

Are You a Vegan or Are You an Extremist?

Gary L. Francione^{1,2,3,4*}

¹School of Law, Rutgers University, Newark/Camden, USA, ²Department of Philosophy, University of Lincoln, Lincoln, UK, ³Department of Philosophy, University of East Anglia, Norwich, UK and ⁴Department of Continuing Education, Oxford University, UK

*Corresponding author. Email: gary.francione@rutgers.edu

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Abstract

Our conventional wisdom about animal ethics, as embodied in the animal welfare position, is that animals are not things to whom we can have no moral obligations. Animals who are sentient, or subjectively aware, have a morally significant interest in not suffering. But, because they are not self-aware, they do not as an empirical matter have an interest in continuing to live. So we may use and kill animals as long as we do so ‘humanely’ and do not impose ‘unnecessary’ suffering on them. There are at least two serious problems with our conventional wisdom in this regard. First, because animals are chattel property, we undervalue or ignore their interests in not suffering. Second, we cannot justify the view that animals who are sentient do not have a morally significant interest in continuing to live. If animals are not things and matter morally, our institutionalized exploitation of them cannot be justified, and veganism is a moral imperative.

You probably think animals matter morally. That is, you don’t think that non-human animals are merely *things* to whom we can owe no moral obligations. You accept the *animal welfare* position that just about *everyone* embraces and that is so uncontroversial that it is the law in many places: we may use and kill animals but we have a moral (and legal) obligation to treat them ‘humanely’ and not impose ‘unnecessary’ suffering on them. You find cruelty to animals morally abhorrent.

But you probably also eat meat and other animal products, such as dairy and eggs, wear clothing obtained from animals, and use toiletries and other products that contain animal ingredients. You may use animals in other contexts as well.

You’ve heard about people – *vegans* – who do not eat, wear, or otherwise use animals or animal products. You haven’t considered that option because you think it is too extreme. You think we ought to treat animals ‘humanely’ but it goes

too far to say that we should stop altogether our dietary and other institutionalized uses of animals.

In this article, I hope to convince you that it’s not at all extreme to be a vegan; indeed, what is extreme – in the sense of being extremely confused – is to *not* be a vegan if you believe that animals are not things and do matter morally. That is, if you reject the idea that animals are just things, which you almost certainly do, then *you* should see veganism as a moral imperative.

From Things to Quasi-Persons and Back Again to Things

The first issue to explore is *why* we think that it is okay to use and kill animals as long as we treat them ‘humanely’ and do not impose ‘unnecessary’ suffering on them.



The answer to that requires that we go back to the early nineteenth century and the dawn of modern animal ethics.

Before then, at least in the West, animals were considered to be mere things that were excluded completely from the moral and legal community. They were considered as inferior to humans because they supposedly lacked various cognitive characteristics that were thought to be uniquely human and that were seen widely as necessary for moral significance: rationality, self-awareness and a connection to a future, the ability to use symbolic communication, etc.

This ostensibly changed in the nineteenth century when social reformers who focused on matters such as human slavery, women's suffrage, and the protection of children began to question our treatment of animals. A particularly influential thinker at this time was a lawyer and philosopher named Jeremy Bentham (1748–1832). In *An Introduction to the Principles of Morals and Legislation*, originally published in 1789, Bentham, who opposed human slavery, maintained

that animals had, like slaves, been 'degraded into the class of *things*'.¹ He maintained that this could not be justified on the ground that humanlike cognitive capacities were necessary for moral significance:

[A] a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?²

Did Bentham advocate that we stop using animals altogether? No. He thought that it was acceptable to continue to use and kill animals because, although he did not think that humanlike cognition was necessary to have a morally significant interest *in not suffering*, he did think that humanlike cognition was necessary for having an interest *in continuing to live*. As far as Bentham was concerned, animals lived in an eternal present. They did not have a sense of their future existence. They were

not self-aware and had no idea that they had a life to lose. They did not care *that* we killed them; they just cared about *how* we treated and killed them. There was no reason to stop using animals, particularly the use of animals for food, as long as we took animal suffering seriously. According to

‘I hope to convince you that it’s not at all extreme to be a vegan; indeed, what is extreme – in the sense of being extremely confused – is to *not* be a vegan if you believe that animals are not things and do matter morally.’

Bentham:

If the being eaten were all, there is very good reason why we should be suffered to eat such of them as we like to eat: we are the better for it, and they are never the worse. They have none of those long-protracted anticipations of future misery which we have. The death they suffer in our hands commonly is, and always may be, a speedier, and by that means a less painful one, than that which would await them in the inevitable course of nature. If the being killed were all, there is very good reason why we should be suffered to kill such as molest us: we should be the worse for their living, and they are never the worse for being dead.³

The idea that we could use and kill animals but that they had a morally significant interest in

not suffering caught on and most, if not all, Western countries went from having no laws protecting animals to having anti-cruelty laws that prohibit ‘cruel’ treatment and ‘unnecessary’ suffering as a general matter, as well as regulatory statutes that govern animal slaughter, the use of animals in medical experiments, and other animal uses.

Bentham created the cultural and legal blueprint that we live with today. We, like Bentham, reject the idea that animals are merely things and maintain that they have morally significant interests in not suffering. And, like Bentham, we reject the idea that animals are *persons*, or beings who, like us, have a morally significant interest in continuing to live in addition to interests in not suffering. The way I have described this is to say that we think of non-human animals as *quasi-persons*. We can use and kill them (they are not persons) but we have a moral and legal obligation to take their interests in not suffering seriously (they are not things).

The problem is that this may sound good but it is largely meaningless.

Despite what we claim to believe, we continue to impose unspeakable suffering on animals; it is accurate to say that many, if not most, of the animals we use and kill are *tortured*. Consider that factory farming – the mechanized production and slaughter of billions of animals in the most horrible circumstances imaginable – developed in the second half of the twentieth century despite the existence of many legal and regulatory standards requiring ‘humane’ treatment and prohibiting ‘unnecessary’ suffering.

What went wrong?

The Problem: Animals Are Property

The animal welfare standard failed on its own terms for a simple reason: *animals are property*.

Animals aren’t quasi-persons. They are still things – just as they were before the nineteenth century. They have no intrinsic or inherent value. They have no respect-based rights. They are *economic commodities* and have only the value we, who have rights in general and who have property rights *in them*, accord them.

In order to see this point, consider the following. Many of us live with dogs, cats, or other animals whom we love very much and whom we regard as members of our families. But the reality is that your dog or cat or rabbit is nothing but a piece of the property you own. One of the incidents of property ownership is that you, the owner, get to decide how to value that property. So, if you choose, you may value that animal as a family member. But, if you choose, you may take your animal property to a shelter that will kill your animal if another home cannot be found. In most places, you can kill your animal yourself as long as you do so 'humanely'.

It costs money to protect the interests of animals in not suffering. The more we protect those interests, the more expensive animal ownership is and the more expensive animal products become. For that reason, standards of animal welfare generally tend to protect animal interests only to the extent that it makes economic sense to do so; we usually seek economically efficient exploitation and protect the interests of animals in not suffering in situations in which we would lose more economically if we did not protect those interests. For example, in many places, there are laws that require that animals be stunned unconscious before they are shackled, hoisted, and slaughtered. Animals who are fully conscious when they are slaughtered are likely to thrash around and cause worker injuries, as well as to incur carcass damage, all of which is costly. So it makes good economic sense to make sure that at least large animals are unconscious – or at least stunned so that they do not have full movement – before they are slaughtered.

Most welfare reforms make animal exploitation more efficient. The standard of 'humane' treatment is generally established by the norms and customs of the industries that use animals; we assume that rational property owners are best placed to know the level of animal protection that is efficient.

Although some countries (e.g. Britain, Austria, Switzerland) claim to have higher welfare standards, any differences are minor and the bottom line is that 'humane' treatment is a fantasy *everywhere*. In recent years, some private companies

have sought to address the concern that many consumers have that animal products are not being produced 'humanely' and claim to produce higher-welfare products for which they charge a significant premium. But the supposed improvements are, again, relatively minor.

The bottom line: animal welfare is about making sure that we exploit animals in an economically sensible way and do not impose gratuitous harm, which damages animal property without a corresponding benefit for humans. *Animal welfare is about economics, not morality*. The most 'humanely' produced animal products you can buy involve a great deal of suffering and, of course, violent death. Animal welfare is more about making *us* feel more comfortable about our continuing to exploit animals.

The animal welfare approach requires that we 'balance' human and animal interests, but this amounts to a claim that we should balance the interests of humans, who have property rights in animals, against the interests of animals, who have no rights and who are the property of humans. They *exist* as 'food animals', 'lab animals', 'circus animals', 'game animals', etc. The outcome of any such 'balancing' is determined before we ever start. Property status introduces a structural impediment to balancing interests; any interest that property may have *must* be accorded less value than the interest of property owners in order for the institution of property to exist.

Bentham and the rest of us have long recognized that human slavery, whether race-based or not, presents a particularly odious moral situation precisely because the interests of those enslaved, who are the property of their owners who have property rights in their slaves, will necessarily be undervalued or ignored. If there are conflicts between slaves and slave owners, and slaves win any significant victories, there is no longer an institution of slavery. Slavery requires structural inequality to exist.

Bentham rejected human slavery because he realized that if slavery were permitted, it would, for economic reasons, become pervasive and the interests of those enslaved would be neglected. That is, Bentham appreciated the problems of property status as they affected humans. Although he was a utilitarian who maintained

that the right thing to do in any situation was that which maximized happiness, Bentham advocated for the abolition, not reform, of slavery as an institution.

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Human slavery is against the law of every nation on earth and against the rules of customary international law. We recognize that the moral significance of humans requires that we accord them at least one right: the basic, fundamental right not to be chattel property. This is not to say that slavery does not still exist. It does. But no one defends it. We seek to abolish slavery because we believe that no one should suffer *at all* as a result of being used exclusively as a resource owned by someone else. And it does not matter whether slavery is ‘humane’. Less brutal slavery is better than more brutal slavery. But all slavery is wrong.

The exact same analysis applies where non-human animal property is concerned. The institution of animal property has become pervasive and the interests of animals in not suffering will necessarily be undervalued or ignored unless humans get some sort of benefit, most usually an economic one.

The problem is property status. We deny that animals are persons and maintain that it’s fine to use and kill them as long as we protect their interests in not suffering. But this hasn’t worked – it *cannot* work – to protect animal interests in a meaningful way.

So what do we do?

That’s easy. We should acknowledge that we were wrong 200 years ago and we should recognize that if non-human animals matter morally, they can’t be property that can be used exclusively as a means to the ends of humans who have property rights in animals. They *must* be seen as persons.

Non-human Personhood

Bentham thought that animals were stuck in an eternal present and it was, therefore, acceptable to use and to kill them because animals are indifferent to whether they continue to exist. Animal ethics after Bentham can be understood as trying to establish that Bentham was wrong on this point and that at least *some* animals are, like humans, persons with a morally significant interest in living as well as in not suffering.

For example, Peter Singer, a utilitarian (like Bentham) and author of *Animal Liberation* (1975/1990/2023) and *Practical Ethics* (3rd edn, 2011), rejects moral rights but argues that animals who are rational and self-aware are persons and we should, all other things being equal, not kill them. Singer is unclear about what animals he thinks qualify for this protection. He initially limited that group to non-human great apes but has since ostensibly expanded the group to include elephants, dolphins and some birds. More recently, he has said that other animals may also qualify depending on how willing one is to give them the benefit of the doubt.

Tom Regan, author of *The Case for Animal Rights* (1983), argues that those animals with a psychophysical identity over time and an experiential life – what he calls ‘subjects of a life’ – have a right to respectful treatment, which prohibits their being used exclusively as a resource for others. He thinks that the clearest case for this status involves mammals of one year of age or

older, although he maintains that other animals may qualify.

Like Singer and Regan, Jeff McMahan, author of *The Ethics of Killing* (2012), argues that personhood requires a connection to a future self and thinks that some non-humans do have that connection.

The bottom line is that these prominent animal ethicists do not think that sentience *alone* is sufficient for personhood. Regan equivocates somewhat but ultimately concludes that he cannot see how sentience alone could suffice. And they all (including Regan) maintain that even if animals are persons, they are not likely to have the cognitive qualities at issue to the same degree that humans have them, so animal persons are still inferior to normally functioning human persons.

There are two problems with this approach.

First, it links personhood with having minds that are like those of humans. I call this the ‘similar minds’ approach to animal ethics. The problem here is that we are never going to know what animal minds are like. We know that animals, or at least most of those we exploit, are sentient – they are subjectively aware and can suffer – but that’s just about it. Given that humans are the only animals to use symbolic communication, there can be no doubt that there are qualitative differences between human minds and non-human minds. As the philosopher Ludwig Wittgenstein noted in *Philosophical Investigations* (1953), ‘If a lion could talk, we could not understand him.’

Second, the idea that we need more than sentience for personhood raises the question: *why is sentience not enough?*

The standard reply is that, if animals are stuck in an eternal present, they cannot be self-aware or otherwise connected to a future self. They cannot as an empirical matter have an interest in continuing to live any more than they can have an interest in learning calculus. For animals stuck in an eternal present, dying is no different from going to sleep because when such an animal wakes up, she or he has no connection with the animal who went to sleep. Such a being cannot have any preference about future existence because they cannot think of themselves as entities with a future. Singer says that the

premature death of a cow is not a tragedy ‘because whether cows live one year or ten, there is nothing that they hope to achieve’.⁴ Merely sentient animals cannot have an interest in their lives because there is no *one* there who has any connection with a future self. These beings may be viewed as replaceable resources that can be used and killed as human resources as long as they have had a reasonably pleasant life and a relatively painless death.

Anyone who has ever had contact with and interacted with a cat, dog, cow, chicken, pig, sheep, goose, turkey, or has observed fish in an aquarium for any length of time, is likely to be puzzled by what sort of sentient non-human exists in an eternal present because these animals surely do not. Although it is difficult to know exactly what is going on in the mind of a dog who is playing with another dog, or a cow interacting with her calf or a hen with her chicks, it is simply not possible to explain the behaviour of these animals without attributing *some* notion of self-awareness to them. The late biologist Donald Griffin observed in *Animal Minds: Beyond Cognition to Consciousness* (1992/2001) that *any* creature who is subjectively aware and interacts with others certainly has some sense of self-awareness. In any event, the idea that these animals awoke in the morning sporting a fresh, completely empty tabula rasa is ludicrous.

But let’s assume that there are sentient beings who have absolutely no connection with a future self. What then? Can we say that these beings have no interest in continuing to live?

Not without a naked appeal to anthropocentrism.

Neuroscientist Antonio R. Damasio noted in *The Feeling of What Happens: Body and Emotion in the Making of Consciousness* (1999) that humans with amnesia that deprives them of all memory of the past and ability to think about the future still have a sense of self-awareness in each second of consciousness. We can think of non-humans who are stuck in an eternal present (if there are any) as in a relevantly similar position. They cannot remember the past or think about the future but there is something it is to be them in each second of

their consciousness and that necessarily includes awareness of what it is like to be them in each second and the next second and so forth. *Even if animals live in an eternal present, they are necessarily connected to the next second of their consciousness.* They are aware of themselves in every second. There is a ‘me’ in every second. That is what it is to be subjectively aware. Sentience is a means to the end of continued existence; to say that a being who is sentient has no interest in continued existence is like saying that humans who have eyes have no interest in continuing to see.

Linking personhood with a connection to a future self – beyond the next second of consciousness – is *necessarily* arbitrary. Consider the following example: Fred, a human with severe dementia, is, as much as any non-human, stuck in an eternal present. Fred enjoys his life in every second of his existence, but he cannot think past the second in which he presently is. Is Fred a person? Does he have a morally significant interest in continued existence? Would it be morally acceptable to treat Fred as a replaceable resource and use him as a forced organ donor?

Before you answer, consider Sarah, who also has severe dementia but is not as bad as Fred. She can remember what happened one minute ago and can plan one minute into the future. Is she a person? If so, when did she acquire the status of being a person? At 25 seconds? 15 seconds? 52 seconds? 2 seconds? If neither she nor Fred is a person, what level of self-awareness and connection with a future self is required? A day? 2 days? 12.4 hours?

I believe that we regard Fred – and any human who is sentient – as a person. Indeed, I don’t think that is particularly controversial. This is not to say that we regard Fred as the same or equal to a typically functioning human for all purposes. We clearly don’t. If we need to find a lecturer in mathematics and we are trying to decide between Fred and a mathematician, we shouldn’t choose Fred. But if the question is whom we will use as a forced organ donor or as a subject in a painful biomedical experiment, Fred and the mathematician are equal. We should reject using either. We think it is wrong to use either exclusively as a means to the end

of others. They are both persons. Taking their lives deprives them of consciousness that they value even if they do so differently from each other.

We cannot justify treating animals in a different way except by an appeal to a naked assumption that humans matter more just because they’re human and a willingness to adopt a framework that has no limiting principle and that we would never use in the human context precisely for that reason. It does not work to say that animals are ‘less’ sentient than humans. Where humans are concerned, the *fact* of sentience is all that is required for personhood.

Veganism as a Moral Imperative

If sentient non-humans are persons, what next?

The first thing to do is to stop treating animals as economic commodities. To put this another way, we must think of animals as having *one* right – to not be property – in the same way we think of all humans irrespective of their particular characteristics as having a basic right not to be property. To be property is to be a thing; if animals have morally significant interests in their lives, they are persons and *cannot* be things.

We cannot protect humans from all suffering and death but, as was mentioned above, we can protect them from all suffering and death caused by their use as chattel slaves. Similarly, we cannot protect animals from all suffering and death but we can protect them from all suffering and death caused by their institutionalized exploitation. We should advocate on a social level that we *abolish* animal exploitation, and not regulate it, not only because it is wrong to treat persons as things, but because any interests that animals have will be devalued or ignored in light of their property status.

The personhood of animals requires on a personal level that we become vegans and stop eating animals and animal products – not just meat, poultry, and fish, but also dairy, eggs, and everything else that we get from the exploitation of animals. There is no morally significant distinction between meat and other animal products. They all involve suffering and death. *We do not kill and eat persons.*

But veganism is not just about not eating animals; it is about not wearing them, using them for sport or other entertainment, biomedical research, or using and killing them for any purpose. The personhood of animals means that we should stop producing domesticated animals to be used for these purposes. Veganism commits us to not participate in animal exploitation wherever practicable – whenever we have a meaningful choice.

What about if we are stuck on the lifeboat or on the desert island and have no plant foods available but do happen to have a chicken nearby? Is it morally justifiable to eat the chicken? The short answer is that it is not morally justifiable to kill the chicken any more than it would be morally justifiable to kill and eat a human companion with whom you were stranded. But it may be morally *excusable* – that is, it is morally wrong but the wrongness is mitigated by the compulsion. There have been legal cases where, in dire circumstances, killing and eating another human has, in effect, been excused by the law because there was no meaningful choice in the situation.

It Sounds Radical. But Is It?

This may all sound pretty radical. But is it?

Yes, in that it requires that we reformat our moral programme and recognize that all sentient beings are persons with a morally significant interest in living, and it requires a change in our behaviour.

No, because, in many ways, our conventional thinking about animals should, if we applied it in a morally coherent way, lead us to reject most animal use from the outset. We all agree – as a matter of our conventional wisdom – that it's wrong to inflict unnecessary suffering on animals. What does 'necessity' mean in this context? If it has *any* meaning, it must mean that we cannot justify imposing suffering on animals for reasons of pleasure, amusement, or convenience.

The problem is that only a tiny fraction of our animal use involves anything that can plausibly be described as involving 'necessity'. For example, we kill approximately 80 billion land animals, and no fewer than a trillion sea animals, every year for food alone. That is more than the

total number of humans who have ever lived on the planet. Is eating animals necessary?

We do not need to eat animal products to be healthy. Indeed, mainstream health care professionals, professional groups, and government agencies state clearly that a balanced diet of plant foods is as healthy as a meat/dairy diet, and may even be more healthy. And animal agriculture is an ecological disaster. The bottom line is that most of us eat animal foods because we like the taste. There is no necessity.

Most of our animal uses are transparently frivolous. Because animals are property, we assume it is necessary to use animals in order to exercise our property rights in and over them. That is, because animals are property, we do not ask whether it is necessary to use them for a particular traditional purpose; we assume that it is necessary. We ask only whether particular treatment causing suffering is necessary. And, as we have seen, property status allows us to impose suffering whenever it serves our economic interests. We need to refocus the discussion from treatment to use.

But Wait!

What about the fact that animals are killed in the process of planting, growing, harvesting, and producing plant foods that vegans consume? Can vegans be vegans?

It takes many pounds of plants to produce one pound of flesh. If we were all vegan, we would use much less land than we use now for agricultural purposes. So many fewer animals would be incidentally and unintentionally killed in the process of producing plant food. That said, we should always endeavour to grow plant foods with the least harm possible to both non-humans and humans.

And what about plants?

Despite this being the obsession of every non-vegan at a dinner party with a vegan, there is *no* scientific evidence that plants are sentient and have any sort of mind that prefers, desires, or wants anything. And even if plants were sentient, given that it takes many pounds of plants to produce one pound of flesh, we would still be obligated to choose to eat the

plants rather than kill and eat an unquestionably sentient animal who has consumed many more plants than we would have to eat if we consumed the plants directly.

But do we really have to embrace personhood? If you don't agree that it's morally wrong to kill animals, couldn't you get some farm animals and keep them on your property and treat them as you would the cats and the dogs that you love? Sure, you could do that. But if you did, it is not any more likely that you would end up killing and eating those animals than you would kill your dog or cat. And, in any event, that sort of production process is not going to provide food for billions of people.

And So ...

If you think that animals don't matter morally, then ignore all of this. (But then, why did you read this far?) If, however, you do think that animals matter morally, but you eat, wear, or use animals, then you are an extremist – you hold extremely confused and inconsistent views!

I leave it to you to do what the title of this journal exhorts us all to do: *Think*.⁵

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Notes

¹ Jeremy Bentham, *Introduction to Principles of Morals and Legislation* [1789] (Oxford: Clarendon Press, 1879), 310.

² Bentham, 311.

³ Bentham, 311.

⁴ Peter Singer, *Practical Ethics*, 3rd edn (New York: Cambridge University Press, 2011), 104.

⁵ For further reading: I discuss Bentham, the problems of the property status of animals, the issue of non-human personhood, and the importance of veganism throughout my work, including in Gary L. Francione, *Why Veganism Matters: The Moral Value of Animals* (New York: Columbia University Press, 2020); Gary L. Francione and Robert Garner, *The Animal Rights Debate: Abolition or Regulation* (New York: Columbia University Press, 2010); Gary L. Francione, *Animals as Persons: Essays on the Abolition of Animal Exploitation* (New York: Columbia University Press, 2008); Gary L. Francione, *Introduction to Animal Rights: Your Child or the Dog?* (Philadelphia, PA: Temple University Press, 2000); Gary L. Francione, *Animals, Property, and the Law* (Philadelphia, PA: Temple University Press, 1995); Gary L. Francione, 'Sentience, Personhood, and Property', in *Yearbook of the Irish Philosophical Society: Special Issue, Humans and Other Animals 2017/18*; Gary L. Francione and Anna E. Charlton, 'Veganism Without Animal Rights', *The Philosophical Salon* (13 July 2015); Gary L. Francione and Anna E. Charlton, 'The Case Against Pets', *Aeon* (8 September 2016) at <https://aeon.co/essays/why-keeping-a-pet-is-fundamentally-unethical>; Gary L. Francione, 'Animals and Us: Our Hypocrisy', *New Scientist* (4 June 2005).

Gary L. Francione

Gary Francione is Board of Governors Distinguished Professor of Law and Katzenbach Scholar of Law and Philosophy, Rutgers University; Visiting Professor of Philosophy, University of Lincoln; Honorary Professor of Philosophy, University of East Anglia; and Tutor (philosophy), Department of Continuing Education, Oxford University.

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