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2017

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Neil H. Buchanan

University of Florida Levin College of Law, [Neil.H.Buchanan@law.ufl.edu](mailto:Neil.H.Buchanan@law.ufl.edu)

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### Recommended Citation

Neil H. Buchanan, *Situational Ethics and Veganism*, 97 B.U. L. Rev. Annex 1 (2017)

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## SITUATIONAL ETHICS AND VEGANISM

NEIL H. BUCHANAN\*

Sherry Colb and Michael Dorf's *Beating Hearts: Abortion and Animal Rights* is an essential work, exploring an unexpected overlap between two seemingly unrelated areas of ethics and the law. They make strong affirmative cases for the pro-choice and animal rights sides of those two respective debates, showing why it is possible—indeed, morally required—to believe simultaneously that abortion should not be banned and that consuming animal products is immoral.

Although their arguments are important on their own merits, it is useful to emphasize that this book is in a very real sense a riposte, an answer to an accusation that goes like this: Vegans cannot truly believe in their stated reason for refusing to participate in animal cruelty. If they did, they would also be anti-choice, because the same moral imperative that supposedly motivates vegans—revulsion at the thought of inflicting pain and death on beings that have feelings and that have the right to live their lives—would require vegans to reject abortion as well.

The Colb-Dorf book responds to that accusation masterfully, by centering their embrace of animal rights on the sentience of the beings at issue, a quality not shared by the vast majority of fetuses subject to abortion. I should also note that the argument to which they are responding amounts to a dare. We dare you, say those who attack vegans, to face up to the consequences of your moral claims. Disavow your arguments for veganism, or admit that you are hypocrites. The versions of this attack that I have seen invariably boil down to a person saying, “I think you really care more about being pro-choice, so stop pretending that you’re so high and mighty with your animal rights nonsense!”

Interestingly, there is a distinct asymmetry to the argument. A person is supposedly required to accept the claim that bans on abortion are an inexorable result of animal rights arguments, but anti-choice people are somehow not expected to become vegans. That is why the accusation so frequently comes across as a debate maneuver rather than a sincere argument. But the argument also amounts to a dare because it carries with it an insinuation that animals are so obviously unimportant that liberals will admit to being insincere about their commitment to animal rights if they are forced to realize that the cost of a sincere commitment to animals is to reject reproductive rights for women. As an interesting (and equally illogical) corollary, a person who is pro-choice might try to use the argument as an excuse not to become a vegan.

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\* Professor of Law, The George Washington University School of Law.

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The Colb-Dorf book, therefore, is a particularly important entry into the canon of responses to anti-vegan arguments. As a vegan myself, I am keenly aware of the full range of those arguments, and *Beating Hearts* fills what had been potentially troubling gaps in the scholarly literature and in the ability of vegans to argue our positions as effectively as possible.

Here, I want to take the opportunity to address a different argument against veganism, an argument that was not directly implicated by the issues in the Colb-Dorf book but that is in the same spirit of the type of arguments to which Colb and Dorf are responding: non-vegans trying to prove that vegans are logically inconsistent.

Vegans believe that it is wrong to consume animal products because those products are inevitably the result of cruelty. Those who wish to reject the logic of veganism frequently look for exceptional cases, to try to poke holes in the anti-cruelty ethic. If they can show that there are situations in which it would be ethical to consume animal products, they believe that the case against veganism is fatally compromised.

The high school debate-style version of this argument goes something like this: If an animal happened to walk onto my property and died of natural causes in front of my house, my consumption of its remains would neither inflict pain on a sentient being nor shorten its natural life. And because it is acceptable to eat meat in that situation, we have to admit that it is not unacceptable to eat meat.

Somewhat more sophisticated variations on this argument are surprisingly common. Indeed, during the brief time that I was a vegetarian and not a vegan, I came up with this argument to justify my intermediate stance: I would personally be unwilling to slaughter an animal and prepare its carcass to be cooked and consumed as meat, so I am unwilling to pay other people to do my killing for me. On the other hand, I would be perfectly willing, if it were ever to become necessary, to care for a dairy cow and milk her, or to keep chickens in my yard and use their eggs. Paying someone else to do those things is thus a matter of convenience and nothing more.

The reason that this argument is ultimately the same as the argument regarding an animal dying on my property is that both rely on the denial of reality. Just as virtually all meat that people consume comes from animals that were brutally killed, almost all dairy products that people consume come from animals that have been treated with unspeakable cruelty. Justifying consumption of any of those products on the basis that they could have been produced in a humane way—a factual assertion that might not even be true, by the way—is a way of saying that it does not matter what we do so long as we can tell a story about reaching the same destination via an ethical path.

It is, in other words, wrong to say that we can do anything we want so long as we can spin a good tale. It matters that we avoid inflicting actual harm. Brief consideration of three simple analogies will help to clarify this idea.

We know that stealing from someone is wrong. Suppose, however, that you really wish that you possessed five hundred dollars that Person A possesses. If A is a doting aunt, she might give you that money without your even asking. Or

you could simply ask A to give you the money as a gift, and she might say yes. Failing that, you could tell A that you are willing to repair the fence that has fallen apart in her backyard, if she will pay you five hundred dollars.

In other words, there are several ways in which you could morally and legally come into possession of A's money. What does that imply? Outside of the veganism debate, the obvious implication is merely that a person who receives the money for one of those reasons is on solid moral ground, whereas a person who takes the money from A without her permission is a thief. Applying the anti-vegan logic, however, we would conclude that because there are ways in which you could end up with A's money, it does not matter that the way you actually ended up with her money is not on that list of acceptable methods.

Or we can consider an even more loaded example. Suppose that person B finds person C to be sexually attractive, and B wants to have intercourse with C. What can B do? B could seek an introduction and try to woo C, which could result in C's acceptance of B's advances. Under some ethical systems, B could also pay C money and C could accept payment as a *quid pro quo* for engaging in intercourse. But it would not be acceptable for B to force C to engage in sex unwillingly. And that is true even though there are imaginable situations in which B could have had sex with C without being a rapist.

Finally, consider what is in some ways the most direct analogy to consuming meat. There are many well-known situations in which it is morally acceptable for one person to kill another person. Self-defense, the law of war, and mercy killing are all active areas of debate among ethicists, but nearly everyone admits that at least some killings of one human being by another human being are morally justified. As above, however, that does not somehow become a general license to kill. Killing people is justified only when it is justified, and the existence of such justifications does not make Ted Bundy or the Son of Sam anything other than serial murderers.

The point is that my argument above—that I could have consumed dairy products at the end of an ethical series of actions—is ultimately a dodge. The milk, cheese, and eggs that I was consuming were the result of cruelty, and being able to describe an alternative cruelty-free universe does not change the reality of my participation in cruelty in this one. Similarly, although it is true that meat could be taken from a dead animal that never experienced a day of cruelty in its life, that is not a justification for eating the meat that one buys in stores.

It is important to emphasize, moreover, that my argument here does not apply only to factory-farmed animal products. Even so-called cruelty-free eggs and other compromises suggested by animal welfare activists (“happy meat”) still involve cruelty—the infliction of pain and death. The animal welfare-versus-rights debate is beyond the scope of this short comment, but in the context of my argument here, the degree of the cruelty is beside the point.

Those who wish to avoid the logic of veganism are surprisingly tireless in their efforts to justify their decisions. Many of their arguments amount to saying, “Well, you’re not really more ethical than I am.” But when the argument

becomes, “I can do this in any way that I want, because there is a way to do this blamelessly,” the normal rules of logic have given way to wishful thinking.