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Book Review

Liberation Without Prejudice

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ETHICS AND THE BEAST: A SPECIESIST ARGUMENT FOR ANIMAL LIBERATION. By Tzachi Zamir. Princeton, New Jersey: Princeton Univ. Press. 2007. Pp. xii, 136. \$35.00.

The subtitle of Tzachi Zamir's recent book may seem paradoxical, or merely provocative: a *speciesist* argument for animal liberation? Zamir, however, is entirely in earnest. The first part of *Ethics and the Beast* argues that it is possible to advocate animal liberation without abandoning speciesist intuitions.¹ In his opening chapters, Zamir claims that liberation can co-exist peacefully with most speciesist beliefs, and further suggests that liberation can advance its goals while avoiding debates about the "moral status" of animals. These chapters are both the densest, and the most rewarding, in the book. In the first Part of this Review, I evaluate Zamir's attempt to dissociate speciesism from liberation and discuss the reasons for wanting to separate the two ideas.

The other significant contribution of the book comes in its third part, "Using." In that section, Zamir introduces a distinction between the exploitation

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1. TZACHI ZAMIR, *ETHICS AND THE BEAST: A SPECIESIST ARGUMENT FOR ANIMAL LIBERATION* xi (2007).

and use of animals that he deploys to survey a number of animal-related practices.² In the second Part of this Review, I focus on the exploitation/use distinction, and argue that it does not do the work Zamir wants it to perform.³

The critique of speciesism has been central to the animal rights movement for more than thirty years, since Peter Singer introduced the concept in the opening chapter of *Animal Liberation* to explain why supporters of “liberation for Blacks and Women should support Animal Liberation too.”⁴ Singer argued that “speciesism” should be seen as analogous with racism, and defined it as “a prejudice or attitude of bias toward the interests of members of one’s own species and against those of members of other species.”⁵ Thanks in large part to Singer’s popularization of the term, it has come to play a significant role in the discourse of animal rights activism.⁶

Why has the denunciation of speciesism seemed so important? From the time of Singer’s groundbreaking book, the notion of speciesism has seemed attractive to those activists who have sought to characterize the animal rights movement as being morally equivalent to abolitionism in the pre-Civil War era.⁷ This is an appealing analogy for several reasons. The abolitionists of the antebellum period were vilified as extremists, denounced for their refusal to make any accommodations with slavery. In retrospect, though, we feel that their uncompromising moral absolutism was vindicated by history. In the same way,

2. *Id.* at xii.

3. In the middle part of the book, Zamir considers the practices of killing animals for food and for research. He argues that causing the death of animals for either of these purposes is immoral, and makes a case for “moral vegetarianism” and against vivisection. *See id.* In particular, he argues that even if one accepts the kind of speciesist assumptions which are usually employed to justify research on animals, it is still the case that vivisection should be rejected. *Id.* For reasons of space, I will omit a discussion of this portion of Zamir’s book.

4. PETER SINGER, *ANIMAL LIBERATION: A NEW ETHICS FOR OUR TREATMENT OF ANIMALS* 1 (1st ed. 1975). Note that the term “speciesism” was actually coined by Richard Ryder four years prior to the publication of Singer’s book. *See* LAWRENCE FINSSEN & SUSAN FINSSEN, *THE ANIMAL RIGHTS MOVEMENT IN AMERICA: FROM COMPASSION TO RESPECT* 55 (1994).

5. SINGER, *supra* note 4, at 7.

6. For example, the introductory page on animal liberation on the website of People for the Ethical Treatment of Animals consists of an excerpt from Singer’s book which explains the concept of speciesism. *See* What Is Animal Liberation?, <http://www.peta.org/about/animallib-singer.asp> (last visited June 9, 2008). Similarly, the Animal Liberation Front proclaims that its “fundamental principle” is opposition to “speciesism.” *See* General AR FAQs, <http://www.animalliberationfront.com/ALFront/FAQs/GenARFAQ.htm> (last visited June 9, 2008). Perhaps surprisingly, though, the word has appeared in law reviews only 124 times. However, more than half of those appearances have come since the year 2000, suggesting that it is gaining in prominence. Westlaw, <http://www.westlaw.com> (search Journals and Law Reviews database for “speciesism”).

7. Singer, of course, was one of the pioneers of this tactic. *See* the opening chapter of *Animal Liberation* in SINGER, *supra* note 4.

animal liberation is often dismissed as mere extremism, though supporters of liberation naturally hope for a similar vindication in the future.

It is hard to fault animal liberationists for taking such a position. Seeing oneself as engaged in such a heroic struggle may be necessary, if one wants to have the strength to keep fighting for animal rights in the face of widespread indifference to the plight of animals. Also, this characterization may seem useful as a tool for persuading people who find the animal rights position completely alien and baffling. "So," the animal liberationist may want to argue, "decent Northerners of the 1840s found the abolitionists alien and baffling; but we can now see that it was the decent Northerners who were wrong."

From this perspective, the polemic against speciesism may seem to follow naturally from a commitment to animal liberation. As overcoming racism was a prerequisite for the abolitionist fight, so it may seem self-evident that overcoming speciesism is a necessary first step before the campaign for liberation can be successfully waged. Zamir is out to undermine this assumption. First, he untangles the two positions, showing that it is possible both to be a speciesist and be committed to the cause of animal liberation. Second, he suggests that the speciesist argument is not only unnecessary, but may be a positive hindrance, inasmuch as it distracts from the actual business of advancing the cause of animal rights.

The point of this "deradicalization" of liberationism is largely pragmatic, since Zamir believes that it will allow a "broader consensus" to be achieved.⁸ Zamir advocates a "conservative theoretical principle," which he describes as the need to "choose your battles when advocating reform – avoid replacing existing beliefs/intuitions/considered judgments that can be harmlessly maintained."⁹ If speciesist intuitions – at least in a purified form – can be harmless, then why squander one's energy haggling over them? This obviously invites two questions: Is it possible to establish a coherent, realistic articulation of speciesism which would be morally acceptable? And, from a pragmatic standpoint, is the abandonment of the anti-speciesist polemic truly a good thing? Zamir persuasively argues that supporters of animal rights should answer both of these questions in the affirmative.

In the first chapter of *Ethics and the Beast*, Zamir takes a closer look at various formulations of speciesism to determine whether the speciesist viewpoint is inevitably incompatible with a commitment to animal liberation. Start with the idea of speciesism as a "mere assertion of human superiority."¹⁰ Under this conception of speciesism, Zamir argues, it is possible to believe in speciesism and still be a liberationist, because the mere fact that people might have "greater value" than animals does not necessarily entail the conclusion that human interests must always trump animal interests. To see why this is so,

8. ZAMIR, *supra* note 1, at xi.

9. *Id.* at 14.

10. *Id.* at 5.

consider one of Zamir's more clever illustrations. Imagine that you are having dinner with a Nobel Prize winner, and everyone at the gathering (including yourself) is completely persuaded that the Nobel Prize winner is "superior" to everyone else in the room.¹¹ What follows from that acknowledged superiority? Should the Nobel Prize winner get the last slice of pie, or be allowed to dictate the temperature of the room? These examples demonstrate that no *particular* kind of favoritism is necessarily entailed by superiority; thus, one can hold that humans are superior to animals without it necessarily following that humans should be entitled, for instance, to eat animals.

What about the claim that human interests, even marginal ones, always trump nonhuman interests, even "cardinal" ones?¹² This too, Zamir argues, can be squared with liberation, since from this belief it does not necessarily follow that one is permitted to "actively suppress an animal's interest so as to advance a human one."¹³ Thus, even someone who holds this relatively robust form of speciesism could still be committed to ending "all animal-related exploitative practices."¹⁴

Zamir continues in this vein until he arrives at a definition of speciesism which is, in his view, not consistent with liberation:

Non-survival-related human interests, important as well as marginal ones, legitimately trump major interests of nonhumans (in the sense that it is justified to actively disadvantage nonhuman animals, even when such privileging significantly affects a large number of them). Such privileging is justified because these trumping interests belong to humans.¹⁵

Against this, Zamir isolates a definition of speciesism which might be acceptable to many people who are not already disposed to favor animal rights, but which is also compatible with a pro-liberation view:

Human interests are more important than animal interests, in the sense that promoting even trivial human interests ought to take precedence over advancing animal interests. Only survival interests justify actively thwarting an animal's survival interests.¹⁶

Zamir's wager, essentially, is that a number of well-meaning people who are not committed to animal rights would be willing to identify with the second definition. Those people, who might be alienated by rhetoric denouncing them as "speciesists," would perhaps be more amenable to the liberationist program if they were told that one can be for liberation without having to undergo a radical change of heart, or see oneself as something akin to a racist. To be told that

11. *Id.* at 8.

12. *Id.* at 9.

13. *Id.*

14. *Id.*

15. *Id.* at 12.

16. *Id.* at 15.

liberation is essentially compatible with the set of beliefs one currently holds, on this view, might entice the skittish to come over to the liberationist way of thinking.

The chief objection to this approach is that apathy, rather than unwillingness to think of oneself as a speciesist, seems to be the major obstacle to liberation. And seeing apathy as the main problem faced by liberationists raises a question: Even if disentangling speciesism from liberation is possible, is it a good idea? The danger here is that Zamir's theoretical "deflation" may be incapable of "mobilizing controversial moral prescriptions and dislodging deeply engrained practices."¹⁷ It may be argued that liberation will require powerful conceptual tools if it is to overcome our culture's deeply entrenched beliefs about the acceptable treatment of animals. The potent rhetoric of speciesism, with its direct analogy to racism, may be such a tool. On this view, the "thin," undertheorized approach offered by Zamir may not be forceful enough to dislodge established attitudes about animals and overcome apathy.

Zamir's answer to this is effectively the inverse of the answer he gives to the question of whether the critique of speciesism is necessary for liberation. Earlier, I suggested that Zamir attempts to isolate a benign definition of "speciesism" to assure people who are not yet committed to liberation that they can support liberation without coming to see themselves as bigots. An obvious criticism of that attempt derives from the idea that some sort of radical change in people's hearts and minds – a change, say, that leads people to look upon eating hamburgers with the same repugnance we now feel toward cannibalism – may be necessary if we are ever to achieve liberation. In response to that criticism, Zamir suggests that arguments about speciesism are not the solution, because rational arguments simply are not capable of creating radical change in people's hearts and minds. If you want to change the way people feel, on this view, *argument* isn't the answer.

A similar point is made by Richard Posner, who writes that judges' visions are changed by conversion rather than by rational argument. Posner describes conversion as a "sudden, deeply emotional switch from one non-rational cluster of beliefs to another that is no more . . . rational."¹⁸ Likewise, Zamir asserts that we "are not *argued* into" our "basic beliefs."¹⁹ Moral change, according to Zamir, has never involved "proving" such claims as that a world without slaves is superior to one with slaves.²⁰ For Zamir, moral reform is "less a matter of offering argument and more of creating and accommodating perception of hitherto unobserved suffering, or of facilitating a vivid grasp of wrongs that have been superficially rationalized away."²¹ Philosophy, on this

17. *Id.* at 29-30.

18. RICHARD POSNER, *THE PROBLEMS OF JURISPRUDENCE* 150 (1990).

19. ZAMIR, *supra* note 1, at 41.

20. *Id.* at 31.

21. *Id.*

view, is not capable of altering the “thinking of someone who is genuinely unmoved” by the suffering of animals.²² Rather, its task is to criticize the “justificatory basis” of “existing institutions.”²³ But that can be accomplished without leveling charges of speciesism.

In fact, on this account the rhetoric of speciesism is merely a distraction. It alienates people who might have been attracted to the cause of liberation through their native revulsion at animal suffering, but who are unable to make the imaginative leap required to think of themselves in speciesist terms. And it leads animal rights activists to spend time mounting critiques of speciesism (or, in Zamir’s case, critiques of critiques of speciesism), when they could instead be devoting themselves to more directly productive work.

Having written speciesism out of the project of liberation, Zamir proceeds to look at a number of particular animal-related practices. The discussion of these practices in the second half of the book hinges on a distinction proposed by Zamir between “exploitation” of animals, which is said to be morally unacceptable, and mere “use” of animals, which is deemed permissible. How are we to differentiate benign use from immoral exploitation? According to Zamir, one can “use” another entity while perceiving the entity as “a means of furthering his own financial (or other) well-being.”²⁴ However, one passes from “using” another entity to “exploiting” it if one is “willing to act in a way that is substantially detrimental to [the other entity’s] well-being in order to further his own.”²⁵

This sounds plausible enough in the abstract. A problem arises, however, when we try to figure out whether any particular relationship with a creature is an acceptable “use” of that creature, rather than a beyond-the-pale “exploitation.” Zamir offers several instances of easy cases on the “exploitative” side: child labor, prostitution, slavery.²⁶ But even these seemingly uncontroversial examples present difficulties. First, they are *very* easy cases. No reasonable person thinks that slavery is anything other than exploitative. But the purpose of the exploitation/use distinction is to assist us in reaching conclusions in morally uncertain situations. If it can only serve to condemn things which we all agree to be evil, it will not help us much in dealing with situations that pose true ethical questions, situations where we are not already certain of the answer. Second, these are all cases which involve relationships among humans. However, it is not clear that the distinction is portable to our relationships with nonhuman beings, particularly considering Zamir’s thesis that speciesism is not inconsistent with liberation. Zamir allows that human interests and animal

22. *Id.*

23. *Id.*

24. *Id.* at 92.

25. *Id.*

26. *Id.*

interests may not be “equal,” but does not suggest how these differing interests are balanced in a human-nonhuman relationship.

Zamir himself acknowledges that making the distinction between exploitation and use is not “always simple,” and that there are many “vague” cases; however, he insists that there will often be “decisive answers” if we think carefully enough about the matter.²⁷ This is not entirely persuasive. The point of having an abstract distinction like this one is that it should enable us to clarify our moral intuitions when we feel uncertain of what is right. For instance, assume that we are deciding whether we should be opposed to the employment of reptiles in animal-assisted therapy. (For the record, Zamir concludes that employing horses and dogs in such therapy is acceptable, but employing “rodents, birds, monkeys, reptiles, and dolphins” is “exploitative.”)²⁸ If the exploitation/use distinction is a useful analytic tool, then it should allow us to get a better handle on the question. But if it only says “anything which is akin to slavery is bad,” then it does not provide much guidance on the morality of employing reptiles in therapy. If we are confused about whether it is morally acceptable to treat reptiles in this way, it is because we *do not know* whether putting them to this task is tantamount to enforced slavery. If we had an intuition that using reptiles in animal-assisted therapy was a form of slavery, we would not *need* the exploitation/use distinction to help us think about the practice, because we would already be opposed to it.

There is also a problem with deriving all the clear-cut examples of exploitation from relationships between humans. The distinction between exploitation and use can seem very attractive, but much of its appeal derives from the fact that the examples Zamir provides are drawn from human-human relationships. But why should what is true of relationships between human beings also be true of our relationships with animals? Zamir himself considers this objection, but offers only a weak rejoinder to it. He responds to an imaginary critic who posits that exploitation is “wrong only when it applies to humans.”²⁹ Zamir describes this hypothetical critic as arguing that animals are entitled to “some” moral consideration, but that they may nonetheless be exploited for human purposes.³⁰ In response to this, he claims that the “morally relevant properties that generate the prohibition” on cruelty to animals – e.g., the capacity of animals to suffer – are shared by humans.³¹ Since it is “partly” those properties which “underlie the condemnation” of exploitation in relation to human beings, Zamir asserts, the argument against exploitation applies to animals as well.³²

27. *Id.* at 93.

28. *Id.* at 124.

29. *Id.* at 93.

30. *Id.*

31. *Id.* at 93-94.

32. *Id.* at 94.

However, this response misses the point. It is not enough to say “people and animals alike are capable of suffering; to cause another being to suffer is to exploit that being; therefore, animals can be exploited.” The difficulty is that we do not know in the abstract whether any particular act *is* a way of inflicting “suffering” on another being. “Suffering” is not an objective feature which inheres in actions; rather, it is a subjective term used by people to describe actions which they do not want to undergo. We can only know that a given act is one which causes “suffering” if an individual on whom that act has been performed objects to it. That is, you can only use the fact that “acts of type X cause suffering” to reach the ethical conclusion “acts of type X are forms of exploitation” if you can know for certain that acts of type X do, in fact, cause suffering. And you can only know that those acts cause suffering if people tell you that they suffered from them.

This is not to say that any and all treatment of animals is acceptable, because animals cannot articulately protest about the ways in which we treat them.³³ My point here is not that we have *carte blanche* to treat animals as we see fit, merely because they cannot talk back to us. Rather, I am arguing that Zamir's concept of “exploitation” is inextricably bound up with the human ability to tell others that an act we have undergone actually made us *suffer*. And in the absence of that ability to communicate, the concept does not do any work, save to confirm our prior assumptions about what kinds of behavior are permissible.

To get a better sense of what I have in mind, consider Zamir's first concrete example of exploitation: “some forms of prostitution.”³⁴ How is it that we can say with confidence that “some forms of prostitution” are, in fact, exploitation? We can know that some prostitutes are exploited when and if those prostitutes *tell* us that they feel exploited. Other prostitutes, however, have stated that they do not regard their work as exploitative.³⁵ That is exactly why Zamir has to hedge his claim by saying that only “some” forms of prostitution count as exploitation.

By contrast, we simply do not know what animals would find exploitative, if they were capable of understanding the concept of exploitation. It does seem highly plausible that most animals would prefer, given the choice, not to be tortured or brutally slaughtered. Still, if the distinction cannot go beyond such blatant examples, it is not clear that it provides much in the way of moral

33. Note that I am *not* saying that animals cannot feel pain, nor am I saying that animals are incapable of expressing pain through their behavior. *See, e.g., SINGER, supra* note 4, at 10-17 (arguing that animals can feel pain).

34. ZAMIR, *supra* note 1, at 92.

35. *See, e.g., WENDY CHAPKIS, LIVE SEX ACTS: WOMEN PERFORMING EROTIC LABOR (1997); What Is COYOTE?*, http://www.coyotela.org/what_is.html (explaining why the sex worker activist organization Call Off Your Old Tired Ethics is trying to end the “stigma associated with sex work”) (last visited June 10, 2008). My point here is not that prostitution is never exploitative, but that we can only know *whether* any particular instance of it is exploitative by talking to prostitutes and learning from them whether they feel exploited.

guidance. The point of the distinction, after all, is to help us with harder cases, ones in which it is not obvious to well-intentioned people what the “right” thing to do really is.

Consider the example of keeping pets. Zamir observes that “some owner-pet relationships are an overall good for human as well as for nonhuman animals,” because such relationships, though paternalistic, make “for a better world for small animals.”³⁶ Cats and dogs, for instance, would not survive in the wild, so it is better that they are cared for as companion animals. Granted, cats and dogs lose freedom by being kept as pets, but they “get to lead longer, safer, and more comfortable lives” in captivity.³⁷

One can agree with these common-sense observations, but fail to see how the exploitation/use distinction is doing any work to advance our understanding of the ethical questions implicit here. Zamir states that some paternalistic actions are justified because the overall good for the pet trumps the pet’s (presumed) resistance to the action. (Vaccination is the obvious example of this.) However, Zamir contends, other actions are “obviously immoral,” because they do not promote any interest of the animal’s, and advance only a “marginal interest of the owner.”³⁸ But *which* actions, precisely, are “obviously” immoral? To answer this question, Zamir needs precisely what he doesn’t have: a robust concept of “exploitation.”

To see the shortcoming of Zamir’s approach, take the example of declawing cats. Zamir expresses disapproval for declawing, describing it as a painful procedure which only “benefits” pet cats in the sense that certain owners would abandon their pets if the procedure were not performed.³⁹ He then chastises such pet owners as irresponsible, arguing that they should have realized that the cat would scratch up their furniture before adopting it.⁴⁰ But it is possible to share Zamir’s distaste for declawing and disdain for short-sighted pet owners without finding this to be a clearcut instance of “exploitation.” Zamir takes for granted that declawing is intrinsically a form of suffering. But how do we know that? Of course, it is plausible to suppose that most cats would prefer not to be declawed; but then, it is also plausible to suppose that most people would prefer not to be prostitutes. The only way we can know which “forms of prostitution” are actually exploitative is by talking to prostitutes. That is, it is only by talking to them that we can find out whether they feel that they are being exploited, either because they think that they have been compelled to do things which they find inherently repugnant, or because they feel that they were forced by external circumstances to do something they would have preferred not to do, given a viable alternative. Some prostitutes may feel that their work is a horrible

36. *Id.* at 117.

37. *Id.*

38. *Id.*

39. *Id.* at 99-100.

40. *Id.* at 99.

degradation; others may feel that it was the least objectionable option available to them; others may see it as worthwhile. Similarly, if cats were capable of articulating views about declawing, we might discover that some cats feel that declawing is a kind of torture, while other cats might find it a small price to pay given the alternative (say, a fatal trip to the shelter), while yet other cats might regard it as inconsequential. My point is that we cannot enter into conversation with cats, which means that we will never know which, if any, of these attitudes any particular cat would adopt toward the practice of declawing. But because we cannot know that, we cannot say that any particular cat is being exploited by the practice.

The sense one gets from reading the second half of Zamir's book is that he came to these questions already knowing, more or less, what he thought about the morality of such subjects as animal-assisted therapy, and then set about developing terminology to rationalize his prior moral intuitions. Inasmuch as Zamir is an intelligent, thoughtful person, his views on the morality of certain animal-related practices are not without interest, but it is not clear that the ideas presented in the second half of *Ethics and the Beast* are more than his own intuitions. The conceptual framework Zamir develops for understanding whether animals are being exploited rather than used is not, in the end, persuasive. But that should not detract from his achievement in showing that it is possible to pursue the cause of animal liberation without being sidetracked by accusations of speciesism.