

Contingent Existence, Worthwhile Lives, and Humane Animal Slaughter

Word Count, excluding references and abstract: 11,956

Abstract

Humanely raised farm animals have lives worth living, and their existence is contingent upon human actions. Do these facts render the act of humanely slaughtering such animals permissible? I identify two ethical principles that may seem to connect these facts to the permissibility of humane animal slaughter. The first principle, inspired by the non-identity problem, exonerates some actions that maximize an individual's well-being, but it is often inapplicable to animal slaughter. The second principle, which exonerates actions that are part of a practice that makes the animal better off, does apply to animal slaughter; but this principle is false.

Keywords: animal ethics, humane animal agriculture, logic of the larder, non-identity problem, population ethics

Contingent Existence, Worthwhile Lives, and Humane Animal Slaughter¹

Section 1: Introduction

Each year, ten billion land animals are slaughtered for food in the United States (USDA 2020a, 2020b). The existence of these animals is *contingent* upon human actions: absent the role human beings play in creating them—e.g., practicing artificial insemination, facilitating natural reproduction, financially incentivizing others to do the same—few or none of these animals would exist. Does this fact provide moral justification for slaughtering farm animals, or for arranging for them to be slaughtered? One reason for doubting that it does so is that many of these animals may not have lives worth living; because of the suffering that many of them endure in factory-farm conditions, it may not be good, *for them*, to be brought into existence and to have the lives they have.² But suppose that farm animals experience *ideally humane conditions*: conditions that promote natural behaviors, that facilitate positive mental states, and that ensure freedom from substantial discomfort and from any significant pain or fear during slaughter. If animals who otherwise would not exist are caused to exist by human beings, and these animals have lives very much worth living, do these facts make it morally permissible to humanely slaughter them, or to arrange for their slaughter, as part of the process of animal agriculture? I will argue that, in a wide range of cases, the answer is *no*.

(Hereafter, I will use ‘humanely raised animals’ to refer to animals who experience *only* ideally humane conditions, recognizing that certainly not all, and perhaps none, of the animals commonly referred to as ‘humanely raised’ live in ideally humane conditions; and I’ll use

¹ I’m grateful to Rob Streiffer for extensive and very helpful comments and conversation. Support for this research was provided by the Graduate School at the University of Wisconsin-Madison, part of the Office of the Vice Chancellor for Research and Graduate Education, with funding from the Mellon Foundation.

² See David DeGrazia (2009) for some of the harms done to factory-farmed animals.

‘humane animal products’ for the products of such animals. And I’ll use ‘slaughter’ and ‘killing’ to refer both to actions that immediately cause death—e.g., cutting the animal’s throat—and to arranging for others to perform such actions. There is little moral difference, I take it, between cutting an animal’s throat and transferring control of the animal to others, intending that they cut the animal’s throat and knowing that they will do so.)

I will use ‘Contingent, Worthwhile Life Arguments,’ or ‘CWL arguments’ to refer to arguments, like the one alluded to above, that use facts about the contingent existence and worthwhile lives of animals (call these ‘CWL facts’) to support the conclusion that some action involving those animals—e.g., the purchase or consumption of animal products, the creation of animals by farmers or breeders, the slaughter or facilitation of slaughter—is permissible.³ Two philosophers who have endorsed CWL arguments are Roger Scruton and Loren Lomasky.

Scruton writes:

the life that is sacrificed would not exist, but for the sacrifice. A great number of animals owe their lives to our intention to eat them. If we value animal life, therefore, we should endorse our carnivorous habits, provided it really is life, and not living death, on which those habits feed. (2004: 90)

Lomasky presents a similar argument:

The crucial point is that the domesticated food animal *would not have been brought into existence* were it not for the intention of raising it to maturity so as to slaughter and butcher it. In a world in which all human beings are vegetarians it would not bear the pain of undergoing the knife, but neither would it have enjoyed whatever pleasures ornament a porcine life. (2013: 190)

He continues:

the contrast relevant to the argument for moral vegetarianism is that between *some life* and *no life*. If the value of being alive reckoned from the creature’s own perspective outweighs the badness of that life’s concluding chapter, then meat eating dynamically appraised is a net good for it. (190–91)

³ I use this terminology instead of the less descriptive ‘Logic of the Larder.’

And later Lomasky offers this principle to summarize his view: “If some practice is to the benefit of both human beings and animals, then it passes moral muster” (194).

Scruton and Lomasky offer CWL arguments regarding the permissibility of *consuming* humane animal products, and undoubtedly they would also defend *purchasing* humane animal products. They do not explicitly claim that the *slaughter* of humanely raised animals is justified because the animals have contingent, worthwhile lives, and so they are not explicitly committed to what I deny. But, regardless of their views on the act of slaughter, this is an ethical question worth investigating.

My view is that the contingent existence and worthwhile lives of humanely raised animals may exonerate *the consumers* of humane animal products from wronging the future animals whom their purchases cause to exist, but that the reasons consumers may be exonerated do not apply to the act of slaughter. Rather, in my view, those who slaughter humanely raised animals generally *do* wrong those animals, and humane slaughter is generally wrong for that reason.⁴

To support my view that humane animal slaughter is generally impermissible, in this paper I will criticize the cogency of a particular type of CWL argument—one whose conclusion is that *the act of slaughter* is permissible. First, I will attempt to identify the strongest form of CWL arguments; in section 2, I will highlight the need for both advocates and critics of CWL arguments to articulate ethical principles that connect the facts of contingent existence and worthwhile life to conclusions regarding the permissibility of creating or slaughtering humanely raised animals, or purchasing or consuming humane animal products. Then, in sections 3, 4, and 5, I will examine two ethical principles intended to connect these facts to the permissibility of

⁴ I said that perhaps consumers do not wrong *future animals*. A possibility I explore elsewhere is that consumers wrong other human beings involved in animal agriculture.

humane animal slaughter. I will argue that each attempt fails to justify, in a general way, the humane slaughter of animals with contingent, worthwhile lives—that is, each attempt leaves the humane slaughter of such animals unjustified in a wide range of cases.

Section 2: CWL Arguments Require an Ethical Principle

Jeff McMahan (2008) denies the cogency of CWL arguments for the permissibility of slaughter; in his view the morality of animal slaughter is simply unconnected to the benefit of existence that was, one might think, bestowed on the created animal. He writes:

it is at the point at which animals that have been raised humanely are about to be painlessly killed that the most important question arises—namely, whether the killing can be justified by reference to the interests that are at stake. I have argued that in general it cannot. The animals' interest in continuing to live outweighs the human interest in eating them. That those who now want to kill the animals had earlier caused them to exist—an act that was good for them—is, at this point, irrelevant. One cannot plausibly claim that in killing them one would be depriving them only of what one gave them in the first place. That justification would allow parents to kill their children. Whatever good the practice has bestowed on animals up to this point cannot be cited as credit from which the killing can now be debited (71).

Here McMahan asks us to reject the view that circumstances of the animal's origin—i.e., that those who now plan to slaughter them also initiated their worthwhile existence—are relevant to the permissibility of killing the animal. But his description leaves us not entirely clear as to what ethical claims we are rejecting. It would advance understanding of the ethical issues to articulate possible principles according to which the circumstances of an individual's origin *are* relevant to the permissibility of killing them, and then to assess the plausibility of those principles. For example, McMahan's metaphor of credit and debit may evoke this principle: a harmful act is permissible, if the agent previously benefited the harmed individual (perhaps by *creating* the individual), and the magnitude of the benefit is greater than that of the harm. This is implausible;

it implies that I may rob someone whose life I previously saved. But, more ethical work is needed, for two reasons.

First, there are other principles that may connect CWL facts to the permissibility of slaughter and that are not so easily rejected. In the following sections I will consider two such principles, one inspired by the non-identity problem, the other suggested by Lomasky.

Second, McMahan rejects the principle mentioned above because it would permit parents to kill their children. But, suppose that advocates of CWL arguments restrict the principle in question to entities that lack rights and that they import the claim—one I think is false but not indefensible—that animals lack rights. If there is a well-supported ethical principle that connects the contingent, worthwhile existence of *non-rights-bearing* individuals to the permissibility of killing them, then advocates of humane animal slaughter occupy a defensible position. A more compelling response to CWL arguments will show that the relevant principles are implausible even when limited to animals, and on the assumption that animals lack rights.

So, to address these weaknesses in the case against CWL arguments, I will consider other principles that might figure in CWL arguments, and where appropriate I will consider whether such principles can avoid refutation if they are limited to non-rights-bearing individuals.⁵

Finally, before examining candidate principles, I will flag an assumption I make throughout the paper. It is that the painless killing of typical farm animals—chickens, cows, pigs—requires at least moderately robust justification, and that absent this justification, such killing wrongs them and is morally wrong for that reason. One might challenge this assumption

⁵ McMahan discusses limiting the relevant principle to non-rights-bearing individuals, and he is wary of inferring the impermissibility of humane animal agriculture from the impermissibility of analogous practices involving people. Yet he doesn't give examples *involving animals* that can challenge the ethical principles considered in section 5—principles that refer to the virtues of the larger practice.

Rebekah Humphreys (2014) writes “when we have benefited a being by bringing about its worthwhile life, this does not permit us to deprive that being of that which we have bestowed.” (337). Her work, like McMahan's, prompts questions regarding specific principles that might connect CWL facts to the permissibility of humane slaughter.

on the grounds that death is not bad for these animals, because they lack the desire for continued life itself or desires about the distant future, among other possible reasons.⁶ Here I set aside difficult and important questions: what explains the badness of painless death, for anyone, and whether typical farm animals have whatever features make painless death bad. Rather, I assume a view that is at least defensible: that typical farm animals are harmed by death and to painlessly kill them without substantial justification wrongs them and is morally wrong. I leave open what might provide this justification. Lomasky suggests that gourmet cooking with meat makes such a contribution to human well-being that it justifies killing farm animals; while I am skeptical, I don't assume here that he is mistaken. I also don't assume, of course, that facts about worthwhile life and contingent existence do not provide this justification; that view is under examination here.

Section 3: The Non-Identity Problem and Maximizing Well-Being

The non-identity problem is the inspiration for the first principle I will examine that might connect CWL facts to the permissibility of humane animal slaughter. The non-identity problem arises when an action brings about a very undesirable event or state of affairs for an individual, but, in spite of this, (1) the individual has a life worth living, (2) the action maximizes the individual's well-being, meaning that no other action available to the agent at the time of the action would result in greater well-being for the individual, and (3) no third parties are wronged by the action.⁷ When presented with specific cases, many are inclined to judge that such actions

⁶ Christopher Belshaw (2016) advances a view that focuses on desires. His position faces two important challenges, which he discusses: (i) that farm animals may in fact have the relevant features, and (ii) that such features are not in fact necessary for the badness of death. It is evidence for (ii) that death seems to harm infants and cognitively disabled human adults who lack these desires.

⁷ I write that the action "brings about a very undesirable event or state of affairs" rather than "seriously harms" because, according to one version of a counterfactual account of harm, an agent's action harms an individual only if the individual would have been better off if the agent hadn't performed the action. This view implies that if an action

are impermissible; but conditions (1)–(3) seem to threaten the basis for this judgment. The following example, adapted from David Boonin (2008), illustrates the problem.

If a woman (Wilma) becomes pregnant immediately, her child (Pebbles) will be incurably blind. This disability will limit Pebbles's well-being in substantial ways, but Pebbles will nevertheless have a rich, rewarding life that is very much worth living. On the other hand, if Wilma waits several months before becoming pregnant, the child she will have—a *different* child (Rocks)—will be sighted and will avoid the limitations that Pebbles will face because of her blindness. Suppose that Wilma becomes pregnant immediately. The judgment that she does something morally troubling, perhaps simply morally wrong, has intuitive support; that judgment also draws support from the fact that becoming pregnant immediately brings about a very undesirable state (blindness) for Pebbles, and bringing about very undesirable states for people is generally wrong. However, it counts in favor of the permissibility of Wilma's action that, seemingly, no one is wronged. First consider Pebbles. Despite her blindness, Pebbles's life will be very much worth living, and Wilma's action causes Pebbles to exist and to have this life. These facts alone do not show that Wilma's action does not wrong Pebbles. If Wilma had some way of causing Pebbles to exist *without being blind*, then we might say that Wilma wrongs Pebbles by creating her in a way that also causes her blindness. But, in this case, Wilma has no such option: she cannot cause Pebbles to exist without also causing her to be blind—if Wilma

maximizes an individual's well-being, then it does not harm them. Thus, on this view, condition (2) is inconsistent with the claim that the action seriously *harms* the individual. But, counterfactual accounts of harm will allow that an action can inflict an undesirable event or state on an individual while maximizing their well-being.

I appreciate Melinda Roberts's (2015) emphasis on a *maximization* condition, rather than merely a requirement that the action make the individual better off than they would be if the agent didn't perform the action. Suppose that, as a landlord, I refuse to repair hazardous conditions for my tenants, who would be homeless if they didn't rent from me. Suppose further that I would prefer to simply stop renting to them than to repair the hazards. In that case, my current course of action—renting to them without removing the hazards—makes them better off than they would be if I acted differently; in that case they would be homeless. But my current course of action does not maximize their well-being—that course of action would be to continue renting to them while removing the hazards.

had waited to become pregnant, Rocks would exist instead of Pebbles. Thus, despite the fact that it results in Pebbles's blindness, Wilma's action is the very best thing she can do for Pebbles in the circumstances; it is the action that *maximizes* Pebbles's well-being. For these reasons, it is difficult to explain the alleged wrongness of Wilma's action with its bearing on Pebbles.⁸

Furthermore, it seems that no third parties are wronged: it is dubious that Rocks has any claim to be created, and we can easily imagine that accommodating Pebbles's blindness has net societal benefits, because her disability prompts better-informed reflection on, for example, the nature of well-being. The non-identity problem, then, is the conflict between judgments in particular cases, like Wilma's, that the agent acts wrongly (judgments buttressed, perhaps, by a prohibition on bringing about very undesirable states or events for individuals), and three seemingly

⁸ Claiming that Wilma's action maximizes Pebbles's well-being suggests that we can compare Pebbles's well-being at a world where Wilma becomes pregnant immediately to Pebbles's well-being at a world where Wilma waits and, thus, where Pebbles doesn't exist. According to McMahan (2008, 2009), such comparisons are incoherent, because one has *no* level of well-being at worlds where one doesn't exist. (He allows that procreative actions can be *good for* or *bad for* the created individual: the goods the individual possesses because of the action outweigh the bads, or vice versa.) I'm hesitant to accept McMahan's view; it implies, as he acknowledges, that creating individuals who experience excruciating agony for their entire existence does not make them worse off than they would have been had they not existed, an unintuitive implication. But, in this section, I'm happy to assume that McMahan is correct—that non-existent individuals have no level of well-being, and thus that comparisons between Pebbles's well-being at worlds where she exists and worlds where she doesn't are incoherent. Even on that assumption, a procreative action—by which I mean here, an action that results in the existence of an individual who would not have existed if the agent had chosen inaction—can satisfy condition (2). Two examples help illustrate this point. First, suppose that a procreative agent can choose between multiple actions that will each create the same individual but that will produce different levels of well-being for the individual; in that case, one of these procreative actions will be the well-being-maximizing action, in a straightforward way. Second, suppose that the agent has exactly one procreative action available to him. In that case, the agent's only available procreative action maximizes the individual's well-being: no other available action would result in higher well-being for the individual, simply because no other available action would result in *any* level of well-being for the individual. So, even if McMahan's view is correct, a procreative action can satisfy condition (2).

Further, the principle I describe below, which includes condition (2), is plausible, even if McMahan's view is correct. But, for reasons related to McMahan's view, that principle must also include condition (1) if it is to be plausible. To see why, suppose I face a binary choice: create an individual whose entire life will be unavoidable misery, or refrain from creating him, in which case he will never exist. If, per McMahan, non-existent individuals have no level of well-being, then the first option (create him) maximizes his well-being, since no other action will result in his having any level of well-being. Similarly, if I have exactly *three* choices—grant him a miserable life, grant him a *very* miserable life, and refrain from creating him—the first option maximizes his well-being. But in either case, creating him is wrong. Condition (1) allows a principle inspired by the non-identity problem to avoid these problems. (If McMahan's view is false, or if the principle is limited to non-procreative actions, condition (1) is unnecessary.)

In section 5, I give up McMahan's view and assume, following Lomasky, that creating an individual (who otherwise wouldn't have existed) with a worthwhile life makes them better off than they would otherwise have been.

exonerating facts: that the individual has a life worth living, that the action maximizes the individual's well-being, and that no one else is wronged by the action.⁹

One way of resolving the non-identity problem is simply to *give up* the judgment that agents like Wilma act wrongly, and to accept that when conditions (1)–(3) are met, the action is not morally wrong. However, there is a further complication, which prevents (1)–(3) from giving a plausible sufficient condition for *not* acting wrongly. This complication does not arise in Wilma's case, but it does arise in the context of humane animal slaughter, and any principle that exonerates animal slaughter on the grounds that it maximizes the animal's well-being must account for this complication. An example adapted from Alastair Norcross reveals the problem (Boonin 2014: 62). In this example, Angry Alastair is very angry with you. He is resolved either to slap you now, as he stands in front of you, or to stab you tomorrow, after he obtains a weapon (but not both). He retains the psychological ability to refrain from both—to refrain from slapping you now and then also to refrain from stabbing you tomorrow; but in fact, if he chooses not to slap you, then he will choose to stab you tomorrow (and if he slaps you now, he won't stab you tomorrow). What he actually does is slap you.

This example challenges the claim that conditions (1)–(3) provide a sufficient condition for permissibility, because, when Alastair slaps you, conditions (1)–(3) are satisfied. Condition (2) is satisfied because if Alastair hadn't slapped you, he would have stabbed you tomorrow; slapping you is the very best thing he can do, in that moment, regarding your well-being. And yet

⁹ Traditional non-identity cases involve *procreation* (Roberts 2015), but nothing in conditions (1)–(3) excludes non-procreative cases such as that of a doctor who amputates my leg to save my life; the doctor's action will satisfy (1)–(3). Have I mischaracterized the non-identity problem? In my view, the non-identity problem as it arises in procreation is a special case of a more general problem: that inflicting a very undesirable state or event on an individual may satisfy conditions (1)–(3), which seem exonerating. Procreation raises further difficult questions, regarding obligations to contingent individuals and regarding whether one can be better off existing than not. But, because of the commonalities between traditional non-identity cases and cases like the amputation, I suggest that (despite the term 'non-identity problem,' which evokes issues of procreation) it is useful to think of the problem as extending beyond procreation. However, if I'm wrong—if we should understand the non-identity problem as limited to procreation—then it provides no defense of humane *slaughter*, because that isn't a procreative action.

it is impermissible for him to slap you; surely the fact that Alastair would have done something worse if he hadn't slapped you does not render his actual, harmful action permissible. What he ought to have done is refrain from slapping you now and then also refrain from stabbing you tomorrow. If the non-identity problem reveals a principle that exonerates humane animal slaughter, it must be one that does not exonerate actions like Alastair's.¹⁰

Here is a further condition, which *does* rule out Alastair's action: (4) on the assumption that the agent will fulfill all of his future (all-things-considered) obligations to the individual that he is physically and psychologically able to fulfill, the action in question would (still) be the action that maximizes the individual's well-being. Condition (4) is not satisfied by Alastair's slap because, on the assumption that Alastair will fulfill all the relevant obligations to you, including *not* stabbing you tomorrow, slapping you is *not* the action that maximizes your well-being. In contrast, Wilma's act of becoming pregnant immediately does satisfy condition (4); assuming that she will fulfill all the relevant obligations to Pebbles, becoming pregnant is still the action that maximizes Pebbles's well-being.¹¹

¹⁰ Is it really true that Alastair's slapping you maximizes your well-being? Here I assume that when determining which of an agent's currently available actions maximizes one's well-being, the agent's future actions that he *could* refrain from performing but will *in fact* choose to perform, should be held fixed. This is likely controversial. But this assumption only helps my opponent. This assumption allows the act of slaughter to satisfy the principle introduced below in a greater range of cases than it otherwise would (discussion below); abandoning this assumption only improves the case against humane slaughter. I appreciate Rob Streiffer's challenge on this point.

¹¹ Why limit the relevant obligations to those the agent *can* fulfill? Suppose I promise to bring you medicine that cures a deadly illness. I shouldn't have promised, since I cannot obtain the medicine, but I did. You, a doctor, are about to treat an infected patient, which will result in your contracting the disease. I can prevent this (and save your life) *only* by pushing you away, which will injure you. It's very plausible that I act permissibly when I push you, and the correct explanation clearly relates to the fact that it is the best thing I can do for you in the circumstances. However, were I to fulfill all my obligations to you—including fulfilling my promise—pushing you would *not* be the best thing I can do for you, since you could easily be cured of the disease by taking the medicine I promised to provide. So, obligations that the agent cannot fulfill should be excluded from those we assume are fulfilled in condition (4).

Why include only *all-things-considered* obligations and not merely pro tanto obligations as well? Consider a variant of the previous case. I promised to bring you the medicine, and I *can* obtain it, but only by killing several innocent people. Although I have a pro tanto obligation to bring you the medicine, it isn't an all-things-considered obligation. Here too, it seems permissible to push you to prevent your contracting the disease. If condition (4) referred to obligations simpliciter, then pushing you would not satisfy condition (4), because on the assumption that I fulfill all my obligations, including merely pro tanto obligations, pushing you does not maximize your well-being.

Having addressed this complication, I will give a name to the sufficient condition for permissibility that is suggested by the non-identity problem:

NON-IDENTITY EXONERATION (NIE): When an action satisfies conditions (1)–(4), it is not morally wrong.

Can NIE serve as the ethical principle in a CWL argument for the permissibility of humane animal slaughter? With that question in mind, let's consider the following scenario.

Humane Farming: Calvin places an order with Frank, a farmer who humanely raises chickens. This purchase raises the amount of chicken ordered in the year to a point that prompts Frank to bring an additional chicken, Connie, into existence in the coming spring. If Calvin hadn't placed this order, Connie wouldn't have existed. Connie spends one pleasant year under Frank's care and is then humanely slaughtered. If Frank hadn't slaughtered Connie and had continued caring for her, she would have lived five more pleasant years.

Does *Calvin's* action—i.e., purchasing humane animal products—satisfy conditions (1)–(4)? When Calvin places his order, his action sets in motion a chain of events that causes Frank, a year later, to slaughter Connie, a very undesirable event for her. However, Connie has a life worth living, one that includes abundant good experiences and few unpleasant ones. And, Calvin's purchase is the action, from among those available to him, that maximizes Connie's well-being. Importantly, Calvin does not have the option of bringing Connie into existence to live out her natural lifespan; the only action available to him that will result in her existence also places her in the care of someone who intends to kill her early in life. So, Calvin's action maximizes Connie's well-being. And, no third parties are obviously wronged. Finally, condition (4) is satisfied by Calvin's action: placing his order maximizes Connie's well-being, on the assumption that he will fulfill all of his all-things-considered obligations to her that he can fulfill.

Are all-things-considered obligations *necessarily* obligations the agent can fulfill (because, perhaps, the existence of an all-things-considered obligation implies that one *ought* to fulfill the obligation and ought implies can)? I'm inclined to think that, in the first case above, I have an all-things-considered obligation to fulfill my promise even though I can't do so. But if I'm wrong about that, it just means that condition (4) could be stated more simply.

If Calvin does have obligations to Connie (say, to care for her, because he played a role in creating her), it's doubtful that he *can* fulfill them, given Frank's legal ownership and physical possession of Connie. And, even if he has such obligations and can fulfill them, any wrongdoing will occur *after* his purchase, when he fails to care for Connie; NIE applies to his purchase even if he will fail in those obligations. So, condition (4) is also satisfied. For these reasons, NIE seems to imply that Calvin does not act wrongly by placing his order.¹²

Can an analogous defense be given of Frank's actions? NIE does apply to his *creation* of Connie, for reasons much like those just described. Frank's creation of Connie indirectly brings about her death, at his own hand. But that action maximizes her well-being and satisfies the other conditions of NIE.

What about his act of *slaughtering* Connie? First, a complication: whether or not this act maximizes her well-being may depend on what Frank will do, if he *doesn't* kill Connie. Suppose, first, that if Frank doesn't kill Connie, he will continue to care for her until her natural death (or until, because of age and illness, it is better for her that he painlessly kill her). Given this supposition, it is clear that NIE does not exonerate Frank in killing Connie, because killing her does not satisfy condition (2). The action that would maximize her well-being would be simply to refrain from killing her.

Now let's consider the more complicated case in which, if he does not kill Connie, Frank will cease caring for her, in which case, let's assume, her remaining time alive will be short and full of suffering; she will die from starvation, exposure, or predation.¹³ If that is what Frank will do if he doesn't kill Connie, then killing her satisfies condition (2). But, does it satisfy condition (4)?

This depends on whether Frank has obligations to care for Connie and, if he does, what kind of

¹² As noted above, a possibility I consider elsewhere is that Calvin wrongs *Frank* with his purchase.

¹³ Perhaps some farm animals would fare reasonably well if simply abandoned; killing such animals doesn't maximize their well-being even if the farmer won't care for them.

obligations they are. Regarding farmers' obligations to care for their animals, McMahan writes: "It seems wrong to cause an individual that is incapable of surviving in the wild to exist and then to abandon it in the wild. One must either refrain from causing it to exist or else arrange for it to have the care it requires once it exists" (2008: 72). With some qualifications, to be developed in the following section, I endorse the following principle, which is one way of making McMahan's view more concrete.

CREATION: When one knowingly creates an individual with significant moral status, who will require care, one incurs obligations to provide for their basic needs, until the end of their life, or until the obligations are discharged to others (perhaps to the individual themselves).

CREATION explains and thus gains support from the very plausible claims that people who knowingly create children have obligations to care for them, and that dog breeders, for example, have obligations to care for their dogs (an obligation they can fulfill by finding caring owners). Moving forward I will assume that CREATION is true, and thus that Frank does have obligations to care for Connie. In the following section I will consider the important objection that, while CREATION is true, the obligations it implies fall short of being all-things-considered obligations, whenever providing care requires substantial personal sacrifice or conflicts with other, stronger obligations. But first I will briefly lay out how CREATION bears on the applicability of NIE to humane slaughter, in those cases where CREATION *does* imply an all-things-considered obligation, one that a farmer can fulfill, to care for his animal.

Suppose Frank has such an obligation. In that case, if he slaughters Connie, his action does not satisfy condition (4), because, on the assumption that he will fulfill that obligation, killing her is not the best thing he can do for her, from among the options available to him at that point in time; on that assumption, it is better for her that he simply refrain from killing her. Thus,

if Frank has such an obligation to Connie, NIE does not exonerate him in killing her. This is true whether or not he will *in fact* continue to care for her, if he doesn't kill her.¹⁴

Section 4: Farmers' All-Things-Considered Obligations of Care

The primary goal of this section is to argue that in a particular range of cases, farmers have all-things-considered obligations to care for their animals. But first I'll address a question about when CREATION implies any obligations at all. CREATION assigns obligations to those who *create* morally significant individuals. But it is sometimes unclear whether actions that are causally relevant to an individual's existence count as *creation*, in the sense at work in CREATION—i.e., in a way that grounds obligations. If a farmer artificially inseminates existing animals, or if she arranges their living conditions with the intent of encouraging reproduction, it's very plausible that she has *created* the resulting animals, in the sense at work in CREATION.

What about ordering animals from a breeder? In at least some cases, CREATION does apply to

¹⁴ In the following section I consider when a farmer's slaughter of his animals may be exonerated by NIE. Here I want to point out that when NIE *does* exonerate slaughter, an alternative argument is often, perhaps always, available that does not rely on CWL facts. To see what I mean, consider a principle according to which conditions (2)–(4) alone suffice for permissibility; call this principle NIE*. Earlier I indicated that condition (1) is included in NIE to address an issue unique to procreation: the fact that one can, on McMahan's view, maximize an individual's well-being by bestowing on them a miserable life. If we limit the relevant domain to *non-procreative* actions, such as the act of slaughter, then NIE*, which omits condition (1), is also a plausible principle. For example, if my only options are to painlessly kill, or refrain from killing, an animal who will otherwise live in constant, extreme pain, killing them is permissible. NIE* implies this plausible judgment, and it does so (also plausibly) even if the animal *hasn't* had a worthwhile life to that point. So, an argument for the permissibility of killing an animal to stop (or preempt) their suffering need not rely on claims about the animal's lifetime well-being. It also need not rely on claims about contingency. In *Humane Slaughter*, the fact that Connie's existence depends on Calvin's purchase explains (in part) the fact that his purchase maximizes her well-being; if, contrary to fact, she would have existed regardless of his purchase—if his purchase caused only her *death* at Frank's hand, rather than causing both her existence and her subsequent death (for example, if she were a wild animal that Frank hunted)—then his purchase would not maximize her well-being. In contrast, returning to my killing of the suffering animal, the claim that I created or did not create the animal plays no role in explaining why killing the animal maximizes their well-being; thus, the killing is permissible even if I did not create them. NIE* comports with this judgement; it implies that the killing is permissible whether or not I created the animal. The upshot here is that while one can defend the permissibility of killing animals, in order to avoid their suffering, using NIE (as I will discuss in the following section), one can *also* defend such killing without appealing to CWL facts—by using NIE* and other facts about the case. I do not see this as a challenge to my thesis. I claim that CWL facts, plus the relevant ethical principles, are not sufficient (in a wide range of cases) for the permissibility of animal slaughter. If, in those cases in which CWL facts and NIE do suffice for permissibility, related arguments that omit CWL facts are available, that does not challenge my thesis.

the purchase of animals from others; if I order a pet from a breeder, who creates that animal in response to my order, one whom he wouldn't otherwise have created, surely CREATION applies to me. But, recognizing the causal and ethical complexity here, I will leave the outer range of cases covered by CREATION as a question for further inquiry; I confine my conclusions about CREATION to those who create animals in one of the more direct ways just mentioned.¹⁵

Now I'll return to the central topic of this section. CREATION speaks to the obligations that farmers have to animals they create, but it is open to stronger and weaker interpretations. According to a strong reading, obligations to care are *always* all-things-considered obligations, regardless of other morally relevant circumstances. On a weaker reading, although creating animals always grounds pro tanto obligations, if providing care requires substantial sacrifice or precludes fulfilling other, stronger obligations, then farmers lack an all-things-considered obligation of care. If the weaker reading is correct, then, although CREATION is true, many farmers may meet condition (4) when they slaughter their animals, because they have no *all-things-considered* obligation to care for their animals.

The strong reading of CREATION is implausible. If caring for Connie required that Frank go malnourished and die decades earlier than he would otherwise, or that his child suffer a debilitating illness that Frank could otherwise afford to treat, it's likely that he lacks an all-things-considered obligation, despite the fact that he created Connie. However, the correct

¹⁵ Causal inefficacy issues may limit the applicability of CREATION. If farmers purchase their animals from breeders, and each breeder has many customers, it may be that no existing animal would have failed to exist, had an individual farmer acted differently. In that case, it's unclear whether farmers *create* their animals. I acknowledge the importance of causal inefficacy considerations to the ethics of animal agriculture; here I will give three brief responses. First, if genuinely humane farming does exist, or if it emerges, much is likely to be small-scale; these farmers *will* be causally efficacious regarding the creation of their animals. Second, even if large-scale humane farming develops, my argument will apply to agents other than farmers—e.g., corporate executives—who arrange the creation and slaughter of animals. Finally, while I'm inclined to think that complete causal inefficacy negates moral obligations (to my disadvantage here), that view is controversial. Cuneo's (2016) argument that purchasing factory-farmed meat has *symbolic* disvalue might be adapted to address the question of farmers' obligations to their animals: farmers have such obligations because they symbolically support the creation of their animals, even though they are causally inefficacious in that regard. (Causal inefficacy concerns also present a challenge regarding animal *slaughter*; these three responses are relevant there as well.)

version of CREATION will imply all-things-considered obligations in at least in some circumstances. For example, if Frank cannot himself care for Connie but could, for a nominal fee, send her to an animal sanctuary, it is very plausible, unless he is living in poverty, that he has an all-things-considered obligation to care for her by paying the fee. So, extreme positions—that obligations implied by CREATION are *always* all-things-considered obligations, and that they are *never* all-things-considered obligations—are implausible. The open questions concern cases in between.

I will address two considerations that bear on whether farmers' obligations are all-things-considered. The first is the level of sacrifice to her own well-being that the farmer must make to care for her animals. Determining the level of sacrifice that renders obligations to help others *merely* pro tanto is a difficult philosophical problem—whether those others are animals one has created, children one has created, or faraway strangers. In an attempt to make progress in spite of this difficulty, I will look for a level of sacrifice small enough that it is extremely plausible that CREATION implies all-things-considered obligations to care in such cases. If I'm successful, then it will remain open whether *higher* levels of sacrifice are consistent with all-things-considered obligations of care, but we can be confident that, whenever care requires sacrifice equal to or less than the level I've identified, such sacrifice does not rule out the existence of an all-things-considered obligation.

It is tempting, when searching for the critical level of sacrifice, to consider analogies involving pet owners and their obligations to care for their pets. However, there are at least two differences that confound these analogies. The first difference is that, unlike farmers, pet owners generally do not meet the conditions stated in CREATION, because they do not cause their pets to come into existence; rather, they acquire their pets commercially or from animal shelters.

Because of this difference, one might conclude that, whatever obligations pet owners have to their pets, farmers have *stronger* obligations to their animals, because they *do* create their animals and thus an additional source of obligations applies. However, the second difference cuts in the opposite direction: pet owners voluntarily, though implicitly, accept obligations to care for their animals for at least much of their animals' natural lives (or to find replacement caregivers). Although there is no legal contract or public oath, it is very plausible that pet owners take on such obligations regarding their pets.¹⁶ Do farmers do the same? It does seem that farmers voluntarily accept obligations regarding their animals. But, farmers' intentions are clearly different. Farmers who create their animals with the intention of slaughtering them clearly do not intend to care for them throughout the animals' natural lives. Even if there is something morally amiss in intending to care for an animal only until one slaughters them, such an intention is distinct from an intention to care for the animal for all of their natural life. So, there may well be reasons for care that exists for pet owners that do not exist for farmers; thus it would be a mistake to think that pet owners' obligations set a minimal threshold, which farmer's obligations definitely exceed.

Recognizing these differences between typical pet owners and farmers, let's return to pet *breeders*. Suppose that the market for parakeets crashes, leaving a parakeet breeder with many birds and no expectation of customers for years. She resolves not to create more animals, but what are her obligations to those who exist? This case mirrors that of humane farmers along the two dimensions discussed above: the breeder created the animals knowing they would need care, but she did not intend to care for them throughout their natural lives. In this case, what level of sacrifice renders her obligation merely *pro tanto*?

¹⁶ What exactly brings these obligations into being? Is it saying, "We'd like the black cat up top"? Do obligations arise gradually over the first month? Analogous questions concern human parents. In both cases we can be confident that obligations exist without knowing their exact basis.

One level of sacrifice to consider is that of changing to a less desirable, but more profitable, profession. Given that the parakeet market has crashed, the breeder must find a different job; but suppose that she has two options and that her preferred option is less lucrative. Is she morally required to take the more profitable profession to support her animals? (Some farmers will face a similar choice if they can only support animals they have created by finding more profitable work.) The claim that this sacrifice is below the critical level—and thus that there *is* an all-things-considered obligation in spite of the sacrifice—strikes me as not implausible; but I suspect that intuitions will be at least unclear about such cases, and I don't see other ways (i.e., besides consulting intuitions) for adjudicating this issue. So, with the aim of establishing a lower limit, I'll turn to a lower level of sacrifice: forgoing luxuries familiar in the developed world, such as yearly (non-stay-at-home) vacations, media streaming services, new (rather than second-hand) clothes, or a second car that provides convenience. It seems implausible to me to deny that, if the cost of supporting her animals is that she must give up many such luxuries, she has an all-things-considered obligation to continue caring for them. If, as I suggested, there is approximate moral parity between the case of the breeder and that of the farmer, then farmers have a comparable obligation to continuing caring for their animals.

A second kind of reason that a farmer's obligations to care for her animals may be merely *pro tanto* is that they conflict with stronger obligations, such as obligations to provide her children food, healthcare, and education. It may be financially impossible to fulfill both sets of obligations. As with the question of how much personal sacrifice renders an obligation merely *pro tanto*, my goal is to identify a minimum threshold. Above I claimed that sacrificing many luxuries (e.g., vacations) does not reach the critical level of sacrifice. My answer regarding obligations to dependents draws on this idea. It is unclear whether providing these luxuries for

one's children amounts to a genuine obligation. But, *if* doing so is an obligation, then it seems clear to me that a conflict between such obligations and the obligation to provide necessities of life for animals the farmer has created does not render the obligations to her animals merely *pro tanto*. If the most weighty considerations that tell against caring for her animals are that she then cannot provide her dependents with such luxuries, then her obligation to her animals is an all-things-considered obligation. In that case, if she slaughters her animals, condition (4) is not satisfied and the act is not exonerated by NIE.

Before concluding this section, I'll note a final qualification about when obligations of care are all-things-considered. If animal sanctuaries are available that will accept animals at no charge, or at a cost that is consistent with the limitations just discussed, then a farmer's obligation to provide care, at least via surrogates, is all-things-considered and NIE does not exonerate the act of slaughter.

I'll conclude my discussion of NIE by highlighting what I take to be some of its implications regarding humane animal slaughter. If (i) a farmer genuinely *cannot* care for his animals, *or* the farmer *will* not care for his animals and caring for them would impose tremendous cost on her or preclude fulfilling extremely weighty obligations; *and* (ii) no other caretakers are available; *and* (iii) the animals will be worse off (than being humanely killed) if left on their own; *then* NIE exonerates the humane slaughter of the animals, because killing them maximizes the animals' well-being *and* would maximize their well-being on the assumption that the farmer will fulfill all his all-things-considered obligations to them that he can fulfill. On the other hand, if the farmer *can* care for the animals, directly or via surrogates, in a way that is consistent with the limitations discussed above, or if the animals can flourish without care, then, regardless of whether the farmer will *in fact* care for the animals, condition (4) is not satisfied,

and slaughter is not exonerated by NIE. I haven't argued for a position regarding cases in which animals do require care and in which providing that care (directly or via surrogates) will impose costs that moderately exceed the level of sacrifice discussed above, or will preclude fulfilling obligations that are moderately stronger than the obligations (if they are genuine obligations) discussed above.

Section 5: A Practice Beneficial to All

In the previous two sections I discussed the bearing of the non-identity problem on the permissibility of humane animal slaughter. Now I will turn to Lomasky's statement of a principle that might connect CWL facts to the permissibility of such actions: "If some practice is to the benefit of both human beings and animals, then it passes moral muster" (194).

For several reasons, this principle must be modified if it is to figure in a compelling defense of humane animal slaughter. An initial problem is that it is unclear what it means for a practice to pass moral muster. Perhaps it means that all actions that are part of the practice are morally permissible. If Lomasky's principle is understood in this way, then it can serve as the required ethical principle:

1. If the existence of a practice makes all those involved in the practice (humans and animals) better off than they would have been had the practice not existed, then all actions that are part of the practice are morally permissible.
2. Humane animal agriculture is a practice whose existence makes all those involved in the practice (humans and animals) better off than they would have been had the practice not existed.
3. Frank's slaughter of Connie is an action that is part of humane animal agriculture.
4. Therefore, Frank's slaughter of Connie is morally permissible.

However, while this gloss of “passes moral muster” clarifies the principle, it leaves the principle open to powerful objections, which the next two modifications are meant to correct.

First, when the continuation of a practice will produce good consequences, those consequences count in favor of harmful actions that are *necessary* for the practice to continue. But, it is dubious that such consequences count in favor of a harmful action that does *in fact* bring them about—because it is *in fact* part of the practice—if other, non-harmful actions would also have these consequences. So, a plausible modification of Lomasky’s principle will exonerate only those actions that are necessary for the continuation of the practice.

The sense of necessity that I have in mind here is weak: an action is necessary for the continuation of a practice if, were actions of that type to cease, the practice could not continue without substantial disruption. This analysis certainly doesn’t remove all vagueness from the concept, but since I concede that the slaughter of animals early in life *is* necessary for humane animal agriculture to continue (rather, *would be* necessary, since as I define it, humane animal agriculture likely does not exist at scale), this need not be a point of contention.

Second, Lomasky’s principle is vulnerable to counterexamples involving human beings: a practice of creating humans who are killed in middle age to harvest their organs, but who nevertheless have worthwhile lives, might benefit all involved (McMahan 2008). But the killing of existing human beings as part of this practice would still be impermissible. Lomasky recognizes this problem and limits his principle to practices that violate no rights, and he relies on his defense (1987) of the view that animals lack rights. Although I think there is strong evidence that farm animals have rights, here I assume that he is correct.

Here is an interpretation of Lomasky’s principle that accounts for the issues just raised:

ADVANTEGOUS PRACTICE: If an action is a necessary part of a practice whose existence makes all those involved better off than they would have been had the practice not existed, and the practice violates no rights, then the action is permissible.¹⁷

If ADVANTEGOUS PRACTICE is true, it exonerates Frank's slaughter of Connie. First, the practice of humane animal agriculture makes Connie better off than she would have been had the practice not existed:¹⁸ in that case, she would not have had the worthwhile life that she in fact has. Second, Frank's act of slaughter is a necessary part of that practice: if farmers did not slaughter their animals (well before the end of the animals' natural lives), the practice could not continue without substantial disruption, such as significantly increased prices to offset the costs of lifelong care for animals, and consumer tolerance for meat from older animals. And, on the assumption that animals lack rights, humane animal agriculture violates no rights.¹⁹ So, if ADVANTEGOUS PRACTICE is true, Frank's slaughter of Connie is permissible.

As a point of departure for my criticism of ADVANTEGOUS PRACTICE, consider again the assumption made in section 2, that killing animals like Connie requires substantial justification. According to ADVANTEGOUS PRACTICE, what *is* the justification? What are the states of affairs described in the principle's antecedent that allegedly justify this killing? There are two kinds of considerations, and for reasons described below, it is important to distinguish them. First, the antecedent of ADVANTEGOUS PRACTICE alludes to benefits for all involved. Some of these benefits are *future good consequences* that will result from Frank's killing Connie and more generally from the continued practice: additional animals with worthwhile lives will be

¹⁷ McMahan (2008) discusses similar reasoning: "Perhaps we should regard the practice as a whole as the appropriate unit of moral evaluation, and consider the act of killing only insofar as it is a component of the practice" (73). He challenges this view but with examples that involve killing people. He hasn't shown that this view is mistaken if limited to cases where no rights are violated.

¹⁸ Note that if McMahan's view (see note 8) is correct, then this is false; the practice does *not* make animals better off than if the practice had not existed. I don't press this objection because, as noted earlier, I'm unconvinced of McMahan's view, and because the spirit of ADVANTEGOUS PRACTICE could likely be retained using McMahan's notion of *good for*.

¹⁹ For argument's sake, I assume that no rights of humans are violated by humane animal agriculture.

created, farmers will have satisfying professions, and consumers will enjoy the animal products produced. Since Frank's act of killing of Connie is necessary for the continuation of the practice, these consequences count in favor of that act. There is, however, a second kind of consideration; the advocate of ADVANTEGOUS PRACTICE does not *simply* claim that killing farm animals is permissible when the good consequences of perpetuating the practice surpass some threshold. Rather, the appeal of ADVANTEGOUS PRACTICE also stems from the fact that Connie *was benefited* by the existence of the practice, and the fact that Frank's act of killing her is part of that practice. Unlike the previous considerations, this consideration is not forward-looking; the fact that Connie *was* benefited by the practice is not a good consequence that *will* be achieved by killing her. Thus, the appeal of ADVANTEGOUS PRACTICE stems from two distinct kinds of considerations.

This distinction matters when assessing the cogency of arguments that base the permissibility of animal slaughter on CWL facts. The *second* kind of consideration just adduced is much better suited to complete such an argument. If it's true that benefits conferred *in the past*, as part of a practice, exonerate a present harm that is also part of the practice, *and* it's true that Connie was benefited by being created to live her worthwhile life, then Frank's slaughter of Connie, as part of the practice that conferred that benefit, is permissible. That is, the second kind of consideration can *explain* how CWL facts imply the permissibility of humane slaughter. The *first* kind of consideration, on the other hand, does not interact in any interesting way with facts about worthwhile lives and contingent existence. If we learn that Frank's killing of Connie will produce good consequences, we have learned nothing that makes her worthwhile life and contingent existence relevant to the permissibility of killing her.

To avoid confusion, let me note that I'm not ruling out the possibility that humane slaughter is rendered permissible in part by CWL facts and in part by the good consequences of the killing. It is coherent to claim, first that CWL facts *attenuate* the wrongness of killing Connie, though not enough by themselves to render the killing permissible; and second that, in conjunction with those facts, the *additional* fact that killing her will produce certain good consequences makes her killing permissible. Moral considerations of different kinds can together justify what neither justifies alone. But, the fact that an act of slaughter will produce good consequences does nothing to explain how the contingent existence and worthwhile life of the animal to be slaughtered are *at all* relevant to that act of slaughter, or to indicate *that* they are relevant, which are the questions at issue here. For this reason, I will set aside the forward-looking considerations and consider whether the fact that Frank's act of slaughter is part of a practice that has benefited Connie can play an exonerating role.

With that aim in mind, consider the following principle:

BENEFICIAL PRACTICE: The fact that an action is a necessary part of a practice whose existence made a non-rights-bearing individual better off than they would have been had the practice not existed *makes it the case that* the action does not wrong the individual. (And that fact, together with the fact that no third parties are wronged, *makes it the case that* the action is permissible.)

BENEFICIAL PRACTICE makes no mention of the good consequences of continuing the practice in question; rather, according to this principle, the fact that an action is a necessary part of a practice that made the individual better off is a feature that guarantees that the action does not wrong the individual, and that the action is permissible if no third parties are wronged. Thus, by assessing BENEFICIAL PRACTICE, we can assess one way that CWL facts *themselves* might be relevant to the permissibility of humane animal slaughter. However, I'll now argue that BENEFICIAL PRACTICE draws an unmotivated distinction between (i) actions that are

necessary for the continuation of a practice, and (ii) actions that are *as a matter of fact* part of a practice.

Consider two actions, X and Y, that both harm individual A, but that are also both part of a practice that benefited A. Assume further that, while X is necessary for the continuation of the practice, Y is not. Importantly, neither X nor Y is necessary *for the benefit to A*, which has already occurred; X is necessary simply for the continuation of the practice and the future goods it will produce. In this case, why would the necessary role that X plays in bringing about future goods—goods that do not benefit A—interact with the fact that X is part of a practice that benefited A, in such a way that X does not wrong A, while Y does? Why would X fail to wrong A while Y does, even though *neither* is necessary for the (past) benefit to A? Limiting BENEFICIAL PRACTICE in this way seems unmotivated.

An example may make this point clearer. Suppose that in one case, I foster cats who are awaiting adoption and who would be painlessly killed if I did not foster them. They have good lives while in my care and with their future owners. However, the animal shelter supplying the cats requires that I declaw them at the end of the foster period, before they are adopted. This procedure harms the cats substantially, but were I to refuse, the shelter would refuse to give me new cats to foster and would instead painlessly kill them. The second case is like the first except that there is no requirement that I declaw the cats; I declaw them simply as an unexamined habit. Saving the lives of other cats is clearly a relevant consideration, one that may render the declawing permissible in the first case. But, consider a different claim: the fact that declawing is part of a practice that previously benefited the cats makes it the case that *they are not wronged* by being declawed. Is this claim more compelling when the action is necessary for the continuation of the practice (case one) than when it is not (case two)? The answer seems to me to be a clear

no. If the question is whether the action is *permissible*, in virtue of future good consequences of the practice, then whether the action is necessary for the practice is highly relevant. But, if the question is whether the action's inclusion in the practice makes it the case that the individual is not wronged, then the answer is the same for necessary and unnecessary actions.

Based on the foregoing arguments, I propose a revised principle—BENEFICIAL PRACTICE*—which is identical to the original except that 'necessary' is removed. Thus, BENEFICIAL PRACTICE* makes a claim about *all* actions, not just necessary ones, that are part of a beneficial practice.

Now I will present two counterexamples to BENEFICIAL PRACTICE*, and, based on the foregoing arguments, I take it that counterexamples to BENEFICIAL PRACTICE* also tell against the original variant of the principle:²⁰

Profit-Maximizing Humane Dairy Farming: Farmers create and humanely raise dairy cows, a practice that provides the cows with worthwhile lives they otherwise wouldn't have. Although the cows can live twenty happy years, they give milk for only five, after which they have no economic value other than to be slaughtered for beef. There is ample space in animal sanctuaries, and relinquishing their five-year-old cows to animal sanctuaries, rather than slaughtering them, would impose no additional costs on farmers. Even if they sent their cows to sanctuaries, farmers could sustain the practice of humane dairy farming and provide their families with a middle-class lifestyle. Nevertheless, in order to make a bit more money, farmers slaughter their five-year-old cows.

Maximally Convenient Pet Ownership: Because of the commercial market for dogs and cats, many are brought into existence and have brief, happy lives. However, pet owners see no moral wrong in painlessly killing their pets when caring for them becomes slightly inconvenient (e.g., because of a long vacation or moving house), often early in the animal's life. Many people have several pets over several years—they purchase a pet, painlessly kill them when the demands of their work or personal lives rise, and buy another when these demands subside.

²⁰ I pursue this argumentative strategy—presenting counterexamples involving *unnecessary* actions, after arguing against a moral distinction between necessary and unnecessary actions—because I find it difficult, when imagining a harmful action that is necessary for the practice, to ignore the exonerating force of future good consequences for the overall permissibility of the action and to consider simply whether the action wrongs the individual.

In these cases, the killings are part of a practice that benefited the animals; they would not have their worthwhile lives were it not for the practice. And yet, I take it to be quite plausible that farmers and pet owners who kill their animals in these circumstances wrong the animals and act impermissibly in doing so. The explanation of the wrongness of their actions is in large part that weak interests (small sums of money for those not in poverty, and convenience) are prioritized over very strong interests (years of happy life). These examples provide strong evidence for the claim that a harmful action, even when (I assume here) the harmed individual lacks rights, is not exonerated by the action's inclusion in a practice that benefited the individual. Once an individual with moral status exists, obligations not to harm them also exist, even when the harm is connected to the practice that brought the individual into their worthwhile existence. Of course those obligations can be outweighed by other considerations, but the obligations are not nullified by the fact that the killing is part of a beneficial practice.

Unfortunately, the foregoing argument does not prove everything I would like to prove. These counterexamples show that, *by itself*, the fact that an action is part of a practice that benefited an individual does not guarantee that the action fails to wrong the individual or that it is permissible (even assuming that no third parties are wronged). But that conclusion does not entail that such facts are *irrelevant* to whether the action wrongs the individual or is permissible. Perhaps the fact that slaughtering five-year-old cows is part of a practice that benefited them *attenuates* the wrongness of killing them, such that together with other considerations, it can exonerate their slaughter, although it does not do so in this case. If so, then CWL facts *are* relevant, though not conclusive, regarding the permissibility of animal slaughter.

In response to this objection, I will now argue that even if the inclusion of an action in a beneficial practice is an exonerating consideration of some force, the particular way that many

farmers benefited the animals who are killed offsets any exonerating force these facts may have. The way these animals were benefited is that farmers *created* them. And, as I argued in sections 3 and 4, this fact grounds obligations of care. It is also quite plausible that creation grounds obligations not to do harm—including an obligation not to kill individuals one has created. What I claim, then, is that for those farmers who created their animals, there will be an additional, countervailing reason that offsets the exonerating force (if there is any) of the action's inclusion in a beneficial practice. For those moral agents involved in humane animal agriculture who have *not* created the animal to be slaughtered—e.g., slaughterhouse workers, or (as mentioned in section 4) farmers who played a role in creating their animals that does *not* trigger obligations via CREATION—the fact that their action is part of a practice that benefited the animal *may* simply render the killing permissible; my argument doesn't refute that position. But, I claim that for those who *have* created the animal to be slaughtered, that fact outweighs whatever exonerating force that the connection of the slaughter to the larger practice may have.

What evidence is there that the reasons the agent has, in virtue of creating the animal, not to harm the animal are stronger than those that may exist in virtue of the action's inclusion in a beneficial practice? I offer a pair of contrast cases, drawing on *Maximally Convenient Pet Ownership*. In the first case, the agent created an animal, by specially ordering the animal from a pet breeder. Thus, both of the considerations whose force we are comparing are present: the agent created the animal, and, if the agent kills the animal, the action will be part of a practice (ordering pets from a breeder) that benefited the animal. In the second case, both features are missing: the agent obtained an animal in a wholly unplanned way—say, the animal followed the agent home one day.²¹ In this case, the agent did not create the animal, and, if the agent kills the animal, the action will not be part of a practice that benefited the animal, since it is not part of

²¹ I doubt this counts as a practice. If it does, then we might imagine a world where people never do such things.

any practice. Assume that in both cases, the interests that would be advanced and thwarted by the killing are the same: the animals are qualitatively identical and will lose the same amount of happy life, and the two agents will be spared the same degree of inconvenience and expense. (Assume also that no other caretakers are available and that to leave the animal uncared for would be much worse for them than painless death.) If these cases differ only in the two respects mentioned above—so far as morally relevant considerations are concerned—then they tell us about the relative force of the two countervailing considerations. If the reason that (allegedly) counts in favor of the permissibility of killing the animal (that the killing is part of a beneficial practice) has greater force than the reason that counts against its permissibility (that the agent created the animal), then the killing in the first case is morally better than the killing in the second. If it has lesser force, then the killing in the first case is morally worse. When I consider these cases, I find the first killing to be morally worse than the second. If this reaction tracks the moral facts, then, even if reasons of the first kind exist, they are outweighed by the fact that he brought the animal into existence and thus has special reasons not to kill them.

This concludes my discussion of Lomasky's principle. That principle suggests that both the future good consequences of animal slaughter, and the fact that it is part of a practice that benefited the animal to be slaughtered are relevant to the permissibility of humane slaughter. The good consequences are surely relevant; they are one kind of consideration that could exonerate killing farm animals. But, good consequences cannot explain how the contingent existence and worthwhile life of the animal to be slaughtered are relevant to the permissibility of doing so. In contrast, the fact that humane animal slaughter is part of a practice that benefited the animal is better suited for this purpose. While I have shown that this feature of an act is not sufficient for its permissibility (even if no third parties are wronged), I have not shown that this feature is

irrelevant to its permissibility. But I have presented reasons for thinking that in any case in which a farmer created the animal to be slaughtered, the fact of creation counts against the action's permissibility, and with greater force. So, the fact that one created an animal, as part of a practice that benefited them, does not on balance attenuate the wrongness of humanely slaughtering the animal.

Section 6: Conclusion

Humanely raised farm animals have lives worth living, and they would not exist if humans did not facilitate their existence. I've identified two principles that may seem to exonerate humane animal slaughter, in conjunction with these facts. The first principle, inspired by the non-identity problem, is defensible; but in a wide range of circumstances it does not apply to animal slaughter—because of farmers' obligations to care for their animals, and because of the possibility of surrogate caretakers and the possibility that the animals will thrive without care. According to the second principle, BENEFICIAL PRACTICE*, an individual action may be exonerated because of its inclusion in a larger practice. This principle applies to humane animal slaughter; but there are strong reasons for thinking that it is false, and that, further, even if an action's inclusion in a practice that benefited an individual counts toward the action's permissibility, the way that many farmers benefit their animals (i.e., by creating them) outweighs the force of this consideration.

Highlighting the limitations of two principles, and the arguments in which they appear, does not prove that no other principle can do better. But, this discussion has identified a weakness likely to afflict any attempt to defend animal slaughter on basis of the animals'

contingent, worthwhile lives.²² The existence of farm animals is not merely *contingent* on human action; rather, some of those human beings involved in animal agriculture *create* the animals. This fact is morally relevant to the permissibility of slaughter, but its valence is quite the opposite of that suggested by CWL arguments. Rather than attenuating the wrongness of killing, the fact that one created an animal generates further obligations to care for them and not to harm them, obligations beyond those of individuals who did not create the animal. This is a reason to believe that, in a wide range of cases, no CWL argument will exonerate humane animal slaughter.

Tulane University

josh.mund@wisc.edu

²² I appreciate a reviewer's prompt to extrapolate, and Rob Streiffer's suggestion that aspects of my criticism here might apply more generally.

References

- Boonin, David. 2008. "How to Solve the Non-Identity Problem." *Public Affairs Quarterly* 22 (2): 129–59.
- . 2014. *The Non-Identity Problem and the Ethics of Future People*. Oxford: Oxford University Press.
- Cuneo, Terence. 2016. "Conscientious Omnivorism." In *Philosophy Comes to Dinner*, edited by Cuneo Terence, Andrew Chignell, and Matthew Halteman, 21–38. New York: Routledge-Taylor & Francis.
- DeGrazia, David. 2009. "Moral Vegetarianism from a Very Broad Basis." *Journal of Moral Philosophy* 6: 143–65.
- Humphreys, Rebekah. 2014. "The Argument from Existence, Blood-Sports, and 'Sport-Slaves.'" *The Journal of Agricultural and Environmental Ethics* 27 (2): 331–45.
<https://doi.org/10.1007/s10806-013-9466-7>.
- Lomasky, Loren. 1987. *Persons, Rights, and the Moral Community*. New York: Oxford University Press.
- . 2013. "Is It Wrong to Eat Animals?" *Social Philosophy and Policy* 30 (1–2): 177–200.
- McMahan, Jeff. 2008. "Eating Animals the Nice Way." *Daedalus* 137 (1): 66–76.
- . 2009. "Asymmetries in the Morality of Causing People to Exist." In *Harming Future Persons: Ethics, Genethics, and the Non-Identity Problem*, edited by Melinda A. Roberts and David T. Wasserman, 49–69. Dordrecht: Springer.

Roberts, Melinda A. 2015. “The Nonidentity Problem.” In *The Stanford Encyclopedia of Philosophy* (Winter 2015 Edition), edited by Edward N Zalta.

<https://plato.stanford.edu/archives/win2015/entries/nonidentity-problem/>.

Scruton, Roger. 2004. “The Conscientious Carnivore.” In *Food for Thoughts: The Debate Over Eating Meat*, edited by Steve Sapontzis, 81–91. Amherst, New York: Prometheus Books.

USDA, National Agricultural Statistics Service. 2020a. “Livestock Slaughter, 2019 Summary.”

<https://downloads.usda.library.cornell.edu/usda-esmis/files/r207tp32d/34850245n/5712mr72x/lsan0420.pdf>.

———. 2020b. “Poultry Slaughter, 2019 Summary.”

<https://downloads.usda.library.cornell.edu/usda-esmis/files/pg15bd88s/kw52js65h/d217r6115/pslaan20.pdf>.