacy – whether they serve to advance the condition of animals or lead to the

Footnotes
 * Between my delivering this piece and its being published, my cat curfew has been abandoned, after being immediately and effectively circumvented by the global system that is hastening multi-species extinction – but also to think about the subtler dynamics of our relationships with other animals, and how these shape and are shaped by the ways our societies operate.

In *In Defence of Dogs*, John Bradshaw recounts a family story about his grandfather's terrier, which used to go around his home city each day, unaccompanied, crossing roads with the assistance of local policemen, scrounging scraps here and there before returning for dinner. I've heard a similar story about the dog my parents had in the 1970s. She used to have her own routine, making regular visits to neighbours and cafés. My parents would often be approached

on the street: ‘Oh, is that your dog? She comes to me every day at five o’clock for a biscuit.’ Cute stories, but they point to something significant about the changes that have transformed the lives of companion animals and human children alike, and the losses incurred. ‘Child liberationists’ such as Richard Farson, writing in the 1970s, emphasised the way that the car in particular had created a social reality in which it was unsafe for animals or children to range freely. Pedestrian fatalities, Farson noted, were overwhelmingly among those who were less able to follow signs and to avoid certain dangers: the very young, the elderly or disabled, the intoxicated. Society’s solution was for such people to be confined or supervised, or considered acceptable losses. Farson’s solution, which is more urgent in our age of climate disaster, was to decrease reliance on the car and create physical distance or barriers between vehicles and pedestrians. It ought to be – it is – possible to arrange society differently.