Article:
Milburn, J. orcid.org/0000-0003-0638-8555 (2016) Not only humans eat meat: Companions, sentience, and vegan politics. Journal of Social Philosophy, 46 (4). pp. 449-462. ISSN 0047-2786

https://doi.org/10.1111/josp.12131

Not only humans eat meat: Companions, sentience and vegan politics

Josh Milburn

Abstract: This paper considers the under-analysed ethical issues involved in feeding flesh to companion animals, and, in particular, how cats – nonhuman animals who may need to consume flesh to survive – might fit into an animal rights-respecting, vegan, state. I cautiously take it for granted that the current ways cats are fed are ethically untenable, but suggest that only as a last resort could states endorse cats' extinction. Instead, this paper considers, but rejects, a rights-based "size matters" argument – the suggestion that it is better to kill a small number of large creatures than a large number of small creatures – as a solution. The paper then develops a moral risk argument to suggest that, though we have an obligation not to kill nonhuman animals who are plausibly sentient, such as shellfish, when the gains from doing so are very minor, we may be permitted to kill them when the gains are significant. In practice, this means that we are not permitted to kill these animals to satisfy our gastronomic curiosity, but we are when it allows us to avoid the need to make cats extinct. This suggestion, though, should be understood in the context of a broader vision of a society in which no sentient nonhuman animals are killed for consumption. As the argument necessarily relies on uncertainty, it could only ever be a temporary solution.

Keywords: Companion animals, veganism, animal ethics, animal rights, food ethics, sentience, moral risk, cats, shellfish

Not only humans eat meat, and this fact requires scrutiny from social philosophers, animal ethicists and other theorists of food. When we talk of food distribution, we generally think of food for human consumption, but our nonhuman animal (NHA) companions, especially dogs and cats, are also fed large amounts of flesh. If we violate the rights of NHAs when we slaughter them for human consumption, it intuitively follows that we do so when we slaughter them to feed our companions.

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

While the "pet food" industry arose partially to find a use for the by-products of slaughter,[1] not all of the flesh fed to companions is unfit or undesirable for human consumption, and, in any case, these by-products would no longer exist if meat-eating ceased or was radically diminished through wide-spread adoption of veganism, something now called for by increasing numbers of political theorists and applied philosophers. In this paper, I will explore the problems posed by carnivorous companions in a political community which has ceased or grossly diminished the exploitation of NHAs for food, such as the communities envisaged by Sue Donaldson and Will Kymlicka or Alasdair Cochrane.[2]

The importance of this issue for animal rights theorists should be clear: there is a pro tanto conflict between the obligations we have towards those NHAs for whom we care and the NHAs who we currently kill in order to feed them. However, and despite the focus of this paper, this is not a problem unique to animal rights. Thinkers who analyse obligations to NHAs in terms of suffering-prevention rather than rights (including both utilitarians and deontologists who reject animal rights but recognise ethical obligations towards NHAs) must be concerned about the suffering of the NHAs killed for companions. Even if, in the case of human consumption, it is held that the suffering of NHAs is outweighed by the pleasure of those who eat them, that "what the [slaughtered] animal loses is relatively modest, what we gain is considerable",[3] it is unclear that the same reasoning would apply to companion consumption of NHA flesh.[4] It may be that individual humans gain from companions being fed flesh, in that their companions are then sustained, but surely it is conceivable that the sustenance could be provided without the need to slaughter any sensitive NHAs; this is unlike the putative gains offered to humans by flesh-consumption. This means that, under these frameworks, the little-discussed issue of companion carnivory may be a pressing ethical problem, even while the oft-discussed issue of human carnivory is not. My

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

proposed solution should be amenable to thinkers in this broad category, as it offers the continued (human) benefits of companionship, while minimising the chances of the NHA suffering which that companionship currently entails. Environmentalists concerned with the climatic impact of meat-production, too, should be interested in this question. The environmental impact of husbandry does not diminish because the resulting flesh is being fed to NHAs; as shall be seen, my proposed alternative could potentially (radically) lower the environmental impact of the "pet food" industry in addition to reducing the violation of NHAs' rights and NHA suffering. Finally, this issue should be of interest to all who are concerned about the ethics of human consumption of NHA products. This is because consideration of the moral and political issues of feeding companions offers a new lens through which to consider the moral and political problems associated with human diets; an understanding of why (or if) it may sometimes be appropriate to feed NHAs foods which it is not appropriate to feed ourselves (or dependent humans) gives us a fuller understanding of the ethics of human food.

I have indicated why companions' diets should be of interest to many theorists. I will now return to the central issue of this paper. Whether they conceive of the rights and interests of NHAs as a matter of justice or a matter of morality, animal ethicists must recognise that it is contrary to important interests possessed by sensitive NHAs to be raised and slaughtered for the production of "animal products". Importantly, this holds whether the food is intended for human or NHA consumption. This point has been underappreciated in the animal ethics literature. A key exception to this trend is found in the work of Donaldson and Kymlicka, who advocate vegan diets for all members of society, human and otherwise. Even if companions may prefer carnivorous diets, the authors write, they "do not have a right to food that involves the killing of other animals".[5] This claim has been criticised,[6] but, for the purposes of this article, I shall cautiously take it to have

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

merit, and explore its implications. The authors acknowledge that a fully vegan diet may be impossible for certain companions, such as cats.[7] Cats, rather than omnivorous dogs, are the true "carnivorous companions". It should not be controversial to say that if we – biologically omnivorous humans, easily capable of surviving on a vegan diet – have an obligation to eat only vegan foods, then we also have an obligation to feed our companion (omnivorous) dogs only vegan food. The issue is more difficult for cats, who may be unable to survive on a vegan diet.[8] While it is beyond the scope of this paper to answer whether, as an empirical matter, cats are able to comfortably survive on vegan diets, as humans are, a few words will be helpful. It is not hard to find anecdotal evidence of "vegan cats" thriving, or websites selling "vegan cat food". Despite this, veterinary scientist Kathryn Michel concludes that vegan diets for cats are problematic.[9] The major difficulty, she explains, is that "[s]everal nutrients that are essential in the diets of cats are only found in animal source ingredients". Michel claims that the nutritional adequacy of some commercially available "vegan cat foods" has been "called into question", though she does not claim that a vegan diet for cats is necessarily unsuitable.[10] I will not enter into this debate, as it is a question for veterinary nutrition, not social philosophy. Instead, I am interested in exploring society's relationship with cats were it the case that cats could not survive on a vegan diet.

First, I shall consider the radical solution of ending the practice of keeping carnivorous companions by calling for the extinction of cats. This, I suggest, can be considered only when all other avenues have been exhausted. Next, I will consider two possible alternatives to extinction which have not previously been considered. There is an elegance to the argument that "size matters",[11] but I reject the possibility of killing a small number of large NHAs to feed our companions. Instead, I argue that feeding cats may present an exception to our general obligation not to kill those NHAs for whom sentience is unlikely, but possible, such as some bivalves. I explore this claim by assessing

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

bivalve-killing through Dan Moller's framework of "moral risk",[12] concluding that while moral risk gives us good reason to reject killing plausibly-sentient-NHAs for human consumption, it does not give us good reasons to reject killing plausibly-sentient-NHAs for cats.

Extinctionism

Given my assumptions that cats cannot thrive on a vegan diet and that the current way they are fed is ethically problematic, the most obvious solution is to stop keeping cats altogether. If cats are incapable of surviving outside of a mixed human/NHA society, then this necessitates their extinction.[13] Approaches which endorse extinction are extinctionist. We can distinguish at least two kinds of extinctionism: abolitionist extinctionism endorses extinction for all NHA groups which exist because their members are kept for human purposes, as it is believed that keeping or bringing into existence a NHA for our purposes is inconsistent with respecting her as an individual with inherent value.[14] On the other hand, selective extinctionism[15] endorses extinction only for certain NHA groups. The approach begins with the assumption that some NHAs can be brought into existence and/or kept for human purposes (eg, companionship) justly, but that the practices necessarily associated with certain human purposes are unjust. The position thus calls for extinction only in those cases where injustice is inherent. As such, a selective extinctionist might call for the extinction of cats, as cats may not be able to be kept without slaughter.

There has been much recent criticism of abolitionist extinctionism challenging its underlying philosophical presumptions,[16] but such challenges do not hold against selective extinctionism, which does not endorse these problematic presumptions. Nonetheless, there are a number of reasons for which we should be worried about selective extinctionism. I shall shortly offer three: An argument from value, an argument from desire and an argument from rights. Though none of these

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

(individually or together) is sufficient to conclude that selective extinctionism must be rejected a priori, I suggest that, collectively, these reasons lead to the conclusion that the selective extinction of cats because of problems associated with their diet could be endorsed only as a last resort, and so conclude that, first, we have good reason to make an effort to find alternative means of feeding cats, and, second, that making cats extinct is an option which carries a moderate amount of negative moral weight, whatever benefits it might have.

The argument from value is simply that when making recommendations concerning companions, one cannot forget the very real and significant bonds which exist between particular cats and particular humans, or even particular humans and cats generally. In reality, certain humans share their lives with companions; the link between them is deeply meaningful, and companions are part of the family in a real, non-metaphorical way.[17] These bonds might be valuable for their own sake, as well as being valued by the humans in question.[18] Particular relationships of companionship form real and defining parts of the lives and identities of many people, and their lives would be significantly poorer without them. It may even be the case that, in the interests of pluralism, society would be poorer without these relationships, or without companions. If there is a value in diversity, then a society containing cat companions and enriched by the relationships certain people have with those cats is more valuable than an otherwise similar society without those cats and relationships.

The pertinent question, then, given the problems associated with cat-keeping, is whether the value (whether framed objectively or subjectively) could be retained if the cats were replaced with something cat-like, such as an alternative companion. Greyhounds, including Italian and miniature varieties, might be perceived of as having a particularly feline personality, for instance.[19] One way of responding to this challenge is to claim that banning cats is more like disallowing adults from

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

having children than denying them access to some disfavoured commodity; any suggestion that cats could be replaced by something cat-like could perhaps be rejected on the same grounds we might reject the suggestion that children could be replaced in the parent-child relationship with something child-like. (My claim is not that people necessarily value children and cats for the same reason or that people necessarily value cats and children equally, but that the value people put in their relationships with cats is more like the value they put in their relationship with children than, say, the value they put in collecting stamps.) While this claim may make sense to those people who do love cats (or, analogously, other companions), it is unlikely to be fully convincing to others. Nonetheless, it does give us reason to seek out a just alternative to extinctionism. Selective extinctionism would necessitate the end of a kind of relationship which is plausibly valuable in a variety of ways, and there is an open question as to whether these values could be found elsewhere.

The argument from desire does not appeal to these potentially contentious axiological concerns. The simple fact is that a great number of people do not want to stop keeping cats, and, more so, a great number of people are appalled at the idea that we would be permitted to make cats extinct, never mind the claim that we should make them extinct.[20] Arguably, this alone gives us reason to be cautious about endorsing it. It is true that questions of justice override questions of collective decision-making, meaning that if it is unjust for us to continue keeping cats, then we should stop keeping them, regardless of who is opposed. However, given how unpopular a policy of selective extinctionism would be, it would be remiss of those who allow for the possibility to fail to explore all possible alternatives. Indeed, if it were found that there was a plausibly just alternative to selective extinctionism (such that we have two plausibly just solutions to an unjust situation) it seems that questions of collective decision-making would move to the forefront, over and above questions of justice. In such a case, it is not hard to imagine a political community strongly

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

favouring the solution which does not entail selective extinctionism. Therefore, not only do we have a good reason to pursue a just alternative to extinctionism out of simple respect for the desires of those who deeply object to it, but we have reasons, grounded in liberal political theory, to favour solutions to the problem which do not involve extinctionist policies. The argument from desire also ties to a broader issue sometimes stressed in animal rights literature;[21] given the extreme unpopularity of extinctionism, it is a poor tactical move to endorse it.

These somewhat anthropocentric-sounding arguments about human values and human preferences are perhaps not the only reasons that selective extinctionism is undesirable, and this is the where the argument from rights enters. It is at least plausible that any extinctionist programme necessarily involves violating the rights of individual cats.[22] I will make no appeal to the value of human/cat relationships from the perspective of the cats; selective extinctionism via sterilisation would not result in any actually-existing cat being denied such a relationship. I shall also make no appeal to the rights of species, which I consider meaningless.[23] Instead, I wish to ask whether the rights of individual cats would be violated by a programme of selective extinctionism. While any interests cats might have in reproductive autonomy could be outweighed by the greater interests of others, this is not to say that cats do not have such interests. Here, we can adopt the useful terminology of prima facie rights and concrete rights, the former being rights which we assume may exist once we have considered a being's interests, and the latter being the rights that exist once all things have been considered.[24] Donaldson and Kymlicka seem to hold that cats have prima facie (though not necessarily concrete[25]) rights to reproductive and sexual autonomy,[26] and we could also hold that cats have prima facie rights to bodily integrity and interaction with conspecifics.

These four potential prima facie rights would be violated on a large scale if a programme of mass

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

sterilisation was initiated. Cats would lose the chance to produce young, and their sexual drives would be destroyed, removing their reproductive and sexual autonomy. Sterilisation could necessitate invasive, and perhaps painful or debilitating, medical procedures, infringing upon cats' bodily integrity. As the remaining cats died, many would be denied the chance to interact with conspecifics. The violation of prima facie rights, however, does not make an action impermissible; it is the violation of concrete rights which is unjust. Importantly, whether these (potential) prima facie rights translate into concrete rights depends, in part, on whether they are compatible with the stronger interests that are possessed by many NHAs in not being slaughtered for cat consumption – precisely the issue at hand. There are, then, plausible reasons to be concerned about selective extinctionism arising from the interests of cats; though I have not claimed that cats certainly do have a strong interest in a selective extinctionist programme not being carried out, it seems that we have reasons to think that they may.

The arguments from value, desire and rights do not provide an overriding challenge to selective extinctionism. Nonetheless, they do, especially when considered together, provide a convincing case for attempting to find a just alternative to selective extinctionism, and provide a good prima facie reason to prefer a non-extinctionist solution to the problem of cats' diets. If selective extinctionism is to be demanded, it can only be as a last resort.

The largest and the smallest

Donaldson and Kymlicka consider several potentially just solutions to the problem of how to feed cats, but express concerns about all.[27] For the remainder of the paper, I will explore possibilities the pair do not consider. The first possibility is that "size matters".[28] Assuming that cats need to eat meat, perhaps it is better to kill a small number of large NHAs than a great many small ones.[29] This

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

argument has clear merit for utilitarianism, but the idea may also be useful for those who endorse rights, as many allow rights-infringement in certain circumstances; even Robert Nozick is open to it in cases of "catastrophic moral horror".[30] As a practical recommendation, we might claim that the rights of a few whales could be infringed to prevent the catastrophic moral horror (CMH) of selective extinctionism. I do not accept this, for three reasons. First, the argument works only if there is no way to avoid CMH that would not necessitate rights-infringement, and I shall shortly explore another possibility. Violating rights, even in a case of CMH, has to be a last resort. Second, actions in a one-off emergency situation (a situation in which we act to avoid CMH) are very different from actions which are established as the norm. That the size matters argument might be applicable in an emergency situation does not entail that we can use it to order society. Indeed, this application suggests that certain categories of beings would continue to have their rights infringed ad infinitum, which seems deeply unjust. Third, I am unconvinced that selective extinctionism is truly an example of CMH. I have argued that selective extictionism would be deeply regrettable, and that we have good reason to seek an alternative, but it is perverse to endorse the perpetuation of gross and systematic rights infringements/violations to avoid that which is merely regrettable. I conclude that a rights framework, even one making use of the size matters argument, could not justify the slaughter of whales to feed cats.

Undeniably, the size matters argument captures an important observation: if they are sentient, eating a plate of oysters is going to inflict pain on a large number of creatures,[31] while pain inflicted upon a single NHA could result in many plates of cow flesh. However, what is particularly interesting about the example of oysters is precisely that there is an open question about whether they can feel pain;[32] something easily overlooked in a simple size matters argument. The question of sentience is obviously central to utilitarian accounts of animal ethics, but, if we allow that sentience grounds a

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

right to continued life,[33] then it is clear that the issue is of importance to rights theorists, too: it determines the line between those animals who may be killed and those who may not.[34] As such, if oysters were non-sentient, eating them would likely be ethically unproblematic, and they could be fed to cats; the problem with which I began this paper would be solved. However, it would be epistemically hubristic to express certainty about the non-sentience of oysters. Instead, I suggest, oysters are in a class of plausibly-sentient NHAs. Concerning human consumption of these beings, a precautionary principle is surely appropriate. We do not know whether these beings are sentient, but, if they are, we wrong them significantly in eating them – better to treat them as if they were sentient and not eat them.[35] To draw a parallel, if a driver has recently seen a (no longer visible) child playing with a box on the road and now drives towards that box, the sensible thing for her to do is avoid it. She does not know whether the child is in the box, but loses very little by getting out the car to move it or simply driving around it. Conversely, even if she was almost certain she saw the child head home, if she were to crush the box and it contained a child she would be, to a certain extent, morally (and possibly legally) responsible for the child's death. Further, we would have good reason to condemn her for her recklessness, even if no child was in the box. The cases are similar; we are uncertain, due to an open empirical question, about the permissibility of an action which it would be easy to avoid. Consequently, we do best to avoid said action, and are morally blameworthy if we choose not to.

Moral risk

The case against human consumption of shellfish (and other plausibly-but-not-likely-sentient-NHAs) could be analysed in terms of moral risk. Meat-eating generally is often presented in such terms,[36] but the argument typically rests upon moral, rather than empirical, uncertainty: the thought is that meat-eating is plausibly wrong, and this plausibility may entail a degree of obligation to

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

abstain from or avoid it. According to Dan Moller, who has presented a strong method of judging moral risk arguments, we analyse the moral risk of claim A by considering at least five factors: the likelihood that A is wrong, the extent to which A would be wrong, the costs faced if we do not endorse A, the extent to which we are responsible for our actions resulting from A, and whether not-A also involves moral risk.[37] The claim "it is morally permissible to kill shellfish for consumption", given the low probability of shellfish sentience, seems to represent a very low likelihood of a very large wrong, and we are completely responsible for the choices we make. In the case of human consumption of shellfish, we face very small costs in not endorsing the claim, and there is no chance[38] of moral risk in choosing not to eat shellfish. As such, there is a strong moral risk argument against human consumption of shellfish.

Unlike humans, cats cannot easily avoid the consumption of flesh. There are some costs in not allowing cats to eat shellfish (given the difficulty of feeding cats otherwise), and not feeding cats shellfish, given the alternatives, does seem to present a moderately large amount of moral risk (that is, it seems plausible that we are wrong about the acceptability of calling for selective extinctionism or other alternative ways to feed cats). As such, a moral risk argument against cat consumption of shellfish, if plausible at all, is significantly weaker than the moral risk argument against human consumption of shellfish. For Moller, moral risk involved in A gives us a reason, though not an overriding reason, to endorse not-A. However, such a reason holds only when "a large preponderance of the risk involved falls on one side";[39] correspondingly, we have a reason not to kill shellfish for human consumption, but a moral risk argument against killing shellfish for cats seems considerably less convincing, if plausible at all.

There is, however, an element that this argument has so far excluded. The problem could be

conceptualised as a choice between the high-risk, but one-off, option of selective extinctionism versus the lower risk, but ongoing, option of feeding shellfish to cats.[40] Now, it is true that a moral risk argument should not be confused with a Benthamite expected utility argument. The latter, if applied to this kind of case, would compare how bad option1 would be if it were bad, multiplied by the likelihood that option1 is/would be bad, to how bad option2 would be if it were bad, multiplied by the likelihood that option2 is/would be bad. This kind of account seems to be inextricably linked to consequentialist frameworks. Nonetheless, a moral risk argument comparing selective extinctionism to the mass killing of shellfish indefinitely into the future could easily be seen to tip the scales of the argument in favour of selective extinctionism. However, once we consider that the choice is being made in a world in which there is scientific advancement, we see that we are not talking about the killing of shellfish indefinitely into the future, as the argument works only insofar as we remain uncertain of the existence of sentience in a given case. Let us assume that there is no group of NHAs A such that we are certain that A can form the basis of a suitable diet for cats and we are certain that A are nonsentient. Assume there are several groups of NHAs which are probably nonsentient and which could serve as the basis of a suitable diet for cats. Let us call the set of these groups B, the specific groups B_1, B_2… B_n, and any given specific group B_x. B, therefore, demarcates the NHAs which I am suggesting could be fed to cats as an alternative to selective extinctionism. Further, assume that scientists are gradually working through B_1-B_n in order to ascertain whether or not they are made up of sentient members. If it is found that B_x is made up of sentient members, then it is no longer a part of group B, and may no longer be fed to cats. However, if B_x is ascertained to be nonsentient, then B_x is, in fact, A; the dilemma has been averted, and we can simply feed A to cats. The point is that, eventually (even allowing for moderate scepticism), scientists will either find A, meaning that the moral risk argument is no longer needed, or they will ascertain that B_n, the final member of set B, does not belong in B, at which time the moral risk

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

argument will no longer work, and selective extinctionism, if no alternative feeding method is possible, will remain our only option. Put simply, the moral risk argument I have drawn does not endorse that we continue to feed shellfish to cats indefinitely; instead, it is necessarily a temporarily acceptable measure while we wait for (and encourage) scientific advancement in the area. Like all moral risk arguments, it relies upon our uncertainty; as our uncertainty dwindles, it must necessarily fade.

One may object to this use of the moral risk argument for a number of reasons. First, Brian Weatherson[41] claims that moral risk cannot ground a reason for action in the same way that prudential risk can. As such, he would claim, even if the precautionary argument is a moral risk argument, this should not motivate us. However, this particular moral risk argument is not of the kind to which Weatherson objects. The key uncertainty to which I appeal is not moral but empirical; I begin with the moral claim that sentient NHAs are rights-bearers and seek a way to understand our obligations to those NHAs who may be sentient. My uncertainty about making cats extinct, however, does (to a degree) appeal to a genuine moral uncertainty. Readers unhappy with moral risk arguments could remove this consideration and instead balance only the costs of not feeding cats shellfish (plus the aspects of the case against selective extinctionism which do not rest on moral uncertainty, such as the argument from desire) with the factual uncertainty concerning shellfish sentience. This would still leave a moral risk argument against human consumption of shellfish more plausible than a moral risk argument against cat consumption of shellfish, but not by as great a degree. Second, one may object that because I am not using the argument in the context of a moral uncertainty, I am misusing the argument. In response, I suggest that is unclear why Moller's argument could not be applied to cases of non-moral uncertainty. The situation is equivalent: we can choose from a number of options, our choice would be clear if we knew that x, we do not know that

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

x, and we hold that maybe x. Whether x is a moral or empirical claim should not matter. Third, one may object to my weighting of various factors. However, provided we exclude the generally implausible[42] suggestion that humans lose a great deal through not eating shellfish and the callous-sounding suggestion that there are no problems with selective extinctionism, it does not seem that tweaking the weighting of factors would result in substantially different results.

One need not endorse Moller's particular approach in order to reach this conclusion. Take Alexander Guerroro's "Don't Know, Don't Kill" principle (DKDK), which holds that

> If someone knows that she doesn't know whether a living organism has significant moral status or not, it is morally blameworthy for her to kill that organism or to have it killed, unless she believes that there is something of substantial moral significance compelling her to do so.[43]

Guerroro holds that mere gustatory pleasure cannot be "of substantial moral significance" (OSMS),[44] but the OSMS bar does seem to be significantly lower than the CMH bar.[45] Interestingly, one might endorse both, testing against CMH in cases where rights are definitely being violated and against OSMS in cases where the possession of rights is in question. DKDK can endorse the wrongness of killing shellfish when nothing OSMS is in the offing – such as when humans enjoy the taste of shellfish – but permit the killing of shellfish when something OSMS is at stake, such as when the continued existence of cats is in question. Again, as with the moral risk argument, this fact alone may not be considered sufficient to justify the feeding of shellfish to cats indefinitely into the future, but, again, we must remember that the use of shellfish for cat food is meant only as a temporary solution while uncertainty about the sentience of these beings remains. As such,

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

application of the DKDK principle to the consumption of shellfish, much like a consideration of moral risk, gives us a good reason to endorse the claim that it is wrong for us to kill shellfish for human consumption without giving us a good reason to endorse the claim that it is wrong for us to kill them for cat consumption.[46] As the solution is, by virtue of the uncertainty upon which the argument relies, temporary, we can and should understand it as part of a wider vision of a future in which no sentient beings have to be killed or made to suffer for food.

Conclusion

This piece has responded to a dilemma: I have argued that selective extinctionism is something to be avoided if possible, but I have also cautiously accepted Donaldson and Kymlicka's demand that companions in a just society would have vegan diets, seeking an alternative which might be a possibility for those companions who are unable to thrive on vegan diets. Whether my proposed solution concerning cats would also apply to other carnivorous companions would depend on whether a given companion C was relevantly similar to cats in four ways. First, C would have to be a companion who could not survive on a vegan diet. Second, C would have to be able to survive on a diet containing the flesh of plausibly-sentient-NHAs, but not any definitely-sentient-NHAs. Third, C would have to be a companion who could be kept in a respectful way. Fourth, the selective extinction of C's population would have to be a bad thing in the way that the extinction of cats would be.

I have considered, but rejected, a rights-based solution which takes seriously the idea that size matters. Instead, I have suggested that it is better that cats eat some NHA to whom we likely have no obligations of justice than one to whom we certainly do. When we are dealing with cats, the location of the "lower line" is not a mere academic curiosity, but, potentially, the difference between

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

their being able to live a life which does not necessitate the infliction of suffering or rights violations and otherwise. In the vegan state, the location of the lower line may be the difference between a state with cats and a state without them. However, I have argued that even if we are currently not certain if a NHA falls below the lower line, meaning that we should continue to avoid killing them, the need to feed our cats may represent an exception to this general prescription. To put it simply, we might say that our uncertainty about the existence of sentience in these NHAs means that we should not kill them when the gains from doing so are trivial (for instance, the satisfaction of our gastronomic curiosity), but that our uncertainty cannot preclude us from killing them when the gains from doing so would be relatively important, as they are if it allows us to avoid selective extinctionism.

As an example practical suggestion, perhaps clams, oysters and mussels could be farmed or foraged on a large scale for cat food. It is a convenient fact that the three shellfish just mentioned can easily be farmed completely sustainably, hanging in the sea; they thrive in conditions which would represent the worst excesses of intensive farming if adapted for mammals, fish or birds. Furthermore, this production, unlike much intensive farming, does not have a strong adverse effect on the local or global environment, or local human or nonhuman communities. My proposal, to reiterate, is intended as a political, rather than individual, solution. The question of how we feed our companions has a political dimension, but this is easily overlooked. If the state is, as a demand of justice, to move towards a citizenship or rights framework for NHAs, or even if it is to adopt suffering- or environmental impact-reduction policies in relation to companion diets, it has a responsibility (unless it is prepared to endorse a selective extinctionist model) to facilitate and endorse the production of an alternative. This does not necessarily mean that the state is responsible for providing food to cats' guardians, but it may mean that the allocation of resources to research

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

and produce alternatives is appropriate.

If I am correct that the use of plausibly-sentient NHAs works as an ethically-viable temporary solution to the problem of feeding carnivorous companions, then the key remaining issues are scientific. Consistent with the ultimate goal of a society in which no sentient NHA is killed for food, we must search for NHAs the flesh of which could form the basis of companions' diets but which we are justifiably certain are nonsentient. While such certainty is lacking, we must consider which NHAs are probably nonsentient, and, if they could form the basis of a suitable diet, we should, for now, endorse their use as food for our carnivorous companions. Simultaneously, research on the nutrients necessary for a healthy cat diet may be able to reveal that cats are able to thrive on a vegan diets; if this is so, then the problem has been averted, and, instead, we can endorse that cats (like humans and herbivorous/omnivorous companions) be fed solely vegan diets. Caution, however, is required: the scientific community has sometimes been slow to recognise the capacity for pain in certain NHAs, with controversy lasting for years over whether fish are sentient, which we now know them to be. This gives us reason to be cautious, and to adopt the exploitation of any animal, even one which we suspect lacks sentience, only when it would serve some genuinely important need – certainly not gastronomic curiosity. Ultimately, I suggest that, if the choice is between the exploitation of likely non-sentient creatures and the extinction of certain kinds of companions who form real and valuable bonds with humans, we should choose the former. Humans in the developed world, by contrast, lose little in choosing not to eat oysters, grubs and the like, and so we have good reason to believe that justice demands that we should not.

Previous ver*sions of this paper have been presented at the Queen's University Belfast* political theory reading group and The Political Theory of Food and Drink panel at the

2014 European Consortium for Political Research General Conference, University of Glasgow. My thanks to all who have discussed this issue with me on these or other occasions, especially David Archard, Jeremy Watkins, Matteo Bonotti, Emanuela Ceva and an anonymous reviewer for the Journal of Social Philosophy. Finally, my thanks are owed to Katherine Wayne, who first got me thinking about companion animal diets. This work was undertaken while I was pursuing research funded by the Department of Employment and Learning, Northern Ireland.

Josh Milburn is reading for a PhD in the School of Politics, International Studies and Philosophy, Queen's University Belfast. His research focuses on moral and political philosophy, especially animal ethics, the philosophy of food and libertarian political theory. His research has previously been published in the European Journal of Political Theory and Res Publica, and is forthcoming in edited collections variously addressing companion animals, the ethics of food and aiding nonhuman animals in need.

---

[1] Will Kymlicka and Sue Donaldson, Zoopolis (Oxford: Oxford University Press, 2013), 149.

[2] See ibid, and Alasdair Cochrane, Animal Rights Without Liberation (New York: Columbia University Press, 2012).

[3] Jan Narveson, Moral Matters. (Peterborough, Canada: Broadview Press, 1999), 140. See also Narveson, "Animal rights," Canadian Journal of Philosophy 7, no. 1 (1977): 161-78: 173, and Loren Lomasky, "Is it wrong to eat animals?" Social Philosophy and Policy 30, nos. 1-2 (2013): 177-200.

[4] For instance, the gain Smith has from eating pork may be thought to justify the loss experienced by the pig on the grounds that Smith is a far more complex being emotionally and intellectually. As such, Smith may be able to experience pleasure in a much more complex and fulfilling way. Importantly, while this thought could be thought to permit humans to eat flesh, it does not straightforwardly permit humans to feed flesh to their NHA companions.

[5] Kymlicka and Donaldson, Zoopolis, 150.

[6] Eg, Angus Nurse and Diane Ryland, "A question of citizenship," Journal of Animal Ethics 3, no. 2 (2013): 201-7: 203.

[7] Donaldson and Kymlicka, Zoopolis, 150.

[8] In limiting my consideration to cats, I may miss issues raised with other carnivorous companions. For example, different ethical considerations may arise when it comes to feeding reptiles; see Clifford Warwick, "The morality of the reptile 'pet' trade," Journal of Animal Ethics 4, no. 1 (2014), 74-94.

[9] Katheryn E. Michel, "Unconventional diets for dogs and cats," Veterinary Clinics of North America: Small Animal Practice 36, no. 6 (2006): 1269-81: 1275-7.

[10] Ibid, 1276-7.

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

[11] Joel MacClellan, “Size matters: Animal size, contributory causation, and ethical vegetarianism,” Journal of Animal Ethics 3, no. 1 (2013): 57-68.
[12] Dan Moller, “Abortion and moral risk,” Philosophy 86, no. 3 (2011): 425-43.
[13] It may be possible to simply release some carnivorous companions, but is not a plausible approach in the case of cats, who have evolved (and been bred) in order to coexist with, and be desirable to, humans. Cats therefore have an array of physical and social adaptations which make them desirable for humans, but which make them unsuited to free-living, meaning that they have no natural home away from a mixed human/NHA society.
[14] Abolitionist extinctionism is most associated with Gary Francione, who suggests that “[i]f we took animals seriously and recognised our obligation not to treat them as things, we would stop producing and facilitating the production of domestic animals altogether”. See Gary Francione, “The abolition of animal exploitation,” in The Animal Rights Debate, eds. Gary Francione and Gary Steiner (New York: Columbia University Press, 2010), 22.
[15] Katherine Wayne, “Just flourishing: The plausibility of selective extinctionism.” Unpublished paper presented at MANCEPT Workshops, 2013.
[16] See, for example, Donaldson and Kymlicka, Zoopolis, 81-2; Cochrane, Animal Rights Without Liberation, 71-8; and especially Katherine Wayne, “Permissible use and interdependence: Against principled veganism,” Journal of Applied Philosophy 30, no. 2: 160-75.
[17] Lori Gruen, Ethics and Animals (Cambridge: Cambridge University Press, 2011), 71-2; Tony Milligan, Beyond Animal Rights (London: Continuum, 2010), 109-10.
[18] Donaldson and Kymlicka also stress that, in many cases, human/NHA relationships may be valuable because NHAs have chosen to engage in them. See Donaldson & Kymlicka, Zoopolis, 86-9.
[19] I thank an anonymous reviewer for this point.
[20] When I have presented ideas in this paper to colleagues or at conferences, their distaste for the idea of selective extinctionism has been a particular sticking point. Despite my concern to avoid extinctionism if possible, many have been at pains to stress that the idea is unthinkable; one commentator compared the possibility to genocide, with all of its unfavourable connotations. These views, I suspect, more or less reflect the kind of views which the wider public would probably have towards selective extinctionism, at least in communities where cat companions are common.
[21] For arguments of this sort, see Donaldson and Kymlicka, Zoopolis, 77-9; Robert Garner, “A defense of broad animal protectionism”, in The Animal Rights Debate, eds. Gary Francione and Gary Steiner (New York: Columbia University Press, 2010); Garner, A Theory of Justice for Animals (Oxford: Oxford University Press, 2013), 118-21.
[22] Donaldson and Kymlicka, Zoopolis, 79-81.
[23] Compare Cochrane, Animal Rights Without Liberation, 158-9.
[24] Ibid, 45-6.
[25] They do not use the terminology, but, in acknowledging the possibility of selective extinctionism, the pair implicitly allow that the rights to reproductive and sexual autonomy possessed by cats could be overridden if necessary. See Donaldson and Kymlicka, Zoopolis, 152.
[26] Donaldson and Kymlicka, Zoopolis, 146.
[27] Ibid, 149-53.
[28] MacClellan, “Size matters,” 57-68.
[29] An alternative size matters argument with regards to cats would be that we may have a plausible moral imperative to breed smaller cats, as smaller cats require less food. I owe this thought, which warrants further consideration, to Kevin McNicholl.
[30] Robert Nozick, Anarchy, State and Utopia (New York: Basic Books 1974), 30.
[31] The example is Peter Singer’s; see Peter Singer, Animal Liberation (London: Pimlico, 1995), 174; compare Singer and Jim Mason, The Way We Eat (Emmaus, PA: Rodale, 2006), 133.
[32] Singer himself initially continued to eat oysters after giving up meat. See Singer, Animal Liberation, 174. The evidence for feeling in certain shellfish “is barely stronger than it is in plants, which is to say it is vanishingly slight” (Singer and Mason, The Way We Eat, 113). Nonetheless, there is very good evidence that crustaceans – including crabs, lobsters and shrimps – feel pain. See, eg, Stuart Barr, Jamie Dick, Robert Elwood and Peter Laming, “Nociception or pain in a decapod crustacean?” Animal Behaviour 75, no. 3 (2008): 745-51; Elwood, “Evidence for pain in decapod crustaceans,” Animal Welfare 21, no. 2 (2012): 23-7; Barry Magee and Elwood, “Shock avoidance by discrimination learning in the shore crab (Carcinus maenas) is consistent with a key criterion for pain,” Journal of Experimental Biology 216, no. 3 (2013): 353-8.

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract

[33] This is a common view in animal rights literature, with variations on the claim endorsed by thinkers including Francione, Cochrane and Donaldson and Kymlicka.
[34] The alternative view, which is Singer's (Animal Liberation, 229), is that to say that painless killing is a bad thing only for certain NHAs, and not merely-sentient beings. It is conceivable that a rights-theorist could take this approach and say that there exists a certain class of beings C who have a right not to have pain inflicted upon them, but no right not to be killed. If so, carnivorous companions could simply be fed members of C who had been killed painlessly. While Garner (A Theory of Justice for Animals, 130-1) comes close to this view, he does accept that even merely-sentient beings have an interest in continued life.
[35] Both Francione and Singer endorse this kind of position. See Gary Francione, "Sentience." Accessed at http://www.abolitionistapproach.com/sentience/ on June 8, 2015; Singer, Animal Liberation, 174; compare Anna Charlton and Francione, Eat Like You Care (Logan, UT: Exemplar, 2013), 66.
[36] Katarzyna de Larazari-Radek and Peter Singer, The Point of View of the Universe (Oxford: Oxford University Press, 2014), 347-8; William MacAskill, Normative Uncertainty (St. Anne's College, Oxford: PhD thesis, 2014), 2; Chris Meyers, "Why it is morally good to eat (certain kinds of) meat: The case for entomophagy," Southwest Philosophy Review 29, no. 1 (2013): 119-26, 120; Moller, "Abortion and moral risk," 441; Lomasky. "Is it wrong to eat animals?" 177-200.
[37] Moller, "Abortion and moral risk," 440-1.
[38] This is not uncontroversial. Chris Meyers argues in favour of the consumption of these "borderline" cases, even over vegan diets. This is based on the claim that "[t]here is reason to think" that these beings cannot suffer and the claim that "[e]ating some animals might even be better for the environment than eating plants". See Meyers, "Why it is morally good to eat (certain kinds of) meat," 119-26. The argument seems valid, but not sound: I suggest that Meyer's certainty about non-sentience is misplaced (shrimps and crabs, for him, are non-sentient), and his environmental claims are under-substantiated (though not completely implausible).
[39] Moller, "Abortion and moral risk," 441.
[40] I thank an anonymous reviewer for this point.
[41] Brian Weatherson, "Running risks morally," Philosophical Studies 167, no. 1 (2014): 141-63.
[42] One could conceive of a community whose identity and/or well-being revolves around shellfish-eating. While such a community could not appeal to their identity in order to continue eating (say) cows, just as they could not appeal to their identity to justify (say) denying women the vote, this kind of appeal may work in the case of shellfish consumption (with thanks to Matteo Bonotti for this thought).
[43] Alexander A. Guerrero, "Don't Know, Don't Kill: Moral ignorance, culpability, and caution," Philosophical Studies 136, no. 1 (2007): 59-97.
[44] Ibid, 78, 80, 99.
[45] See ibid, 91.
[46] Though DKDK here has the same result as the moral risk argument, I suggest that it is actually less useful as it does not easily take account of differences in probability. For instance, there is a small possibility that oysters are sentient, but a much larger possibility that crabs are sentient. One possible modification is to apply the principle only to those cases in which there is a given level of certainty (ibid, 87). This is problematic because, first, it is unclear where this line should be drawn, second, it is unclear why a being just below the line should be treated in a grossly different way to a being just above the line, and third, this may leave shellfish outside of DKDK, and so someone endorsing the principle would reach different initial conclusions anyway.

This is an unedited draft version. For the final published version of this paper, please see:

Milburn, Josh. 2015. Not only humans eat meat: Companions, sentience and vegan politics. Journal of Social Philosophy 46 (4): 449-62. DOI: 10.1111/josp.12131

Available online at http://onlinelibrary.wiley.com/doi/10.1111/josp.12131/abstract